Conduct Detrimental:

How the NFL and the Washington Commanders Covered Up Decades of Sexual Misconduct

Staff Report

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EXECUTIVE SUMMARY

This staff report presents findings from the Committee on Oversight and Reform's investigation into the Washington Commanders' (Commanders) decades-long toxic workplace culture, the National Football League's (NFL) response to this troubling conduct, and the NFL's role in setting and enforcing workplace standards across the League. Congress has a responsibility to ensure all Americans are safe from sexual harassment and abuse in the workplace, and the NFL—which has one of the most prominent platforms in America—has a long and troubling history of workplace misconduct.

The Committee launched this investigation last October after the League failed to release detailed findings from an internal investigation by an attorney, Beth Wilkinson, who found that "[b]ullying and intimidation," "sexual harassment," and a "culture of fear" pervaded the Commanders organization "for many years" and that senior executives not only failed to stop it but "engaged in inappropriate conduct themselves." Despite acknowledging these alarming conclusions, the NFL refused to disclose the full scope of conduct or seek meaningful accountability.

Over a period of 12 months, the Committee conducted interviews and depositions, held a roundtable with former employees who experienced sexual harassment and assault while working for the Commanders, and convened a hearing at which NFL Commissioner Roger Goodell testified. The Committee also released interim findings and referred information about potential financial improprieties to federal and state law enforcement agencies, which reportedly led to additional investigations by the NFL, state attorneys general, and the United States Attorney's Office for the Eastern District of Virginia. The Committee's investigation also informed legislation introduced by Chairwoman Maloney—and supported by the NFL Commissioner—to prevent future misconduct at workplaces across the country.

Despite making public pledges to cooperate with the Committee's investigation, the NFL and the Commanders did not fully comply with the Committee's requests for documents and information. The League, working closely with the Commanders through a previously undisclosed common interest agreement, refused to produce more than 40,000 responsive documents, including the findings of the Wilkinson investigation and materials from Ms. Wilkinson's files.

Commanders owner Daniel Snyder—who owned the Team during the two decades when workplace misconduct was rampant in the organization—also obstructed the Committee's inquiry. Mr. Snyder was invited to testify at a public hearing but refused to appear and then sought to avoid service of a subpoena while abroad with his yacht. Mr. Snyder ultimately sat for a private deposition but failed to provide full and complete testimony. Over the course of the deposition, he claimed more than 100 times that he could not recall the answers to the Committee's questions, including basic inquiries about his role as Team owner and multiple allegations of misconduct. Mr. Snyder also gave misleading testimony about his efforts to interfere with the Wilkinson Investigation.

Despite this obstruction, the Committee learned substantial new information over the course of this investigation, in part from whistleblowers who came forward to reveal the truth about the Commanders' toxic workplace, the League's response, and the need for legislative action to protect workers in the future. Key findings include:

- **Dozens of employees at the Commanders were harmed by a toxic work culture for more than two decades. The Team's owner permitted and participated in this troubling conduct.**

  - The Committee's February 3, 2022, roundtable revealed allegation that Mr. Snyder inappropriately touched former employee Tiffani Johnston at a work dinner and attempted to "aggressively push" her into his limousine until he was stopped by onlookers.

  - Brad Baker, a former video production employee, described how Team executives "tasked us with producing a video for Snyder of sexually suggestive footage of cheerleaders, obviously unbeknownst to any of the women involved."

  - Melanie Coburn, a former cheerleader and marketing employee, stated: "At cheerleader auditions one year, Mr. Snyder ordered the director of the squad to parade the ladies onto the field while he and his friends gawked from his suite through binoculars."

  - Dave Pauken, the Team's former Chief Operating Officer, testified, "There wasn't a year that went by where Dan didn't push me to allow Dennis Greene or other people in the sales and marketing staff to allow sponsors or other paying guests to attend a calendar shoot," indicating that the Team's owner personally encouraged the exploitative practice previously exposed by the *New York Times*.

  - Bruce Allen, the Commanders former President testified that, "from time to time," Mr. Snyder would warn him: "I want to know everything. Don't let me find out about it."

  - In his Committee deposition, Mr. Snyder purported to "apologize for any workplace misconduct of the team," but he blamed others around him and minimized the experiences of more than 100 current and former Commanders employees who had spoken up about the Team's toxic culture, claiming their stories were "possibly" orchestrated by a former employee with a "negative agenda" whom Mr. Snyder had accused of trying to bribe his staff.

- **Commanders' leadership perpetuated a toxic workplace culture by ignoring and downplaying sexual misconduct by senior male Commanders employees.**

    - Mr. Pauken testified: "There was a [female] member of the public relations staff that was groped by a member of the coaching staff at an event." He described how he "talked to Dan about it, and I knew what we were going to do and—which was nothing. And we told the person to just stay away from the coach, we would do our best to keep the coach away from you, but stay away from the coach."

    - Brian Lafemina, the Commanders' former President of Business Operations and Chief Operating Officer, testified that he informed Mr. Snyder that an employee "had come to him to let him know that she had felt uncomfortable over a period of time with her interactions with senior executive Larry Michael, the fact that he had commented about her appearance in public at events where he was the emcee and she was working the event, and that at times he had touched her on the cheeks and kissed her on the forehead." According to Mr. Lafemina, Mr. Snyder responded that "Larry was a sweetheart and that Larry wouldn't hurt anybody."

- **The owner of the Commanders interfered with the Wilkinson Investigation by launching a shadow investigation into suspected sources of the *Washington Post* exposés, attempting to block Ms. Wilkinson's access to information, and trying to silence employees who could implicate him in misconduct.**

    - The Committee found that Mr. Snyder abused the subpoena power of federal courts on at least ten separate occasions by filing a defamation lawsuit against an obscure media company in India in order to obtain private emails and communications from his perceived detractors in the United States, including former employees who spoke out about sexual misconduct at the Commanders.

    - In his Committee deposition, Mr. Snyder testified that his shadow investigation had "[n]othing to do with the workplace investigation" and instead "had to do with the fact that we were defamed" on a website based in India. However, this testimony appears to be misleading at best. The Committee uncovered evidence that Mr. Snyder and his lawyers made at least seven presentations to the NFL and Ms. Wilkinson aimed at convincing the League that Mr. Snyder was the victim of a smear campaign related to misconduct allegations and that others were to blame for his team's toxic workplace. Mr. Snyder and his attorneys made only a single presentation to former Attorney General Loretta Lynch, who Mr. Snyder said had been hired by the NFL to review his defamation

allegations. That presentation "covered some of the same subject matter presented to the Wilkinson firm."

- Mr. Snyder claimed in his deposition that a 100-page dossier created by his lawyers was "solely" related to his defamation lawsuit in India and had "nothing" to do with the Wilkinson investigation into the Commanders' workplace. However, the Committee confirmed that Mr. Snyder's lawyers shared this dossier with Ms. Wilkinson's firm and that the dossier itself is closely related to the facts underlying the Wilkinson Investigation. Dozens of slides discuss the journalists who wrote the *Washington Post* exposés on the Team's toxic workplace and the victims identified in the articles—called the "Accusers" in the dossier.

- Throughout the Wilkinson Investigation, Mr. Snyder sent private investigators to the homes of former employees. Mr. Allen testified in a Committee deposition that around March 2021, Mr. Snyder sent private investigators to his home in Arizona. The investigators told Mr. Allen that they were "just here to follow you" and "document your actions." Mr. Allen testified that Mr. Snyder commented on his plans to use of private investigators to follow other individuals, including Commissioner Roger Goodell.

- Mr. Snyder used former Commanders General Counsel Dave Donovan as a proxy to sue Ms. Wilkinson in federal court to block her from accessing or disclosing information related to a 2009 sexual assault allegation, including a $1.6 million confidential settlement. Documents show that Ms. Wilkinson accused the Commanders of intervening "in the Donovan litigation and launch[ing] a series of attacks against Ms. Wilkinson."

- Mr. Snyder offered hush money to silence several former employees during the Wilkinson Investigation. New evidence shows that in February 2021, lawyers for Mr. Snyder "offered financial compensation" to former employees "who did not have live legal claims, but who had been vocal in their criticisms of the Team in order to secure additional non-disclosure agreements (NDAs) and keep them from talking further."

- **In addition to failing to appear at a public hearing, Mr. Snyder interfered with the Committee's investigation by intimidating witnesses and blocking the production of documents.**

  - Contrary to claims by Mr. Snyder's counsel that Mr. Snyder "never prevented" former cheerleader Abigail Dymond Welch "from sharing information with the Committee," Mr. Snyder refused to release Ms. Welch and other witnesses from their non-disclosure agreements to facilitate their full and complete testimony before the Committee.

- On the eve of Mr. Allen's deposition, lawyers for Mr. Snyder sent the Committee a batch of internal emails containing inappropriate content from Mr. Allen's Commanders email account so "that Mr. Allen will have an opportunity to review them prior to his deposition." The emails included those that had been leaked to the *Wall Street Journal* and *New York Time*s in October 2021.

- Mr. Snyder used a secret common interest agreement with the NFL to prevent the League from turning over more than 40,000 documents from the Wilkinson investigative file to the Committee, including the Wilkinson Investigation findings, several PowerPoint presentations that Mr. Snyder made to the NFL and Ms. Wilkinson during the Wilkinson Investigation, a 2018 human resources audit report showing deficiencies in the Commanders' human resources department, a 2009 confidential settlement that resolved sexual assault allegations against Mr. Snyder, and 2008 and 2010 videos of outtakes from cheerleader photoshoots.

- **The NFL was aware of serious interference with the Wilkinson Investigation but failed to take action to stop it.**

  - New evidence uncovered by the Committee shows that the NFL was repeatedly notified that Mr. Snyder continued to use private investigators even after the League instructed him to stop "investigating any of these matters" in August 2020. In April 2021, Bruce Allen notified the NFL that Mr. Snyder had sent private investigators to his home, and in September 2021 an attorney representing Brad Baker informed the NFL that private investigators had contacted her client's friends and family members.

  - A senior NFL official, Senior Vice President and Special Counsel for Investigations Lisa Friel, admitted in a private communication with Mr. Allen more than a year ago that Mr. Snyder's shadow investigation and abuse of federal courts violated NFL policy. Mr. Allen testified that around April 2021, he notified NFL's counsel that Mr. Snyder had used emails from his Commanders email account in a federal court action. In response, Ms. Friel acknowledged that Mr. Snyder's action was "conduct detrimental" to the integrity of the League.

- **The NFL misled the public about its handling of the Wilkinson Investigation and continues to minimize workplace misconduct across the League.**

  - New evidence uncovered by the Committee shows that key aspects of the NFL's resolution following the Wilkinson Investigation was negotiated with the Team's owner, including the language in the NFL's July 2021 announcement, the $10 million penalty levied against the Commanders, and the recommendations for the Team to implement.

- Although the NFL claimed that it refused to release written findings to "better preserve" the anonymity of witnesses and the confidentiality of investigative information, in 2014, the NFL authorized the full release of a 144-page report reflecting the findings of an investigation into allegations of harassment and bullying by Miami Dolphins football players "without any redactions or modifications" due to the "extraordinary public interest" in the matter. The investigators in the 2014 matter displayed "sensitivity to issues of privacy and requests for confidentiality" by anonymizing witness names and withholding certain details from publication.

- Despite the NFL's September 2020 engagement with the Wilkinson law firm to "complete a written report of its findings," Commissioner Goodell testified at the Committee's June 2022 hearing that he abandoned this plan and decided to receive an oral, rather than written, briefing of the Wilkinson findings in October 2020. Ms. Wilkinson, however, stated in recent litigation related to allegations of sexual misconduct against Mr. Snyder: "The public's interest is to know the truth—one way or another—about the matters at issue in this lawsuit."

The Committee's investigation shows that the NFL has not protected workers from sexual harassment and abuse, has failed to ensure victims can speak out without fear of retaliation, and has not sought true accountability for those responsible, even after decades of misconduct. Congress should act swiftly to address these deficiencies and protect workers across the United States.

I. BACKGROUND

On July 16, 2020, the *Washington Post* published an exposé, based on interviews with 15 former female Washington Commanders employees, detailing allegations of a decades-long pattern and practice of harassment and bullying within the Commanders' organization.

The exposé followed multiple reports of turmoil between Team owner Daniel Snyder, who purchased the Commanders in May 1999, and the franchise's three minority owners, who had purchased their shares in 2003 and were seeking to sell their interests the Team.[1]

Following the *Post* report, the Team announced that it had hired Beth Wilkinson, a former federal prosecutor and prominent attorney at Wilkinson Walsh (now Wilkinson Stekloff), "to conduct a thorough independent review of this entire matter and help the Team set new employee standards for the future."[2] Pursuant to the Commanders' agreement with Wilkinson Stekloff, Ms. Wilkinson would report directly to the Commanders.[3]

On August 26, 2020, the *Washington Post* published a second story revealing new allegations of sexual misconduct directly implicating Mr. Snyder. Former employees alleged that Mr. Snyder had directed Team executives to produce lewd videos containing outtakes from annual Team cheerleader swimsuit calendar photo shoots. The *Post* also reported allegations that Mr. Snyder had personally propositioned a former cheerleader during a charity fundraiser on behalf of the Team's official ophthalmologist, a friend of Mr. Snyder.[4]

Within days of the second *Washington Post* report, on August 31, 2020, the NFL announced that it had assumed oversight of the Wilkinson Investigation. On September 4, 2020, the League retained Ms. Wilkinson to report directly to the NFL and complete a written report of her findings.[5]

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[1] *Redskins' Minority Owners Look to Sell Stakes in Team Amid Ongoing Turmoil*, Washington Post (July 5, 2020) (online at www.washingtonpost.com/sports/2020/07/05/redskins-minority-owners-look-sell-stakes-team-amid-ongoing-turmoil/).

[2] *From Dream Job to Nightmare*, Washington Post (July 16, 2020) (online at www.washingtonpost.com/sports/2020/07/16/redskins-sexual-harassment-larry-michael-alex-santos/); *How Can the Washington NFL Team's Internal Review Be Independent? Legal Experts Weigh In*, Washington Post (July 22, 2020) (online at www.washingtonpost.com/sports/2020/07/22/washington-nfl-internalreview-daniel-snyder-beth-wilkinson/).

[3] Engagement Letter Between Washington Football Team and Wilkinson Walsh LLP (Aug. 3, 2020) (online at https://oversight house.gov/sites/democrats.oversight house.gov/files/2.%202022-02-04%20-%20WFT%20WW%20Engagement%20Letter_Redacted.pdf).

[4] *Lewd Cheerleader Videos, Sexist Rules: Ex-Employees Decry Washington's NFL Team Workplace*, Washington Post (Aug. 26, 2020) (online at www.washingtonpost.com/sports/2020/08/26/redskins-cheerleaders-video-daniel-snyder-washington/).

[5] *NFL Taking Over Investigation of Washington Football Team*, NFL.com (Aug. 31, 2020) (online at www nfl.com/news/nfl-taking-over-investigation-of-washington-football-team); Engagement Letter Between National Football League and Wilkinson Walsh LLP (Sept. 4, 2020) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/WW%20NFL%20Engagement%20Letter%20Sept%204%202020%20%28Redacted%29%20%2815%29.pdf).

Documents obtained by the Committee reveal that on September 8, 2020, the NFL and the Commanders entered into a common interest agreement that aligned the parties' legal interests regarding the Wilkinson Investigation and any potential future litigation, allowing them to pursue a "joint legal strategy."[6] The common interest agreement—which the Committee publicly released on February 4, 2022—prevented the NFL and the Commanders from releasing, without the other's consent, any information exchanged between the Team and the League during the investigation.[7]

More than 150 people, including current and former employees, were interviewed as part of the Wilkinson Investigation, and hundreds of thousands of documents were collected.[8] Evidence uncovered by the Committee shows that in or around October 2020, the NFL directed Ms. Wilkinson to abandon efforts to complete a written report and provide an oral briefing instead.[9]

On July 1, 2021, the NFL announced the outcome of the Wilkinson Investigation in a press release that contained vague and conclusory findings, including that "the workplace environment ... particularly for women, was highly unprofessional," that "[b]ullying and intimidation frequently took place," and that "senior executives engaged in inappropriate conduct themselves." The release also claimed: "None of the managers or executives identified as

[6] Common Interest Agreement Between National Football League and Washington Football Team (Sept. 8, 2020) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/1.%202022-02-04%20-%20Common%20Interest%20Agreement_Redacted.pdf) (stating, "Whereas, since July 16, 2020, the Parties have shared and continue to share a common legal interest in the integrity of the Investigation and the defense of reasonably anticipated litigation; as well as a common interest in a joint legal strategy to ensure compliance with all applicable state and federal laws… .").

[7] *See* Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy, to Commissioner Roger Goodell, on behalf of the National Football League, Inc. (Feb. 4, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-02-04.CBM%20RK%20to%20Goodell-NFL%20re%20Document%20Request.pdf).

[8] National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx); *D.C. AG Suing Dan Snyder, Commanders, NFL, Roger Goodell Doesn't Mean Beth Wilkinson Report Will Become Public*, CBS Sports (Nov. 10, 2022) (online at www.cbssports.com/nfl/news/d-c-ag-suing-dan-snyder-commanders-nfl-roger-goodell-doesnt-mean-beth-wilkinson-report-will-become-public/).

[9] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf); *see also* Letter from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Nov. 4, 2021) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/3.%202022-02-04%20-%20Kelner%20NFL%20Nov.%204%20Letter_Redacted.pdf) (explaining, "The Commissioner requested that Ms. Wilkinson brief him orally on her investigative findings and recommendations.").

having engaged in misconduct is still employed at the club." The release provided few details about what Ms. Wilkinson had uncovered.[10]

The NFL also announced that, based on the outcome of the investigation, the Commanders would pay a $10 million fine and implement a series of recommendations, and Mr. Snyder would "concentrate on a new stadium plan and other matters" while his wife, Tanya Snyder, would "assume responsibilities for all day-to-day team operations" for "at least the next several months." The NFL commended Mr. Snyder for having "recognized the need for change" and taking "important steps" to transform the culture of the Team.[11] Despite public pressure, the NFL refused to release the findings of the Wilkinson Investigation and maintained that Mr. Snyder had been held accountable.[12]

In October 2021, the *Wall Street Journal* and the *New York Times* published a series of internal emails containing misogynistic, racist, and other inappropriate content from the Commanders email account of former Commanders President Bruce Allen. The emails included exchanges between Mr. Allen and other individuals, including then-head coach of the Las Vegas Raiders Jon Gruden.[13]

On October 21, 2021, the Committee launched an investigation into allegations of a decades-long toxic workplace culture at the Commanders organization, the NFL's handling of the Wilkinson Investigation into this matter, and the NFL's role in setting and enforcing workplace standards across the League. The Committee explained the purpose of the investigation:

> The NFL has one of the most prominent platforms in America, and its decisions can have national implications. The NFL's lack of transparency about the problems it recently uncovered raise questions about the seriousness with which it has addressed bigotry, racism, sexism, and homophobia—setting troubling precedent for other workplaces. The Committee is seeking to fully understand this workplace conduct and the league's response, which will help inform legislative efforts to address toxic work environments and workplace investigation processes; strengthen protections for women in the

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[10] National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx).

[11] *Id*.

[12] *See e.g.*, *As Pressure Grows, Roger Goodell Again Says NFL Won't Release Details of WFT Investigation*, Washington Post (Oct. 26, 2021) (online at www.washingtonpost.com/sports/2021/10/26/wft-former-employees-letter-nfl-owners/); *Former Washington Football Staff Members Demand Investigation's Findings*, New York Times (Oct. 26, 2021) (online at www.nytimes.com/2021/10/26/sports/football/washington-football-team-investigation html).

[13] See *Jon Gruden Used Racial Trope to Describe NFLPA Chief DeMaurice Smith in 2011 Email*, Wall Street Journal (Oct. 8, 2021) (online at www.wsj.com/articles/jon-gruden-email-demaurice-smith-11633721045?mod=e2tw); *Raiders Coach Made Racist Comment About N.F.L. Players' Union Chief*, New York Times (Oct. 8, 2021) (online at www.nytimes.com/2021/10/08/sports/football/nfl-demaurice-smith-jon-gruden-racist-comment.html); *NFL General Counsel Surfaces in Email Scandal that Led to Jon Gruden's Resignation*, Wall Street Journal (Oct. 14, 2021) (online at www.wsj.com/articles/jeff-pash-gruden-emails-nfl-11634261607).

workplace; and address the use of nondisclosure agreements to prevent the disclosure of unlawful employment practices, including sexual harassment.[14]

As part of this investigation, the Committee sought records from the NFL, including findings from the Wilkinson Investigation and documents collected during that review. Although the NFL produced some documents in response, many were news articles, press clippings, and public court records.[15] The League refused to turn over Ms. Wilkinson's findings and at least 40,000 documents collected during the Wilkinson Investigation.

Notwithstanding the Commanders and the NFL's obstruction, the Committee's investigation uncovered overwhelming evidence of decades of misconduct at the Team, and concerning evidence showing the NFL's mishandling of that matter. The Committee held a February 3, 2022, roundtable with former Commanders employees regarding the hostile work environment they experienced, and the following day released evidence.

The Committee also conducted depositions and transcribed interviews with former Commanders employees and executives. On April 12, 2022, the Committee referred potential evidence of financial improprieties obtained during the investigation to the Federal Trade Commission and the District of Columbia, Maryland, and Virginia state attorneys general.[16]

On June 22, 2022, the Committee held a hearing with NFL Commissioner Roger Goodell, which Mr. Snyder refused to attend, apparently so that he could attend an advertising festival in France.[17] The Committee also released a memorandum with evidence of Mr. Snyder's efforts to interfere with the Wilkinson Investigation, including by launching a shadow investigation into journalists and former employees who spoke out against the Commanders' toxic workplace.[18]

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[14] Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy, to Commissioner Roger Goodell, on behalf of the National Football League, Inc. (Oct. 21, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Final%202021-10-21.CBM%20RK%20to%20Goodell-NFL%20re%20WFT%20Investigation.pdf).

[15] In addition, the NFL produced to the Committee or made available for *in camera* review certain documents collected from the email account of former Team president Bruce Allen.

[16] Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy, to Commissioner Lina M. Khan, on behalf of the Federal Trade Commission (Apr. 12, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-04-12.CBM%20RK%20to%20Khan-FTC%20re%20Washington%20Commanders.pdf).

[17] Call with Karen Seymour et al., Sullivan & Cromwell LLP, and Majority Staff, Committee on Oversight and Reform (June 27, 2022) (confirming that Mr. Snyder could not attend the hearing due to his plans to attend the Cannes Liones Festival of Creativity in France); *Dan Snyder's Plane, Yacht Arrive in Cannes as Attorney Pushes Back Against Congressional Committee*, The Roanoke Times (June 20, 2022) (online at https://roanoke.com/sports/professional/dan-snyders-plane-yacht-arrive-in-cannes-as-attorney-pushes-back-against-congressional-committee/article_49706d13-910d-524d-9f15-11f65c94b6b9 html).

[18] Supplemental Memorandum from Chairwoman Carolyn B. Maloney to Members, Committee on Oversight and Reform (June 22, 2022) (online at

Chairwoman Maloney introduced two bills to address workplace issues uncovered during the investigation, including legislation to rein in the abuse of non-disclosure agreements to hide workplace misconduct, and a bill to prevent the use of worker's images without their consent.[19] The Committee's findings and referrals have reportedly resulted in additional investigations by the NFL, several state attorneys general, and the United States Attorney's Office for the Eastern District of Virginia.[20]

II. THE COMMITTEE'S INVESTIGATION UNCOVERED NEW EVIDENCE OF THE TOXIC WORK ENVIRONMENT AT THE COMMANDERS, INCLUDING THE ROLE PLAYED BY THE TEAM'S LEADERSHIP

The Committee's investigation uncovered new evidence—including testimony from eyewitnesses and victims—of rampant misconduct and a toxic work culture at the Commanders that began as early as 2001 and continued for roughly two decades. Evidence indicates this culture was perpetuated by senior leadership at the Commanders, including the Team's owner.

A. A Toxic Work Environment Pervaded the Commanders Organization

Former senior Commanders' executives and employees who spoke to the Committee described the Commanders organization as having a culture marred by a cycle of inappropriate conduct and retaliation.

Jason Friedman, a 24-year veteran of the Commanders who most recently served as Vice President of Premium Sales, described the Team's culture during most of his tenure as rife with "sexual harassment in the workplace" and "a frat house mentality."[21] David Pauken, who served as the organization's Chief Operating Officer from 2001 to 2006, testified that neither he nor other former Commanders employees with whom he spoke were "surprised" by the toxic workplace allegations when they were first made public in the 2020 *Washington Post* articles, describing the environment during his tenure as "overly aggressive, abusive, and demeaning."[22] Executives relayed stories about misconduct by various Team officials and Mr. Snyder himself,

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https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-22%20Supplemental%20Memo%20Tackling%20Toxic%20Workplaces.pdf).

[19] H.R. 8146, the Accountability for Workplace Misconduct Act; H.R. 8145, the Professional Images Protection Act.

[20] *See e.g.*, *Commanders Fined $250K, Must Refund Ticket Deposits in Settlement with MD. AG*, Washington Post (Nov. 18, 2022) (online at www.washingtonpost.com/sports/2022/11/18/maryland-ag-settles-with-commanders-over-ticket-deposit-refunds/) (describing investigations by the NFL, U.S. Attorney's Office for the Eastern District of Virginia, and the D.C., Maryland, and Virginia attorney's general offices, resulting from the Committee's investigation).

[21] Committee on Oversight and Reform, Transcribed Interview of Jason Friedman (Mar. 14, 2022) (online at https://oversight house.gov/sites/democrats.oversight.house.gov/files/2022-03-14%20Transcribed%20Interview%20of%20Jason%20Friedman.pdf).

[22] Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf).

including the exploitation of cheerleaders, unwanted touching or sexual advances, disparate treatment of female employees, demeaning comments, and the hiring of prostitutes during work-related events.[23]

At the Committee's roundtable on February 3, 2022, former Commanders employees described the pattern of misconduct to which they were subjected:

- Rachel Engleson, a former Director of Marketing and Client Relations, shared that she could not a recall a time when she "didn't experience or fear sexual harassment." She continued, "It was just a pervasive part of the culture, and an unavoidable rite of passage, being a woman who worked there."[24] She added that "harassment happened every single day that you were on site. It didn't matter where you were."[25]

- Melanie Coburn, a former director of marketing for the Team's cheerleading program, similarly offered her impression that "the overwhelming majority of female employees working for the team" were "exploited and harassed."[26] She estimated that she was subjected to more than 200 instances of sexual harassment while working for the Commanders, ranging from "sexual objectification comments" to other "uncomfortable situations." She told the Committee she felt like "arm candy at events with all the male executives. Like, it was a very constant thing."[27]

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[23] *See e.g.*, *id*; Committee on Oversight and Reform, Transcribed Interview of Jason Friedman (Mar. 14, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-03-14%20Transcribed%20Interview%20of%20Jason%20Friedman.pdf); Committee on Oversight and Reform, Deposition of Brian Lafemina (Apr. 8, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-03-30%202022-04-08%20Depositions%20of%20Brian%20Lafemina.pdf).

[24] Committee on Oversight and Reform, Statement of Rachel Engelson, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Engleson%20Rachel%20-%20Opening%20Statement.220302.Final_.pdf).

[25] Committee on Oversight and Reform, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-02-03%20Transcript%20of%20Roundtable.pdf).

[26] Committee on Oversight and Reform, Statement of Melanie Coburn, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Coburn%2C%20Melanie%20-%20Opening%20Statement.220203.Final%282%29.pdf).

[27] Committee on Oversight and Reform, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-02-03%20Transcript%20of%20Roundtable.pdf).

- Tiffani Johnston, a former Marketing and Events Coordinator and cheerleader, recalled being sexually harassed 50 to 100 times, including by Mr. Snyder himself, while employed by the Commanders.[28]

- Ana Nunez, former Coordinator of Business Development and Client Service, similarly recalled being "sexually harassed by multiple male employees, including top executives," many of whom "had a reputation for mistreating young female employees."[29] She described being harassed "[o]ver 100 times" and characterized the harassment as "almost a part of my everyday experience."[30]

- Emily Applegate, a former Marketing Coordinator and Premium Client Services Coordinator, estimated that her boss, the Commanders' former Chief Marketing Officer, harassed her over 500 times, noting that it "happened on a daily basis."[31]

These individuals told the Committee that attempts to report misconduct to Commanders leadership were ignored. Ms. Nunez explained that when she reported her near daily harassment at the hands of male executives to superiors "no one did anything about it."[32] Ms. Engleson stated that when she attempted to report specific instances of harassment that involved unwanted kissing and other advances, her reports were largely ignored. She described one instance in which a new male Team executive "specifically hired to help change the business" was quickly terminated after she reported sexual harassment.[33] Mr. Friedman confirmed that, from his

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[28] Id.

[29] Committee on Oversight and Reform, Statement of Ana Nunez, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Nunez%2C%20Ana%20-%20Opening%20Statement.220302.Final_.pdf).

[30] Committee on Oversight and Reform, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-02-03%20Transcript%20of%20Roundtable.pdf).

[31] *Id.*

[32] Committee on Oversight and Reform, Statement of Ana Nunez, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Nunez%2C%20Ana%20-%20Opening%20Statement.220302.Final_.pdf). According to an August 2021 report by Vestry Laight, the workplace consulting firm retained by the Commanders to assess changes to the Team's workplace following the Wilkinson Investigation, an assessment conducted by a separate outside consulting firm found that "team members do not know who to go to when a concern arises; some fear retaliation or losing responsibilities if they share concerns." NFL-0000014 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Exhibit%20J_Redacted.pdf).

[33] Committee on Oversight and Reform, Statement of Rachel Engelson, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Engleson%20Rachel%20-%20Opening%20Statement.220302.Final_.pdf).

perspective as a senior executive, Team leadership preferred to silence employees through termination or nondisclosure agreements rather than address allegations of harassment.[34]

B. Witnesses Told the Committee that the Team's Owner Personally Engaged in Misconduct and Contributed to Toxic Workplace Conditions

Although Mr. Snyder denied knowledge of or participation in the allegations of misconduct levied against him by former Commanders employees during his deposition, the examples of misconduct and sexual harassment shared with the Committee were not isolated incidents.[35] Instead, they appear to have been part of a pervasive toxic work environment that senior leaders at the organization, including Mr. Snyder, perpetuated. Several former employees from the Commanders' front office and the marketing and cheerleading teams described Mr. Snyder's contributions to the toxic workplace at the Commanders organization and alleged that he personally engaged in acts of sexual misconduct.

1. Witnesses Stated that Mr. Snyder Personally Engaged in Sexual Misconduct Towards Commanders Employees and Contributed to a Toxic Culture

During the Committee's February 3, 2022, roundtable, Ms. Johnston alleged that she had been sexually assaulted by Mr. Snyder. Ms. Johnston disclosed that Mr. Snyder had engaged in unwanted touching during a work-related dinner, stating that he "placed his hand on my thigh under the table" and, later in the evening, "aggressively pushed me towards his limo with his hand on my lower back, encouraging me to ride with him to my car."[36] Ms. Johnston further shared that Mr. Snyder only stopped his aggressive behavior because his attorney intervened.[37] When she told a senior co-worker about the incident the next day, Mr. Johnston was told "not [to] repeat this story to anyone outside this office door."[38] Following the roundtable, the NFL

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[34] Committee on Oversight and Reform, Transcribed Interview of Jason Friedman (Mar. 14, 2022) (online at https://oversight house.gov/sites/democrats.oversight.house.gov/files/2022-03-14%20Transcribed%20Interview%20of%20Jason%20Friedman.pdf).

[35] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

[36] Committee on Oversight and Reform, Statement of Tiffani Johnston, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Johnston%20Tiffani%20-%20Opening%20Statement.220203.UPDATED.pdf); *see also* Letter from Jason Friedman to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-02-03%20Letter%20from%20Jason%20Friedman_Redacted.pdf) (corroborating Ms. Johnston's account of Mr. Snyder's attempt to push Ms. Johnston into his limo).

[37] Committee on Oversight and Reform, Statement of Tiffani Johnston, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Johnston%20Tiffani%20-%20Opening%20Statement.220203.UPDATED.pdf).

[38] Id.

launched its own investigation into this allegation, led by former U.S. Attorney Mary Jo White. That investigation is reportedly ongoing.[39]

Several other former employees and executives offered additional information describing actions by Mr. Snyder that inappropriately sexualized the Commanders' cheerleading program:

- Ms. Coburn informed the Committee that Mr. Snyder ordered a former director of cheerleading to parade cheerleaders onto FedEx Field and to instruct them to "turn around slowly" while Mr. Snyder and his friends "gawked from his suite through binoculars."[40]

- According to Mr. Pauken, Mr. Snyder—together with Dennis Greene, another Commanders executive—personally advocated for years that the Team should sell access to cheerleader photo shoots to male sponsors and suite holders—an exploitative practice that was exposed by the *New York Times* in 2018.[41]

- Brad Baker, who worked in the Team's video production department, shared that Larry Michael, the Commanders' longtime broadcaster, ordered the Team's video department to produce a lewd video comprised of outtakes from a cheerleaders' photo shoot showing their exposed intimate body parts without their knowledge or consent, for Mr. Snyder's personal consumption.[42]

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[39] *Mary Jo White Has Not Yet Interviewed Daniel* Snyder, NBC Sports (Oct. 27, 2022) (online at https://profootballtalk.nbcsports.com/2022/10/27/mary-jo-white-has-not-yet-interviewed-daniel-snyder/).

[40] Committee on Oversight and Reform, Statement of Melanie Coburn, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Coburn%2C%20Melanie%20-%20Opening%20Statement.220203.Final%282%29.pdf).

[41] Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf) (When asked about the allegations detailed in the New York Times during his deposition, Mr. Pauken responded: "That is entirely consistent with the Dennis Green and Dan Snyder that I know."); *see also Washington Redskins Cheerleaders Describe Topless Photo Shoot and Uneasy Night Out*, New York Times (May 2, 2018) (online at www.nytimes.com/2018/05/02/sports/redskins-cheerleaders-nfl.html).

[42] Committee on Oversight and Reform, Statement of Brad Baker, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Baker%2C%20Brad%20-%20Opening%20Statement.220203.Final_.pdf); *Washington Redskins Cheerleaders Describe Topless Photo Shoot and Uneasy Night Out*, New York Times (May 2, 2018) (online at www nytimes.com/2018/05/02/sports/redskins-cheerleaders-nfl.html); *Redskins Front-Office Executive Dennis Greene Resigns*, Washington Post (May 31, 2018) (online at www.washingtonpost.com/sports/redskins/redskins-front-office-exec-dennis-greene-resigns/2018/05/31/7f2e7ce2-6521-11e8-a768-ed043e33f1dc_story html); *see also Redskins Have Non-Cheering Cheerleaders Who Cite Harassment*, NBC (online at www nbcwashington.com/news/local/redskins-have-non-cheering-cheerleaders-who-cite-harassment-report/150224/) (describing a video on the Commanders' website advertising suites for sale at FedEx Field, showing men in suites "posing with cheerleader ambassadors" and containing an audio voiceover stating: "Membership has its privileges. You and your business are the beneficiaries.").

- When asked who was responsible for the oversexualization of the cheerleading program at the Commanders, Mr. Pauken answered unequivocally that it was "Dan Snyder."[43] As Ms. Johnston told the Committee, sexualization was part of "the culture he created. It was an abusive one."[44]

2. Witnesses Stated that Mr. Snyder Was a "Hands-on" Owner Who Endorsed the Toxic Culture at the Commanders Organization

Former Commanders employees told the Committee that Mr. Snyder endorsed a toxic culture at the Commanders in which sexual misconduct, exploitation of women, bullying of men, and other inappropriate behavior was commonplace, and that he was a hands-on owner who had a role in nearly every organizational decision.[45] As one witness confirmed, Mr. Snyder "created a culture where this behavior was accepted and encouraged."[46]

Witnesses testified that on multiple occasions, Mr. Snyder ignored or personally instructed Commanders executives to ignore workplace misconduct by male employees while punishing female employees for conduct arising out of the same set of facts. Mr. Pauken testified that after he informed Mr. Snyder that a senior member of the Team's coaching staff had been accused of sexually assaulting a female member of the public relations staff, Mr. Snyder decided, in consultation with Mr. Pauken, that they "weren't going to confront the coach, and keep [the victim] away from the coach."[47] No action was taken against the coach, who remained with the Team for another year. Brian Lafemina, former President of Business Operations and Chief Operating Officer for the Commanders, testified that he informed Mr. Snyder that a subordinate "had felt uncomfortable over a period of time with her interactions

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[43] Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf).

[44] Committee on Oversight and Reform, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-02-03%20Transcript%20of%20Roundtable.pdf).

[45] *See generally* Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online athttps://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf); Committee on Oversight and Reform, Transcribed Interview of Jason Friedman (Mar. 14, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-03-14%20Transcribed%20Interview%20of%20Jason%20Friedman.pdf); Committee on Oversight and Reform, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-02-03%20Transcript%20of%20Roundtable.pdf).

[46] Committee on Oversight and Reform, Statement of Emily Applegate, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Applegate%2C%20Emily%20-%20Opening%20Statement.220203.Final_.pdf).

[47] Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf).

with Larry Michael," after he "commented about her appearance in public at events where he was the emcee and she was working the event" and had "touched her on the cheeks and kissed her on the forehead." Mr. Lafemina testified that Mr. Snyder responded by describing Mr. Michaels as "a sweetheart" who "wouldn't hurt anybody."[48] Mr. Michael remained the Commanders' announcer until he allowed to retire in lieu of termination in 2020.[49]

> ***"I want to know everything. Don't let me find out about it."***
>
> —Dan Snyder to Bruce Allen, former Team President, according to Mr. Allen's deposition

Several former Commanders executives testified that Mr. Snyder was a hands-on owner who participated in every aspect of the Commanders' operations. Mr. Pauken, who was Mr. Snyder's most senior operations executive from 2001 through 2006, testified that Mr. Snyder was involved in every facet of the organization, stating that he was "both hands on."[50] Mr. Pauken explained that Mr. Snyder was "actively involved" in everything from suite sales to sponsorship sales to personnel decisions. For example, although Mr. Pauken was responsible for carrying out employee terminations, he stated that he "would never fire anybody without Dan Snyder knowing and having a chance to weigh in."[51]

His testimony was consistent with the testimony of Bruce Allen, the Team's President from 2009 through 2019, who described Mr. Snyder as "very involved in the entire operation, in the organization," including both football and business operations.[52] Mr. Allen testified that "from time to time," Mr. Snyder would warn him: "I want to know everything. Don't let me find out about it."[53]

In 2018, Mr. Snyder fired the top executive he had hired to lead the Commanders' operations after seven months on the job. Mr. Lafemina testified that he was "relieved of [his] duties" due in part to "serious disagreements between myself and Dan Snyder about a lot of the

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[48] Committee on Oversight and Reform, Deposition of Brian Lafemina (Apr. 8, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-03-30%202022-04-08%20Depositions%20of%20Brian%20Lafemina.pdf).

[49] *Larry Michael, Longtime Radio Voice of Washington's NFL Team, Retires*, Washington Post (July 15, 2020) (online at www.washingtonpost.com/sports/2020/07/15/larry-michael-retires-washington-nfl-team/).

[50] Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf).

[51] *Id.*

[52] *Id.*

[53] Committee on Oversight and Reform, Deposition of Bruce Allen (Sept. 6, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf).

strategies and tactics related to the business operations around marketing, around ticketing, around sponsor strategies, around public relations."[54]

Mr. Snyder's "hands-on" management style was also witnessed by other employees. As Ms. Johnston, who worked for the Team's marketing department, explained to the Committee: "I witnessed it. I witnessed it in marketing meetings. Any marketing flier that went out had to be approved by Dan Snyder. We would be on the phone with him telling us changes, the smallest changes … ."[55]

Mr. Pauken's view of Mr. Snyder's influence on the Commanders' work environment and the Committee's inquiry reflected that of many other individuals interviewed by the Committee:

> I think that in the end, it all stems from the owner, Dan Snyder. That's what I think. I think that the workplace culture and how he ran the business when I was there, and how I believe he ran it after I left caused the events, set the stage and caused the events to occur where the allegations that came out, whether they occurred or not, I don't know, but those are the kinds of things that led to this investigation.[56]

3. Mr. Snyder Blamed Others for the Toxic Workplace Culture

During his deposition, Mr. Snyder said, "I've said numerous times, and continue to state, we apologize for any workplace misconduct of the team." Yet evidence uncovered by the Committee shows that Mr. Snyder attempted to blame others around him and minimized the experiences of more than 100 current and former Commanders employees who had spoken to the *Washington Post* about the Team's toxic culture. In fact, during Mr. Snyder's deposition, he cast doubt on the veracity of the allegations detailed in the *Washington Post*'s July 16, 2020, exposé, claiming they were "possibly" orchestrated by a former employee with a "negative agenda" who he had accused of offering money to Commanders employees "to make up false and outlandish stories about him."[57]

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[54] Committee on Oversight and Reform, Deposition of Brian Lafemina (Mar. 30, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-03-30%202022-04-08%20Depositions%20of%20Brian%20Lafemina.pdf).

[55] Committee on Oversight and Reform, Roundtable on Examining the Washington Football Team's Toxic Workplace Culture (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-02-03%20Transcript%20of%20Roundtable.pdf).

[56] Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf).

[57] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf); Letter from Tom Davis et al., Holland & Knight LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Oct. 5, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-10-

Mr. Snyder also blamed Mr. Allen for the Commanders' decades-long toxic environment.[58] In his deposition, Mr. Snyder claimed to believe that Mr. Allen was responsible for the Commanders' toxic workplace culture due to a remark by Mr. Allen about the Team's football program. According to Mr. Snyder, Mr. Allen stated that the Commanders' culture was "actually damned good" during a press conference to announce the firing of former Commanders head coach Jay Gruden.[59] But when pressed at his deposition to provide examples demonstrating specifically how, beyond this comment alone, Mr. Allen was responsible for more than two decades of misconduct at the Commanders at the time of his termination, Mr. Snyder was unable to explain himself:

> Q: So what culture are you referring to when you say that there was a workplace culture and you're suggesting that Mr. Allen was responsible for it in 2019?
>
> A: I believe it's four or five days prior to termination of Jay Gruden, who was on TMZ smoking marijuana. And we knew we had a problem, obviously. He was the head coach.
>
> Q: Mr. Allen was the head coach?
>
> A: No. I'm referring to four or five days prior to the termination of Jay Gruden at a press conference where Bruce Allen said, we have a damned good culture, it was on TMZ, Coach Jay Gruden was smoking marijuana on a sidewalk somewhere. Crazy video. And we knew that it was an obvious signal there was a culture problem.
>
> Q: The culture problem that you're referring to is Mr. Gruden smoking marijuana on TV?

05%20Letter%20from%20Tom%20Davis%20to%20CBM_Redacted.pdf); see also *Lewd Cheerleader Videos, Sexist Rules: Ex-Employees Decry Washington's NFL Team Workplace*, Washington Post (Aug. 26, 2020) (online at www.washingtonpost.com/sports/2020/08/26/redskins-cheerleaders-video-daniel-snyder-washington/).

[58] Letter from Tom Davis et al., Holland & Knight LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Oct. 5, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-10-05%20Letter%20from%20Tom%20Davis%20to%20CBM_Redacted.pdf).

[59] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf); Committee on Oversight and Reform, Deposition of Bruce Allen (Sept. 6, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf) (stating that Mr. Snyder instructed him to extend Jay Gruden's coaching contract and that his remark about the "damned good" culture was intended as a defense to media criticism of the Team's football program's performance; he explained: "when you say to a locker room that your culture is bad, that means people aren't working hard, that the players aren't trying to win, they aren't doing everything, they're not studying. It's saying that the coaches don't care about the results … I'm not going to answer a question to say, 'You're right, the culture sucks here with the Redskins,' and have every player just check out for the entire season.").

A: No. I'm referring to, as I said, when Bruce Allen said—answered the question, a damned good culture, we just didn't believe him.

…

Q: Other than the marijuana incident, what else can you point to that led you to believe there was a culture that Mr. Allen was responsible for, apart from him defending the Washington Commanders?

A: We just thought we had some work to do on the culture, and what we needed as a head coach was a mature culture-setting coach. We started there. As I mentioned, we hired Coach Rivera the beginning of 2020. And as I also said earlier, we got to the business side – and would have gotten there earlier too had it not been for COVID.[60]

III. THE COMMANDERS' OWNER LED INTENSIVE EFFORTS TO OBSTRUCT INVESTIGATIONS INTO MISCONDUCT AT THE TEAM, INCLUDING THE WILKINSON INVESTIGATION AND THE COMMITTEE'S INQUIRY

A. Obstruction of the Wilkinson Investigation

During the Wilkinson Investigation, the Commanders' owner filed a foreign lawsuit as a pretext to launch a shadow investigation into individuals he suspected were sources of allegations about the Team's toxic work environment. Using information collected from this shadow investigation, lawyers for Mr. Snyder tried to cast him as the victim of a defamation campaign spearheaded by his former business partners and to deflect responsibility for the Team's toxic work culture. Mr. Snyder also used a variety of tactics to try to block Ms. Wilkinson's access to key information—including using a non-disclosure agreement and offering hush money to silence a victim, sending private investigators to the homes of potential witnesses, and taking advantage of a separate lawsuit filed against Ms. Wilkinson by the Team's former general counsel.

1. Mr. Snyder Used a Defamation Lawsuit in India to Target Former Employees and Influence the Wilkinson Investigation

On August 7, 2020, approximately two weeks after the *Washington Post* published its first exposé, Mr. Snyder filed a lawsuit against an online website based in India, Media Entertainment Arts WorldWide (MEAWW), alleging that it had published defamatory articles.[61]

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[60] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

[61] Ex Parte Petition for Assistance in Aid of a Foreign Proceeding Pursuant to 28 U.S.C. § 1782, Doc. 1-5, Daniel Snyder Through His SPA Holder vs. Eleven Internet Services, (Jan. 15, 2021) Application/Petition for Assistance in Aid of a Foreign Proceeding Pursuant to 28 U.S.C. 1782, D. N.J. (No. 2:21-cv-00819-BRM-ESK); *Washington Owner Daniel Snyder Sues Media Company Over Baseless Stories*, Washington Post (Aug. 7, 2020) (online at www.washingtonpost.com/sports/2020/08/07/washington-owner-daniel-snyder-sues-media-company-over-baseless-stories/).

In his deposition, Mr. Snyder claimed that he filed suit after he gathered evidence that a former employee (Former Staff 1) attempted to bribe his personal staff by offering money, ostensibly on behalf of the Team's former minority owners, to provide negative information to the media.[62]

Mr. Snyder testified in his Committee deposition that he learned about this so-called "bribery attempt" on August 1, 2020, and "presented this evidence to the National Football League."[63] He also testified that, based on the evidence presented (including affidavits from his personal employees), the NFL hired former Attorney General Loretta Lynch to investigate the minority owners' involvement.[64] Lawyers for Mr. Snyder explained that the evidence was compiled into a 100-slide dossier, later obtained by the Committee, and included "references to sworn affidavits from Mr. Snyder's personal staff—his driver, his pilot, his wife's executive—who were approached [by Former Staff 1] with an offer of money to make up false and outlandish stories about him."[65] Relying on this evidence, Mr. Snyder and his lawyers

[62] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf); Respondent Bruce Allen's Answer to Petition and Motion to Vacate April 29, 2021, Ex Parte Order and Quash Subpoenas or, Alternatively, for Protective Order, Doc. 8-4, (May 14, 2021), *Application of Daniel Snyder for an Order Directing Discovery from Bruce Allen Pursuant to 28 U.S.C. § 1782*, D. Ariz. (No. 2:21-mc-00022); *Washington Owner Dan Snyder Claims Ex-Employee Took Cash in Exchange for Spreading "Outrageous Lies"*, ESPN (Aug. 10, 2020) (online at www.espn.com/nfl/story/_/id/29634568/washington-owner-dan-snyder-claims-ex-employee-took-cash-exchange-spreading-outrageous-lies).

[63] Despite requests from the Committee, the NFL refused to confirm whether it received evidence of bribery from Mr. Snyder and directed the Committee to counsel for the Commanders. Email from Allison Murphy, Kirkland & Ellis LLP, on behalf of the National Football League to Majority Staff, Committee on Oversight and Reform (Dec.5, 2022).

[64] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf); *see also* Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022) (explaining that the NFL retained former Attorney General Lynch to investigate claims of "improper leaking and public disparagement of Mr. Snyder that would have violated the Commissioner's confidentiality directive").

[65] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf); *see also* Respondent Bruce Allen's Answer to Petition and Motion to Vacate April 29, 2021, Ex Parte Order and Quash Subpoenas or, Alternatively, for Protective Order, Doc. 8-4, (May 14, 2021), *In re Application of Daniel Snyder for an Order Directing Discovery from Bruce Allen Pursuant to 28 U.S.C. § 1782*, D. Ariz. (No. 2:21-mc-00022). Mr. Snyder's lawyer from Reed Smith made similar statements during an August 14, 2020, radio interview—a week after Mr. Snyder filed his defamation lawsuit in India. Mr. Snyder's lawyer stated: "…there are people who may have some motives to falsely attack Mr. Snyder. I'm not going to speculate as to who they are or what it is, but what I do know is that this one individual—this formal disgruntled employee—has spoken to various witnesses—various individuals in attempts to get them to provide false information about Dan Snyder. Speak to the media and offer them money to do so and basically remunerate them for doing these sorts of things. We have sworn affidavits to back that up, and we have audio tape recordings to back that up. So, you know, we wouldn't be making these filings if we weren't rock solid in our proof."

reportedly "advised the NFL of their intention to try to determine the source of the defamatory stories, and received the NFL's blessing to proceed."[66]

A review of the dossier raises questions about the evidence that Mr. Snyder's attorneys presented to the NFL.[67] None of the slides in the dossier, which highlights key statements from each affiant, appears to show Former Staff 1 "offer[ing] of money" in exchange for "false and outlandish stories" about Mr. Snyder. The dossier also does not appear to show evidence that Former Staff 1 provided defamatory information to MEAWW for publication.[68] The document alleges only that Former Staff 1 told Mr. Snyder's employee that he "could 'probably make a lot of money'" based on his lengthy tenure with the Snyder family, but does not include further details to support Mr. Snyder's assertion in his Committee deposition that "the actual document show[s] the attempted payment, bribery" of his personal employees.[69]

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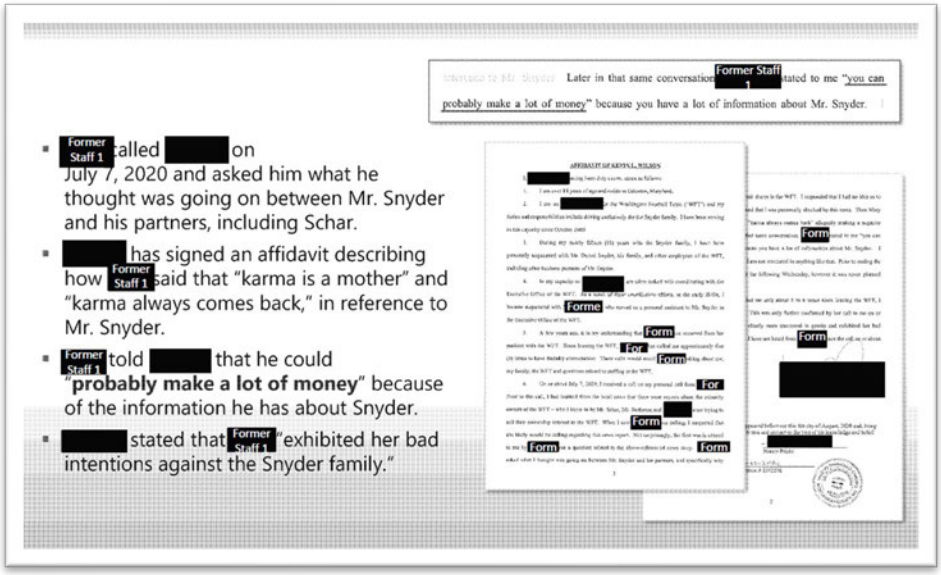
[66] Letter from Tom Davis et al., Holland & Knight LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Oct. 5, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-10-05%20Letter%20from%20Tom%20Davis%20to%20CBM_Redacted.pdf); Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf) (testifying that the NFL "approved" a federal court "filing against [Former Staff 1]").

[67] *See also* First Supplemental Declaration of Daniel M. Snyder in Opposition to Plaintiffs' Emergency Motion Concerning Violation of the Court's November 19, 2020 Order, Doc. 88, (Dec. 23, 2020), *Rothman v. Snyder*, E.D.Va (No. 8:20-cv-03290-PJM) (describing Former Staff 1's alleged interactions with a former minority owner).

[68] *Compare* NFL-00100990, NFL-00100993, and NFL-00101008 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00100948-NFL-00101047_Redacted.pdf) *with* Letter from Tom Davis et al., Holland & Knight LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Oct. 5, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-10-05%20Letter%20from%20Tom%20Davis%20to%20CBM_Redacted.pdf). In addition, the dossier appears to cast doubt on the timing of Mr. Snyder's notice of the alleged bribery attempts. Although Mr. Snyder testified that he discovered Former Staff 1's actions on August 1, 2020, the affidavits show that the relevant conversations occurred between July 4, 2020, and July 8, 2020—nearly three weeks earlier. Mr. Snyder did not explain why the three employees purportedly waited nearly three weeks—including two weeks after the July 16, 2020, *Washington Post* exposé and MEAWW articles were published—to tell him about Former Staff 1's "bribery attempts."

[69] NFL-00100990 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00100948-NFL-00101047_Redacted.pdf). Similarly, the dossier provides no support for statements made by Mr. Snyder's lawyers from Reed Smith LLP and Holland & Knight LLP regarding their purported evidence of bribery. *See* Respondent Bruce Allen's Answer to Petition and Motion to Vacate April 29, 2021, Ex Parte Order and Quash Subpoenas or, Alternatively, for Protective Order, Doc. 8-4, (May 14, 2021), *In re Application of Daniel Snyder for an Order Directing Discovery from Bruce Allen Pursuant to 28 U.S.C. § 1782*, D. Ariz. (No. 2:21-mc-00022-SPL) (stating in an interview that the firm had secured affidavits and tape recordings showing bribery); Letter from Tom Davis et al., Holland & Knight LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Oct. 5, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-10-05%20Letter%20from%20Tom%20Davis%20to%20CBM_Redacted.pdf) (stating that "the PowerPoint presentation" included evidence that Mr. Snyder's staff were "approached with an offer of money to make up false and outlandish stories about him").



Mr. Snyder used the information gathered as justification to launch a shadow investigation to unmask the sources of the *Washington Post* exposés. Mr. Snyder filed petitions in federal court to subpoena private emails, call logs, and communications from former employees and other individuals. Between August 2020 and April 2021, Mr. Snyder abused the subpoena power of federal courts on at least ten separate occasions.[70]

According to recent reports, Mr. Snyder used the Wilkinson Investigation as a "tip sheet" to form an "enemies list" that was provided to his lawyers presumably to advance his shadow investigation.[71] These reports are consistent with evidence uncovered by the Committee. For instance, after former employee Melanie Coburn publicly accused the Team of retaliation against its cheerleaders, Mr. Snyder began including her name in his requests for discovery related to his India action.[72]

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[70] *Daniel Snyder Pledged Support for the NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nflinvestigation/); Respondent Bruce Allen's Answer to Petition and Motion to Vacate April 29, 2021, Ex Parte Order and Quash Subpoenas or, Alternatively, for Protective Order, Doc. 8-3, (May 14, 2021), *In re Application of Daniel Snyder for an Order Directing Discovery from Bruce Allen Pursuant to 28 U.S.C. § 1782*, D. Ariz. (No. 2:21-mc-00022-SPL).

[71] *Sources: Commanders Boss Snyder Claims "Dirt" on NFL Owners, Goodell*, ESPN (Oct. 13, 2021) (online at www.espn.com/nfl/story/_/id/34778123/washington-commanders-owner-dan-snyder-claims-dirt-nfl-owners-roger-goodell).

[72] *Former Cheerleaders Settle with Washington Football Team as Program's Future is in Doubt*, Washington Post (Feb. 10, 2021) (online at www.washingtonpost.com/sports/2021/02/10/washington-football-team-cheerleaders-settlement/); Respondent Bruce Allen's Reply to Response to Motion to Vacate April 29, 2021, Ex Parte Order and Quash Subpoenas or, Alternatively, for Protective Order, Doc. 20-1, Exhibit 1 (July 2, 2021) *In re Application of Daniel Snyder for an Order Directing Discovery from Bruce Allen Pursuant to 28 U.S.C. § 1782*, D. Ariz. (No. 2:21-mc-00022-SPL) (emails between lawyers for Mr. Snyder and Mr. Allen reflecting the inclusion of Ms. Coburn's name in a document subpoena to Bruce Allen). In his deposition, Mr. Allen testified that he had never met Ms. Coburn. Committee on Oversight and Reform, Deposition of Bruce Allen (Sept. 6, 2022) (online at

Mr. Snyder also used private investigators to surveil and intimidate individuals who spoke out against him.[73] The fruits of Mr. Snyder's efforts were compiled into dossiers and used to make "several presentations" to the NFL and Ms. Wilkinson to convince them that Mr. Snyder was not responsible for the Commanders' toxic workplace culture.[74]

The Committee learned that Mr. Snyder's lawyers made at least seven presentations to the NFL and the Wilkinson law firm over the three months between November 2020 and February 2021, including on the following dates:[75]

1. November 13, 2020
2. November 16, 2020
3. November 22, 2020
4. November 23, 2020[76]
5. December 2, 2020
6. December 3, 2020
7. February 3, 2021

According to the NFL, in addition to the seven presentations made to the NFL and Ms. Wilkinson, "counsel to the Commanders made a presentation to AG Lynch on December 2, 2020

https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf).

[73] Supplemental Memorandum from Chairwoman Carolyn B. Maloney to Members, Committee on Oversight and Reform (June 22, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-22%20Supplemental%20Memo%20Tackling%20Toxic%20Workplaces.pdf).

[74] Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022).

[75] Email from Rob Kelner, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Nov. 8, 2022).

[76] NFL-00100948-00101047 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00100948-NFL-00101047_Redacted.pdf). According to counsel for the NFL, the November 23, 2020, dossier was produced to the Committee because Mr. Snyder's lawyers "had not objected to its production." After the document was produced to the Committee in May 2022, Mr. Snyder's lawyers "told the NFL that it objected to the production of the Nov. 23, 2020 presentation and that it intended to inform the Committee that the presentation had been inadvertently produced." Email from Rob Kelner, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Sept. 30, 2022).

that covered some of the same subject matter presented to the Wilkinson firm in the presentation dated February 3, 2021."[77]

In his Committee deposition, Mr. Snyder denied launching a shadow investigation and claimed that the dossier he provided to the NFL and Ms. Wilkinson had nothing to do with the *Washington Post* exposés or the Wilkinson Investigation:

> Q: So the purpose of this slide deck, was it to further your investigation into this minority shareholder and the disparagement investigation, or did it have anything to do with the workplace investigation by the Wilkinson team?
>
> A: No. Nothing to do with the workplace investigation. That was completely independent and done by Ms. Wilkinson.
>
> This was solely for the purpose of having connectivity to the defamatory information, the defaming stories, the bots, the devastating things that were also coinciding with the Washington Post story of July 16.
>
> So we presented just the facts, just the evidence, the telephone records themselves, starting shortly after August 12, [Former Staff 1] received a burner phone as well, and those facts were presented to Attorney General Lynch and the NFL as well.[78]

Contrary to these assertions, the NFL confirmed that the dossier and the seven presentations made to the NFL and Ms. Wilkinson "were considered as part of" the Wilkinson Investigation.[79] The Committee found scant evidence that the dossier itself was focused on the allegedly defamatory article published in India.[80] In contrast, the dossier is heavily focused on *Washington Post* journalists, as well as "Former WFT Employees (Accusers)." These individuals are discussed extensively across at least 36 slides.

When confronted with this information during his deposition, Mr. Snyder was unable to explain the relationship between the *Post* journalists and the allegedly defamatory articles published in India:

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[77] Email from Rob Kelner, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Nov. 17, 2022) (according to counsel for the NFL, the presentation to former AG Lynch was separate from the presentations made to the NFL and the Wilkinson law firm).

[78] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

[79] Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022).

[80] The words "India," "MEAWW," and "defamation" are not mentioned in the 100-page dossier. The only apparent reference to the content of the allegedly defamatory articles are the words "Jeffrey" and "Epstein" on page 78 of the slide deck.

Q: Mr. Snyder, what did these *Washington Post* journalists, Liz Clarke, Will Hobson and Beth Reinhart, have to do with a news story that was posted on a blog in India on the website of MEAWW?

A: Well, all I can tell you is that we delivered the facts, unredacted facts to former Attorney General Lynch, shared the phone records that are actually in this document that are unredacted. You can see what was presented was telephone records and just facts. Had no involvement with—they just delivered the facts. And they were the attorneys delivering the evidence, and that's it.

Q: What are the facts, Mr. Snyder, about these three journalists?

A: I believe they just coincided with the July 16 exact date of the India—India defamation. And they were those facts.

Q: Mr. Snyder, have you filed any defamation suits against the *Washington Post* or against these three journalists for the exposés they wrote on your team?

A: No.[81]

Mr. Snyder also claimed that his use of private investigators was not connected to the Wilkinson Investigation:

Q: And so this use of private investigators was strictly related to your lawsuits and investigation into the slander and libel cases regarding the India articles?

A: Yes.

Q: So it had nothing to do with Beth Wilkinson?

A: Nothing.

Q: Nothing to do with the NFL and Wilkinson's investigation?

A: Nothing.[82]

[81] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

[82] *Id.*; *see also* Letter from Tom Davis et al., Holland & Knight LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Oct. 5, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-10-05%20Letter%20from%20Tom%20Davis%20to%20CBM_Redacted.pdf) ("What the full, unredacted PowerPoint presentation showed was that the document was prepared for an entirely different purpose, separate and apart from the matters covered by the Wilkinson investigation.").

Contrary to Mr. Snyder's testimony, the Committee's investigation revealed that Mr. Snyder sent private investigators to the homes of former employees to uncover information related to the Wilkinson Investigation. For example, in a transcribed interview with former Commanders cheerleader Abigail Dymond Welch, Ms. Welch described how, in April 2021, Mr. Snyder sent a private investigator to her home to question her about Mr. Allen and "the sexual misconduct investigation."[83] The private investigator did not ask her about issues related to the India defamation action. Ms. Welch further explained how numerous other Commander cheerleaders had been approached by private investigators asking similar questions about the sexual misconduct investigation at the Team.[84]

During his Committee deposition, Mr. Snyder suggested that the private investigators deployed by his lawyers may have "made a mistake and went somewhere wrong." However, he insisted that they only "used investigators regarding the India lawsuits":

> But our intention was very, very clear. And as I told the Committee, our entire focus was on this situation. The NFL retained Attorney General Lynch regarding this subject, and the facts were given to Attorney General Lynch.[85]

However, the private investigator who approached Ms. Welch appeared at her home approximately four months *after* former Attorney General Lynch completed her investigation into Mr. Snyder's claims against his former minority owners.[86] Moreover, the Committee's investigation confirmed that lawyers for Mr. Snyder intentionally sent a private investigator to the home of Ms. Welch. In a video obtained by the Committee, which shows a middle-aged man approaching the home of Ms. Welch's neighbor just days before Ms. Welch encountered him, the man can be heard introducing himself as a "private investigator" requesting, in no uncertain terms, to speak to the neighbor about "Ms. Welch" regarding a "private matter."[87]

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[83] Supplemental Memorandum from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Members of the Committee (June 22, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-22%20Supplemental%20Memo%20Tackling%20Toxic%20Workplaces.pdf); Committee on Oversight and Reform, Transcribed Interview of Abigail Dymond Welch (May 17, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-05-17%20Transcribed%20Interview%20of%20Abigail%20Dymond%20Welch_0.pdf).

[84] Committee on Oversight and Reform, Transcribed Interview of Abigail Dymond Welch (May 17, 2022) (online at https://oversight house.gov/sites/democrats.oversight house.gov/files/2022-05-17%20Transcribed%20Interview%20of%20Abigail%20Dymond%20Welch_0.pdf).

[85] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

[86] Email from Simone E. Ross, Covington & Burling LLP, on behalf of the National Football League to Majority Staff, Committee on Oversight and Reform (May 17, 2022) (explaining that former AG Lynch "finished her work in late 2020").

[87] YouTube, *Video of Private Investigator, Abigail Dymond Welch* (Apr. 29, 2021) (online at https://youtu.be/2dhIvg81c6Q). The Committee confirmed that the private investigator in the video is the same person who approached Ms. Welch's home days later.

In addition, the Committee uncovered evidence that after the NFL ended its engagement with former Attorney General Lynch, Mr. Snyder sent private investigators to residence of his former Team president, Mr. Allen, to surveil him. Mr. Allen explained this during his Committee deposition in September 2022:

> Q: And who do you understand was responsible for sending private investigators to follow, as you said, your coworkers and your friends and yourself?
>
> A: Well, the one who followed me told me the Washington Football Team hired him.
>
> Q: When were you followed by a private investigator, Mr. Allen?
>
> A: Last year.
>
> Q: Do you recall when, approximately?
>
> A: Yes. It was in around—well, I don't know when it started. I met him I think in—right around beginning of March. But I don't know when it started and I don't know if it stopped.
>
> Q: And how did you know the person who was following you was a private investigator?
>
> A: My wife was concerned. We live in a—we had just moved into a home. And the street's a real narrow street. It's hard two cars even to go by. And she saw a car out there the night before, and then in the morning it was there and it's running, the engine's running.
>
> And I had made some coffee. And I went out. And the gentleman stepped out of the car and he said, "Hi, Mr. Allen."
>
> I said, "Well, that's interesting. You need a cup of coffee? Are you here to serve me with a subpoena or something?"
>
> He said, "No, we're just here to follow you," and something like "document your actions."[88]

In his deposition, Mr. Snyder admitted that he presented documents and information collected during his shadow investigation to Ms. Wilkinson, stating: "That is exactly what we

[88] Committee on Oversight and Reform, Deposition of Bruce Allen (Sept.6, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf).

did. We gave all that information—presented information to the National Football League to former Attorney General Lynch, **to Beth Wilkinson**. And we presented just the facts."[89]

2. The Team's Owner Sought to Dismiss Alleged Misconduct as a Recent Smear Campaign Despite Knowledge That the Team's Workplace Culture Had Been Under Investigation for Years

Although Mr. Snyder and his attorneys sought to portray the allegations exposed by the *Washington Post* as part of a recent smear campaign by the Team's former minority owners, the Committee's investigation revealed that Team executives had actually been aware of the *Post's* inquiries into sexual harassment and other misconduct at the Commanders as early as 2018—long before the dispute with the Team's minority owners.

According to press reports, in 2020, the Team's three former minority owners notified Mr. Snyder they planned to sell their stakes and subsequently filed an arbitration grievance with the NFL asserting, among other things, that Mr. Snyder mismanaged the Team and failed to pay them the annual dividends they were owed.[90] According to counsel for the NFL, during that dispute, "claims arose regarding improper leaking and public disparagement of Mr. Snyder that would have violated the Commissioner's confidentiality directive."[91] The claims, which included allegations of extortion by Mr. Snyder against his former minority owners, are detailed in a December 2020 affidavit:

> The extortion campaign started after the Plaintiffs filed their demand for arbitration. On July 5, 2020, the *Washington Post* began publishing articles concerning the Washington Football Team (the "Team") that characterized the Team and me personally in a negative manner. The derogatory nature of *The Washington Post's* coverage escalated in its July 16, 2020, article, and has expanded in volume and scope thereafter. I was not the source

[89] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf) (emphasis added); Mr. Snyder also testified that he and his lawyers were "presenting to former Attorney Lynch, as well as the NFL and Beth Wilkinson just the facts, the information of [Former Staff 1]." *Id.*

[90] *See* First Supplemental Declaration of Daniel M. Snyder in Opposition to Plaintiffs' Emergency Motion Concerning Violation of the Court's November 19, 2020 Order, Doc. 88, (Dec. 23, 2020), *Rothman et al. v. Snyder*, D. Md. (No. 8:20-cv-03290-PJM); *Fight for Washington N.F.L. Team May Tighten Owner's Grip on It,* New York Times (Dec. 19, 2020) (online at www nytimes.com/2020/12/19/sports/football/washington-nfl-daniel-snyder html).

[91] Email from Simone E. Ross, Covington & Burling LLP, on behalf of the National Football League to Majority Staff, Committee on Oversight and Reform (May 17, 2022). The NFL further informed the Committee that an investigation launched into the claims found that "one of the limited partners had engaged in prohibited conduct, for which the Commissioner imposed discipline." The Committee did not find evidence contradicting the claims detailed in the *Washington Post* exposés regarding the Commanders' toxic work environment but did find evidence that Mr. Snyder sought to cast allegations against him as part of a conspiracy as he sought to influence the Wilkinson Investigation.

for any of the information in the July 5 or July 16, 2020 Post articles, or at any time thereafter, either directly or indirectly.[92]

However, records obtained by the Committee indicate that senior leaders in the Commanders organization were aware of the *Washington Post's* inquiries about sexual harassment at the Team approximately two years before the dispute with the minority owners in 2020. Documents show that at least three senior Team executives—including Mr. Lafemina, Tony Wylie, the Team's former Senior Vice President for Communications, and Larry Michael, the then-Senior Vice President and Executive Producer of Media—were aware as early as 2018 that journalists were seeking information about sexual harassment at the Team.

In a June 21, 2018, email, a former sales employee notified Mr. Michael that the *Post* had contacted her regarding her experience at the Commanders. When Mr. Michael questioned Mr. Wylie about the purpose of the outreach, Mr. Wylie responded that the *Post* was "fishing" for information about "sexual harassment."[93] The following day, on June 22, 2018, Mr. Wylie notified Mr. Lafemina—a top executive at the Team—that the same *Post* reporter had reached out to another former employee about "a story."[94] In his Committee deposition, Mr. Allen testified that Mr. Wylie was "good about keeping Dan informed" about negative stories in the media and that he or Mr. Snyder's public relations firm would have "definitely" notified Mr. Snyder about forthcoming allegations of sexual harassment against Commanders executives of which they were aware.[95]

The dossier that Mr. Snyder's lawyers shared with Ms. Wilkinson confirmed that in 2018, the *Post* conducted interviews with multiple employees about the Commanders' toxic work culture, including the "'outtakes' video of the cheerleader."[96] Below is an excerpt from a slide in the dossier reflecting what appears to show a text message thread between Former Staff 1 and another former employee discussing calls with *Washington Post* journalists in May 2018, related to the Commanders' toxic work environment. Mr. Snyder's lawyers provided this information to Ms. Wilkinson in November 2020—roughly a month before Mr. Snyder filed his affidavit blaming the minority owners for the negative stories in the *Post*.

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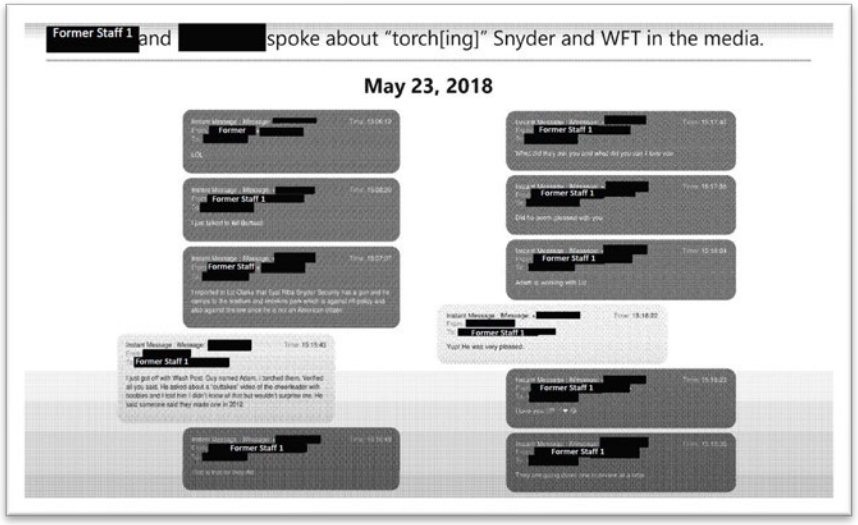
[92] *See* First Supplemental Declaration of Daniel M. Snyder in Opposition to Plaintiffs' Emergency Motion Concerning Violation of the Court's November 19, 2020 Order, Doc. 88, (Dec. 23, 2020), *Rothman et al. v. Snyder*, D. Md. (No. 8:20-cv-03290-PJM). In his declaration, Mr. Snyder stated that a former minority owner encouraged Former Staff 1 to share information about him with the *Washington Post.*

[93] NFL-00391186 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00391186_Redacted.pdf).

[94] NFL-00391209- NFL-00391210 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00391209-NFL-00391210_Redacted.pdf).

[95] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

[96] *See e.g.*, NFL-00101001-00101005 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00100948-NFL-00101047_Redacted.pdf).



3. Mr. Snyder Tried to Block Ms. Wilkinson's Access to Sexual Assault Allegations Against Him

As Mr. Snyder advanced his shadow investigation, he also tried to prevent an accuser from sharing information with Ms. Wilkinson and used a proxy to block Ms. Wilkinson's access to information that could implicate him personally in sexual misconduct.

i. The NFL and Mr. Snyder Gave Conflicting Information About When the Commanders Informed the NFL of the 2009 Allegations

According to public reports, in April 2009, a female employee accused Mr. Snyder of groping her, attempting to remove her clothes, and asking her for sex during a cross-country flight on his private plane while returning from a work event.[97] The employee reported the assault to then-General Counsel Dave Donovan, who notified Mr. Snyder of her allegations.[98]

In or around 2009, the NFL's Personal Conduct Policy required the League—and not the Commanders—to "direct an investigation" into any allegations of conduct, including sexual assault, that, if proven, would violate the policy.[99] Despite this requirement, Mr. Donovan

[97] *Document Reveals Details of 2009 Sexual Assault Allegation Against Daniel Snyder*, Washington Post (June 21, 2022) (online at www.washingtonpost.com/sports/2022/06/21/dan-snyder-sexual-assault-allegation/).

[98] *Id.*; Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

[99] NFL-00106654-NFL-00106658 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00106654-NFL-00106658.pdf); National Football League, *Personal Conduct Policy* (Dec. 2014) (online at https://static nfl.com/static/content/public/photo/2014/12/10/0ap3000000441637.pdf); Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

retained WilmerHale LLP—the law firm where he had worked before joining the Commanders in 2005 and to which he returned after he was fired by Mr. Snyder in 2011—to investigate the employee's allegations.[100]

Mr. Donovan oversaw the sexual assault investigation and concluded that the employee had "lied for the purpose of extorting the team" based, in part, on an email exchange that he reportedly uncovered while searching the employee's email account.[101] To further undermine her credibility, Mr. Donovan accused her of dressing in a "sexually proactive manner" and "dirty dancing" with men during the weekend of her reported assault. As a result of Mr. Donovan's purported findings, Mitch Gershman, Mr. Snyder's then-Chief Operating Officer, fired the employee for allegedly making "fictitious statements" about Mr. Snyder.[102]

In his Committee deposition, Mr. Snyder testified that the NFL was informed of the employee's allegations in 2009. Mr. Snyder stated that Mr. Donovan notified the NFL of the allegations:

> Q: How do you know that the NFL was informed?
>
> A: Because he emailed the general counsel of the National Football League, Jeff Pash, and the outside counsel also communicated with Jeff Pash of the NFL.[103]
>
> …

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[100] Exhibit 1, Redacted Declaration of David P. Donovan in Support of David Donovan's Motion for Temporary Restraining Order and Preliminary Injunction, Doc. 233, (Sept. 8, 2021), *Donovan v. Wilkinson*, E.D.Va (No. 1:20-cv-01344-AJT-IDD); Committee on Oversight and Reform, Deposition of Bruce Allen (Sept.6, 2022) (online at https://oversight house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf) (explaining that Mr. Snyder ordered the termination of Mr. Donovan in 2011); *COO Dave Donovan Leaving Redskins*, Washington Post (Nov. 7, 2011) (online at www.washingtonpost.com/blogs/football-insider/post/coo-dave-donovan-leaving-redskins/2011/07/11/gIQAr0mL9H_blog.html).

[101] *Document Reveals Details of 2009 Sexual Assault Allegation Against Daniel Snyder*, Washington Post (June 21, 2022) (online at www.washingtonpost.com/sports/2022/06/21/dan-snyder-sexual-assault-allegation/) (the email cited by Mr. Donovan reportedly showed the employee complaining to her husband about a high credit card balance; Mr. Donovan also noted that the employee had learned that she would not be receiving an anticipated bonus that year). Jason Friedman informed the Committee during his transcribed interview that in 2009 Mr. Donovan had instructed him to lie under oath after Mr. Snyder ordered the firing of employees who questioned the Team's failure to pay overtime. Committee on Oversight and Reform, Transcribed Interview of Jason Friedman (Mar. 14, 2022) (online at https://oversight house.gov/sites/democrats.oversight house.gov/files/2022-03-14%20Transcribed%20Interview%20of%20Jason%20Friedman.pdf).

[102] *Document Reveals Details of 2009 Sexual Assault Allegation Against Daniel Snyder*, Washington Post (June 21, 2022) (online at www.washingtonpost.com/sports/2022/06/21/dan-snyder-sexual-assault-allegation/); Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

[103] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

Q: And did they disclose to the NFL that an employee had made an allegation of sexual misconduct against you, the owner of the team?

A: Yes.

However, the NFL informed the Committee that the Team did not disclose the specific nature of this allegation to the NFL until more than 10 years later, in 2020. When Commissioner Goodell was asked at the Committee's June 22, 2022, hearing whether he was informed of the sexual assault allegations against Mr. Snyder in 2009, he responded: "I don't recall him informing of that, no."[104] Counsel for the NFL confirmed to Committee staff that the League was aware of a "dispute that the WFT had with an employee that the WFT wanted to resolve via arbitration," but stated: "The specifics of the underlying dispute were not disclosed to the NFL in 2009." The NFL asserts that it was not until the summer of 2020, during the Wilkinson investigation, that the NFL learned of the specific claims underlying the 2009 arbitration.[105]

Commissioner Goodell confirmed during the Committee's hearing that failure to report sexual assault allegations would itself be a violation of the League's Personal Conduct Policy.[106] Despite this, and the NFL's position that it was never informed of this allegation until July 2020, the NFL's July 1, 2020, press release announcing the outcome of Wilkinson Investigation did not contain any finding that such a violation by Mr. Snyder had occurred.[107] Instead, the NFL also allowed Mr. Snyder to continue overseeing the Wilkinson Investigation for a month after allegedly discovering the 2009 settlement in July 2020, despite Commissioner Goodell's admission that the NFL was required to conduct the investigation after it became aware of the allegation.[108]

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[104] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

[105] Email from Simone E. Ross, Covington & Burling LLP, on behalf of the National Football League to Majority Staff, Committee on Oversight and Reform (Dec. 31, 2021).

[106] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

[107] *But see* National Football League, *Press Release: Commissioner Goodell Announces Findings in Carolina Panthers Workplace Investigation* (June 28, 2018) (online at https://nflcommunications.com/Pages/COMMISSIONER-GOODELL-ANNOUNCES-FINDINGS-IN-CAROLINA-PANTHERS-WORKPLACE-INVESTIGATION.aspx) (finding that "the Panthers and its ownership did not report the claims [of workplace misconduct], or any agreements to resolve those claims, to the League Office and that neither the League Office nor the club's limited partners were aware of these matters until they became public in December of 2017").

[108] *NFL Taking Over Investigation of Washington Football Team*, NFL.com (Aug. 31, 2020) (online at www nfl.com/news/nfl-taking-over-investigation-of-washington-football-team); Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf); Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

In late August 2020, more than a month after the NFL was made aware of the specifics sexual assault claims against Mr. Snyder, the NFL finally took control of the Wilkinson Investigation from the Team.[109] As detailed in the Committee's February 4, 2022, letter, the League signed a common interest agreement with the Commanders that allowed Mr. Snyder to restrict information concerning his own misconduct and influence the outcome of investigation.[110]

ii. Mr. Snyder Tried to Keep the 2009 Accusations Secret by Silencing the Victim with an NDA, Offering Hush Money, and Filing a Proxy Suit Against Ms. Wilkinson

Days after commencing her investigation, Ms. Wilkinson learned of the 2009 sexual assault allegations against Mr. Snyder.[111] According to a redacted court filing, on July 18, 2020, Ms. Wilkinson met with Mr. Donovan and others to discuss the "contents of the internal investigation" into the 2009 allegations. Mr. Donovan reportedly "offered to provide [her] any additional information" she needed.[112]

After the NFL assumed oversight of the Wilkinson Investigation, Ms. Wilkinson asked to conduct a formal interview of Mr. Donovan. Redacted court records show that Mr. Donovan "was not willing to participate in an interview" and instead retained counsel who informed Ms. Wilkinson in October 2020 that certain "legal impediments" precluded Mr. Donovan's participation, including the belief that an interview with Ms. Wilkinson "would not fall within the attorney-client privilege."[113] Mr. Donovan's lawyer further informed Ms. Wilkinson that, because Mr. Snyder and the Commanders had not "waived the attorney-client privilege" or "other confidentiality obligations," Mr. Donovan was "prohibited from cooperating" with the

[109] *Id*.

[110] Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy, to Commissioner Roger Goodell, on behalf of the National Football League, Inc. (Feb. 4, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-02-04.CBM%20RK%20to%20Goodell-NFL%20re%20Document%20Request.pdf).

[111] *Former Washington Football Team Lawyer Urged Documents Related to Claim Against Daniel Snyder Destroyed*, Washington Post (Sept. 8, 2021) (online at www.washingtonpost.com/sports/2021/09/08/wft-beth-wilkinson-lawsuit-documents/); *see also* Sealed Portion of Motion Hearing Before the Honorable Ivan D. Davis United States Magistrate Judge, Doc. 258 (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD) (Mr. Donovan's attorney explained, "my client has brought this action because out of the blue, a *Washington Post* reporter in July calls him and said, [redacted]. [Redacted] because this is the first time that anyone somehow saw or leaked something about [redacted] to the press. And so then Beth Wilkinson sought to interview [redacted].").

[112] Redacted Version of Declaration of Beth A. Wilkinson, Doc. 246 (Exhibit W14), (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

[113] Redacted Version of Declaration of Beth A. Wilkinson, Doc. 246 (Exhibits W13, W15), (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

Wilkinson Investigation.[114] Mr. Snyder's failure to waive the applicable privilege was at odds with his commitment that "Beth Wilkinson and her firm are empowered to do a full, unbiased investigation" and his pledge to cooperate "with all aspects of the investigation."[115]

Although the NFL reportedly secured an "agreement from the team to release employees or former employees from any NDA for purposes of speaking with the investigators," counsel for Mr. Snyder attempted to block at least one key witness from speaking with Ms. Wilkinson as a result of a non-disclosure agreement.[116] In particular, Ms. Wilkinson sought to interview Mr. Snyder's 2009 accuser.[117] However, this individual had signed a confidential settlement agreement, and Mr. Snyder and the Commanders contended that they could not release her from this agreement.

In a colloquy with Committee staff during Mr. Snyder's deposition, lawyers for Mr. Snyder asserted that he was unable to release his accuser from her confidentiality obligations, stating: "I think the record reflects this is a five-party agreement. So it really would not be within Mr. Snyder's power to release the other signatories, given the other signatories' agreement."[118]

However, the three other signatories to the confidential agreement (besides Mr. Snyder and his accuser) all worked for Mr. Snyder when the agreement was signed—including Mr. Donovan, who oversaw the underlying investigation; Howard Shapiro, the outside attorney from WilmerHale who assisted Mr. Donovan with the underlying investigation; and Mr. Gershman, the Commanders executive who terminated the employment of Mr. Snyder's accuser.[119] These

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[114] Redacted Version of Declaration of Beth A. Wilkinson, Doc. 246 (Exhibit W15), (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

[115] *Who is Beth Wilkinson? Lawyer Leading Washington NFL Team's Investigation Has High-Profile History*, Washington Post (July 17, 2020) (online at www.washingtonpost.com/sports/2020/07/17/beth-wilkinson-washington-nfl-investigation/); *NFL Taking Over Investigation of Washington Football Team*, NFL.com (Aug. 31, 2020) (online at www.nfl.com/news/nfl-taking-over-investigation-of-washington-football-team).

[116] *NFL Apparently Gets WFT to Waive NDA's*, Sports Illustrated (Sept. 3, 2020) (online at www.si.com/nfl/commanders/news/nfl-apparently-gets-wft-to-waive-ndas); *see also* Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

[117] *Daniel Snyder Pledged Support for the NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/).

[118] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf). According to a redacted declaration of Brendan Sullivan, counsel for Mr. Snyder's accuser, Mr. Donovan "never sought authorization" from the victim "to be interviewed by Wilkinson Walsh." Redacted Version of Declaration of Brendan V. Sullivan Jr., Doc. 249, (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

[119] *Washington Football Team Settlement Sexual Misconduct Claim Against Daniel Snyder for $1.6 Million*, Washington Post (Dec. 22, 2020) (online at www.washingtonpost.com/sports/daniel-snyder-sexual-misconduct-settlement/2020/12/22/f81131d8-4339-11eb-a277-49a6d1f9dff1_story html); *Document Reveals Details*

three signatories may have released the accuser from her obligations had Mr. Snyder directed them to do so.

On October 26, 2020, A. Scott Bolden, Mr. Snyder's lawyer from the Reed Smith law firm, sent a letter to Ms. Wilkinson claiming that, although Mr. Snyder had released other employees from their nondisclosure agreements as part of the Wilkinson Investigation, the Team's release of former employees from NDAs did not apply to the 2009 accuser.[120] Court records show that Ms. Wilkinson "reject[ed] the facts and conclusions asserted in his letter" and "reiterated that she would never have accepted the engagement under such a limitation."[121]

Around the same time, lawyers from Reed Smith reportedly sought to "secure 'silence' and 'noncooperation' from Snyder's accuser."[122] Specifically, Mr. Snyder's lawyers reportedly offered the accuser "a substantial sum" that was "in the seven figures" "if she agreed not to speak to anyone about her allegations against Snyder and her settlement with the team."[123] According to reports, Brendan Sullivan, Jr., the lawyer for Mr. Snyder's accuser, "flatly rejected" the offer.[124] Mr. Snyder's lawyers denied offering an additional sum of money to Mr. Snyder's accuser in exchange for her silence.[125]

This was not the only instance in which Reed Smith reportedly offered hush money to former Commanders employees during the Wilkinson Investigation. According to the attorney who represented dozens of former Commanders employees during the Wilkinson Investigation, in February 2021, lawyers for Mr. Snyder "offered financial compensation" to several of her clients "who did not have live legal claims, but who had been vocal in their criticisms of the Team in order to secure additional NDAs and keep them from talking further." The attorney explained to the Committee that Reed Smith "mentioned they were particularly interested in

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of 2009 Sexual Assault Allegation Against Daniel Snyder, Washington Post (June 21, 2022) (online at www.washingtonpost.com/sports/2022/06/21/dan-snyder-sexual-assault-allegation/).

[120] Redacted Version of Declaration of Beth A. Wilkinson, Doc. 246, (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD); *see also Daniel Snyder Pledged Support for the NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nflinvestigationnfl-investigation/).

[121] *Id.*

[122] *Daniel Snyder Pledged Support for the NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/).

[123] *Sources: Commanders Boss Snyder Claims "Dirt" on NFL Owners, Goodell*, ESPN (Oct. 13, 2022) (online at www.espn.com/nfl/story/_/id/34778123/washington-commanders-owner-dan-snyder-claims-dirt-nfl-owners-roger-goodell); *Daniel Snyder Pledged Support for the NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/).

[124] *Sources: Commanders Boss Snyder Claims "Dirt" on NFL Owners, Goodell*, ESPN (Oct. 13, 2022) (online at www.espn.com/nfl/story/_/id/34778123/washington-commanders-owner-dan-snyder-claims-dirt-nfl-owners-roger-goodell).

[125] *Daniel Snyder Pledged Support for the NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/).

securing NDAs from our clients Melanie Coburn and Donald Wells who had publicly shared their negative experiences with Dan Snyder and the Team."[126] These former employees, like Mr. Snyder's 2009 accuser, rejected the hush money and accompanying non-disclosure agreements.[127]

Although Ms. Wilkinson ultimately interviewed Mr. Snyder's accuser, Mr. Snyder used Mr. Donovan as a proxy to continue his efforts to block Ms. Wilkinson from disclosing information related to the allegations against him. On November 9, 2020—just a few weeks after Mr. Bolden's October 26, 2020, letter to Ms. Wilkinson—Mr. Donovan sued Ms. Wilkinson in federal court, accusing her of obtaining information related to the 2009 confidential settlement through, among other things, "fraudulent trickery of an unwary party." In his lawsuit, Mr. Donovan asked the court to prevent Ms. Wilkinson from disclosing information related to the 2009 confidential settlement. The lawsuit also sought to have Ms. Wilkinson destroy all records in her possession related to the allegations.[128]

On November 11, 2020, Ms. Wilkinson responded to the complaint stating, in part: "The filing of this action by Mr. Donovan also comes on the heels of a weeks-long campaign by [redacted] to privately raise the same objections that Mr. Donovan is now raising with this Court."[129]

As part of his efforts to shield Mr. Snyder from public scrutiny, Mr. Donovan unsuccessfully petitioned the court to "keep private all court records, including any public notice of the lawsuit itself."[130] After the court rejected his request, Mr. Donovan instead sought to conceal significant portions of the documents filed in the litigation to protect Mr. Snyder's purported "privacy interests."[131] As illustrated in the excerpt of a court filing below, counsel for

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[126] Letter from Lisa Banks, Katz Banks Kumin, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Nov. 16, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-11-16%20Letter%20from%20Lisa%20Banks%20to%20CBM_Redacted.pdf).

[127] Email from Lisa Banks, Katz Banks Kumin, to Cindy Minniti, Reed Smith LLP (Feb. 24, 2021) (online at https://oversight house.gov/sites/democrats.oversight.house.gov/files/2021-02-24%20Email%20from%20Lisa%20Banks%20to%20Cindy%20Minnitti_Redacted.pdf)

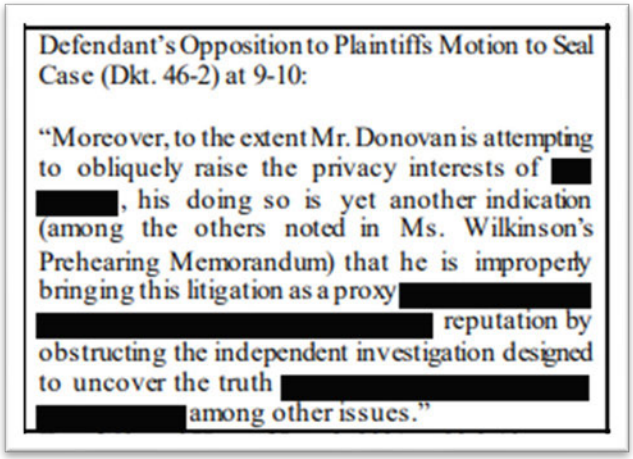
[128] Verified Complaint for Temporary Restraining Order and Preliminary and Injunctive Relief, Doc. 232, (Nov. 9, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

[129] Beth Wilkinson's Opposition to Plaintiff's Motion for Leave to File Under Seal and Seal Case, Doc. 239, (Dec. 9, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

[130] *NFL Investigation of Washington Football Team Uncovers Confidential Settlement*, Washington Post (Dec. 7, 2020) (online at www.washingtonpost.com/sports/2020/12/07/beth-wilkinson-lawsuit-washington-football/).

[131] Defendant Beth A. Wilkinson's Objections to Plaintiff's Proposed Redactions of the Record, Doc. 244, (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD) (noting that "Mr. Donovan wants to redact far, far more, and to effectively accomplish through such redactions what he failed to accomplish through his unsuccessful motion to seal the entire case").

Ms. Wilkinson objected to Mr. Donovan's proposal and accused him of bringing the "litigation as a proxy" for Mr. Snyder.[132]



Defendant's Opposition to Plaintiffs Motion to Seal Case (Dkt. 46-2) at 9-10:

"Moreover, to the extent Mr. Donovan is attempting to obliquely raise the privacy interests of [redacted], his doing so is yet another indication (among the others noted in Ms. Wilkinson's Prehearing Memorandum) that he is improperly bringing this litigation as a proxy [redacted] reputation by obstructing the independent investigation designed to uncover the truth [redacted] among other issues."

It became apparent over the course of the lawsuit that Mr. Donovan was in fact, as Ms. Wilkinson claimed, acting on behalf of Mr. Snyder. Around October 2020, Mr. Donovan filed opinions from expert witnesses retained by Reed Smith—the law firm representing Mr. Snyder in his India defamation lawsuit.[133] On December 9, 2020, the Commanders intervened in the *Donovan* lawsuit to "preserv[e] its privileged communications, and the confidentiality of at least certain of its documents," arguing that "there is great risk of harm to the Team if information that the Team has a legally protected right to maintain confidential is disclosed."[134]

4. Mr. Snyder Waged a Campaign to Blame His Former Team President for the Commanders' Workplace Culture

Mr. Snyder interfered with the Wilkinson Investigation by using his shadow investigation to deflect responsibility for the Team's toxic culture and place blame on Mr. Allen.[135]

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[132] Redacted Version of Memorandum of Beth Wilkinson to The Hon. Ivan. D. Davis, Doc. 255, (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

[133] Exhibit 3, Expert Materials, Doc. 235, (Sept. 8, 2021), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD). Although the filing is heavily redacted, it appears that these materials were initially filed with the court in or after October 2020, based on the information provided on the bottom of page 10, or Exhibit 3, which is dated October 26, 2020.

[134] Memorandum of Law in Support of Pro-Football Inc.'s Motion on Consent of All Parties to Intervene Pursuant to Fed. R. Civ. 24, Doc. 80, (Dec. 9, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

[135] *See generally* Supplemental Memorandum from Chairwoman Carolyn B. Maloney to Members, Committee on Oversight and Reform (June 22, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-22%20Supplemental%20Memo%20Tackling%20Toxic%20Workplaces.pdf).

According to public court records, in April 2021, Mr. Snyder filed a petition in federal court seeking to compel documents and information from Mr. Allen.[136] Around the same time, Mr. Snyder and his lawyers collected more than 400,000 emails from Mr. Allen's Commanders email account and used some of them in Mr. Snyder's public court filings. Mr. Snyder also used the information collected on Mr. Allen to present "evidence" to the NFL that Mr. Allen was responsible for the Commanders' toxic work culture.[137]

During his deposition, Mr. Snyder admitted that he undertook efforts to implicate Mr. Allen:

> Q: Did you make presentations to the NFL—did you or anyone acting on your behalf make presentations to the NFL regarding Bruce Allen and his role in the toxic work environment, as you've described it?
>
> A: I believe we did.[138]

By June 2021, Mr. Snyder one went step further: he identified for the NFL "specific inappropriate Bruce Allen emails" to bolster his claims that Mr. Allen was to blame for the toxic workplace culture.[139] Public reports indicate that, although the NFL found Mr. Allen's emails troubling, it determined that they were "outside the scope of the original probe of the Washington Football Team."[140]

Approximately four months later, in October 2021, Mr. Allen learned that many of the "inappropriate" emails obtained by Mr. Snyder from his Commanders email account had been leaked to the *Wall Street Journal.* According to Mr. Allen, when he called NFL's counsel, Lisa

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[136] *Ex Parte* Petition for Assistance in Aid of a Foreign Proceeding Pursuant to 28 U.S.C. § 1782, Doc. 1, (April 23, 2021), D. Ariz. (No. 2:21-mc-22- SPL).

[137] Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022) ("In April 2021, Reed Smith was asserting that Mr. Allen, not Mr. Snyder, was really in charge of day-to-day operations at the club. Counsel identified the specific inappropriate Bruce Allen emails in attempting to demonstrate that Bruce Allen had created a toxic environment at the Washington Commanders.").

[138] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

[139] Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022).

[140] *How the NFL Learned Months Ago of the Offensive Emails That Cost Jon Gruden His Job*, Wall Street Journal (Oct. 12, 2021) (online at www.wsj.com/articles/jon-gruden-emails-investigation-washington-football-team-11634079234). In a letter to Mr. Snyder's attorneys, an attorney representing more than 40 former Commanders employees stated that "none of our clients has alleged that Mr. Allen played *any* role in the harassment or abuse they suffered or witnessed." Letter from Lisa Banks, Katz Banks Kumin, to Tom Davis, Holland & Knight LLP (Oct. 7, 2022) (online at https://katzbanks.com/sites/default/files/221007%20-%20Ltr%20to%20Davis.pdf) (emphasis in original).

Friel, to complain, she indicated that the Commanders were responsible for the leak, stating: "We didn't do it at the league office. It came out of their side."[141]

B. Mr. Snyder Interfered with the Committee's Investigation

Over the last year, Mr. Snyder engaged in a series of attempts to interfere with the Committee's investigation. Mr. Snyder publicly assailed witnesses, refused to release former employees from their confidentiality obligations, and blocked the Committee's access to tens of thousands of documents collected during the Wilkinson Investigation. Despite Mr. Snyder's public pledge to cooperate with the Committee's investigation, he refused to testify at a public hearing, dodged a duly issued congressional subpoena, and failed to testify fully and completely in a Committee deposition.

1. Mr. Snyder Leaked Derogatory Documents About Witnesses in Apparent Retaliation for Their Cooperation with the Committee

During the Committee's year-long investigation, Mr. Snyder released internal documents from the email accounts of former employees who cooperated with the Committee investigation. Mr. Snyder's efforts appeared designed to smear and intimidate witnesses and send a chilling message to others who were considering coming forward to share information with the Committee about the toxic workplace at the Team.

On August 31, 2022, the Committee noticed a deposition for the testimony of former Commanders President Bruce Allen.[142] On the eve of Mr. Allen's deposition, Mr. Snyder's lawyers sent an email to Committee staff stating: "To facilitate a full examination of Mr. Allen, we have collected a set of documents, from his tenure at the team, that we believe would be relevant to his deposition." The email suggested that the documents be shared with Mr. Allen so that he would "have an opportunity to review them prior to his deposition."[143]

The documents included emails with embarrassing language and inappropriate content. These emails, which were apparently collected from Mr. Allen's Commanders account, included those that had been leaked to the *Wall Street Journal* and *New York Times* in October 2021. When asked why he believed Mr. Snyder would provide the tranche of documents the night before his deposition, Mr. Allen explained that Mr. Snyder was "trying to send a message" to

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[141] Committee on Oversight and Reform, Deposition of Bruce Allen (Sept. 6, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf); *see also Jon Gruden Used Racial Trope to Describe NFLPA Chief DeMaurice Smith in 2011 Email*, Wall Street Journal (Oct. 8, 2021) (online at www.wsj.com/articles/jon-gruden-email-demaurice-smith-11633721045?mod=e2tw).

[142] Committee on Oversight and Reform, *Deposition Notice: Deposition of Bruce Allen* (Aug. 31, 2022) (online at https://docs house.gov/meetings/GO/GO00/20220906/115087/HMTG-117-GO00-20220906-SD001.pdf).

[143] Email from Stuart Nash, Holland & Knight LLP, on behalf of Dan Snyder and the Washington Commanders, to Majority Staff, Committee on Oversight and Reform (Sept. 5, 2022); Committee on Oversight and Reform, Deposition of Bruce Allen (Sept. 6, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf).

him to "be careful." According to Mr. Allen, Mr. Snyder's actions signaled that "he owns me with these emails, which affect my coworkers, the alumni, my family and friends."[144]

Mr. Allen was only one of many former employees that Mr. Snyder targeted during the Committee's investigation:

- On April 17, 2022, lawyers for Mr. Snyder released emails from the inactive email account of Jason Friedman, a 24-year veteran of the Commanders, and revealed details about a romantic relationship Mr. Friedman had while at the Team.[145] These leaks occurred just 17 days after Mr. Friedman's March 30, 2022, transcribed interview during which he provided relevant information about Mr. Snyder to the Committee.[146]

- On October 5, 2022, a letter from Mr. Snyder's lawyers attaching potentially unflattering documents and emails from the Commanders email accounts of former employees who had testified or spoken out about misconduct at the Team, including Melanie Coburn, a former Commanders employee and cheerleader, and Donald Wells, a former director of cheerleading were leaked to the media.[147] These documents were released after Ms. Coburn participated in the Committee's February 3, 2022, roundtable. According to their counsel, in February 2021, Ms. Coburn and Mr. Wells were offered "financial compensation" by Mr. Snyder in exchange for signing non-disclosure agreements to "keep them from talking further" during the Wilkinson Investigation.[148]

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[144] Committee on Oversight and Reform, Deposition of Bruce Allen (Sept. 6, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf).

[145] Letter from Jordan Sieve, Reed Smith LLP, on behalf of Dan Snyder, to Chair Lina M. Khan, Federal Trade Commission (Apr. 18, 2022) (online at www.scribd.com/document/570437407/Commanders-Legal-Team-s-Letter-to-FTC).

[146] Committee on Oversight and Reform, Transcribed Interview of Jason Friedman (Mar. 14, 2022) (online at https://oversight house.gov/sites/democrats.oversight.house.gov/files/2022-03-14%20Transcribed%20Interview%20of%20Jason%20Friedman.pdf).

[147] Letter from Tom Davis et al., Holland & Knight LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Oct. 5, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-10-05%20Letter%20from%20Tom%20Davis%20to%20CBM_Redacted.pdf). Lawyers for Mr. Snyder have denied leaking their October 5, 2022, letter to the media.

[148] Letter from Lisa Banks, Katz Banks Kumin, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Nov. 16, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-11-16%20Letter%20from%20Lisa%20Banks%20to%20CBM_Redacted.pdf); Email from Lisa Banks, Katz Banks Kumin, to Cindy S. Minniti, Reed Smith LLP, on behalf of Dan Snyder (Feb. 24, 2021) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2021-02-24%20Email%20from%20Lisa%20Banks%20to%20Cindy%20Minnitti_Redacted.pdf).

- Mr. Snyder also leaked documents from the email account of Mr. Pauken, the Commanders' former Chief Operations Officer, who testified before the Committee on June 7, 2022.[149]

Many of the emails that Mr. Snyder leaked were unrelated to the Committee's investigation or were presented in a misleading way so as to imply wrongdoing.[150]

2. The Commanders Refused to Release Committee Witnesses and Former Employees from Non-Disclosure Agreements

The Committee's investigation revealed that a significant number of potential witnesses were constrained in providing testimony either by confidentiality obligations to the Team stemming from non-disclosure agreements or by credible fear of retaliation. Despite repeated requests from the Committee to allow his former employees to speak freely with the Committee, Mr. Snyder refused to lift these non-disclosure agreements.

Abigail Dymond Welch, a former cheerleader who is believed to have been captured in lewd videos created from outtakes of 2008 and 2010 swimsuit calendar shoots, informed Committee staff that she was "not legally allowed" to answer questions about her experience at the Commanders due to the resolution of a legal dispute. In particular, during a transcribed interview, she stated that she was unable to discuss any of her experiences with the Commanders' toxic work environment or with the lewd videos created for Mr. Snyder:

> Q: … Now, Ms. Welch, news reports and the Committee's own investigation have shed light on the toxic work environment at the Washington Commanders, including during the time that you were part of the team. Can you share with us any of your experiences with the toxic work environment at the Commanders?
>
> A: I'm sorry, I'm not able to answer that question.

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[149] Letter from Tom Davis et al., Holland & Knight LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Oct. 5, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-10-05%20Letter%20from%20Tom%20Davis%20to%20CBM_Redacted.pdf); Letter from Tom Davis et al., Holland & Knight LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Oct. 27, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-10-27%20Letter%20from%20Tom%20Davis%20to%20CBM_Redacted.pdf).

[150] For instance, although Mr. Snyder's attorneys released a seemingly provocative photograph of Ms. Coburn apparently to show that she made sexual advances toward married soldiers, Ms. Coburn's lawyer explained that the photo actually reflected "a swing dance routine" at a Commanders cheerleading event. In another example, Mr. Snyder leaked emails from Mr. Pauken purportedly to show that he had engaged in "unethical business practices" by using Commanders contractors to perform work on his home construction projects. Mr. Pauken's attorney acknowledged that he had hired the contractors but asserted that Mr. Snyder had been notified about the arrangement. Letter from Lisa Banks, Katz Banks Kumin, to Tom Davis, Holland & Knight LLP, on behalf of Dan Snyder and the Washington Commanders (Oct. 7, 2022) (online at https://katzbanks.com/sites/default/files/221007%20-%20Ltr%20to%20Davis.pdf).

Q: And why not?

A: I believe I'm not legally allowed to answer that question.

Q: Okay. Well, in particular, in August 2020, The Washington Post reported that during the years you were with the Commanders, team executives used outtakes from cheerleader photo shoots to create lewd videos for the team's owner, Daniel Snyder. As a cheerleader during that relevant time period, can you discuss with us any experiences you have had with the outtake videos that were allegedly created for Mr. Snyder?

A: I'm sorry, I'm not able to answer that question.

Q: Why is that?

A: I'm not legally allowed to answer that question.

Q: Earlier, you indicated that you were legally unable to answer certain of my questions. Was your inability to answer those questions related to the resolution of that legal dispute?

A: Yes.

Ms. Welch was subject to a publicly reported confidential settlement of claims with the Commanders signed in February 2021. The settlement, which covered cheerleaders affected by the lewd videos, appeared to have included a non-disclosure provision that prevented Ms. Welch from sharing her full experience with the Committee.[151] Contrary to claims by Mr. Snyder's counsel that he "never prevented Ms. Welch from sharing information with the Committee," Mr. Snyder and the Team declined the Committee's requests to release Ms. Welch from her confidentiality obligations for purposes of responding to all the Committee's questions.[152]

[151] *Former Cheerleaders Settle with Washington Football Team as Program's Future is in Doubt*, Washington Post (Feb. 2, 2021) (online at www.washingtonpost.com/sports/2021/02/10/washington-football-team-cheerleaders-settlement/).

[152] Letter from Karen Seymour, Sullivan & Cromwell LLP, on behalf of Dan Snyder, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (July 13, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-13%20Letter%20from%20Karen%20Seymour%20to%20CBM_Redacted.pdf); Letter from Karen Seymour, Sullivan & Cromwell LLP, on behalf of Dan Snyder, to Majority Staff, Committee on Oversight and Reform (Oct. 19, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-10-19%20Letter%20from%20Karen%20Seymour%20to%20Majority%20Staff_Redacted.pdf) (rejecting the Committee's requests to release Ms. Welch and other witnesses from their non-disclosure agreements and stating, "For many reasons, including that the Committee's investigation has retreaded the same ground covered by Ms. Wilkinson, no waiver is necessary here").

3. The Commanders Blocked the Committee's Access to Key Documents

In a December 28, 2022, letter, attorneys for the Commanders informed the Committee: "The Team looks forward to working cooperatively with the Committee to ensure the Committee's full and prompt access to the evidence it desires."[153] However, the Team and Mr. Snyder's subsequent actions were inconsistent with this commitment.

The Commanders used a common interest agreement signed by the Team and the NFL during the Wilkinson Investigations to block the Committee's access to more than 40,000 documents underpinning that investigation.[154] The documents sought by the Committee were collected by Ms. Wilkinson during her internal review and were in the possession of the League and a third-party vendor.[155] Rather than facilitate production, the Commanders asserted privilege over documents in the NFL's possession—a benefit afforded to the Team as a result of the parties' common interest agreement.[156] The NFL acceded to the Team's demands and withheld these documents from the Committee.[157] The withheld material includes a number of documents that are central to the Committee's investigation, including:

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[153] Letter from John Brownlee, Holland & Knight, LLP and Stuart Nash, Holland & Knight LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Dec. 28, 2021) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2021-12-28%20Letter%20from%20John%20Brownlee%20to%20CBM%20RK_Redacted.pdf).

[154] Email from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 31, 2022).

[155] *See* Letter from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Dec. 31, 2021) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2021-12-31%20Letter%20from%20Rob%20Kelner%20to%20CBM%20RK.pdf).

[156] Common Interest Agreement Between National Football League and Washington Football Team (Sept. 8, 2020) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/1.%202022-02-04%20-%20Common%20Interest%20Agreement_Redacted.pdf) (providing that "neither WFT nor NFL shall have the authority to waive any applicable privilege, doctrine, or protection relating to any information and communications that are exchanged," which includes NFL and Team communications exchanged "with each other in connection with the Investigation").

[157] *See* Letter from John Brownlee, Holland & Knight, LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Dec. 28, 2021) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2021-12-28%20Letter%20from%20John%20Brownlee%20to%20CBM%20RK_Redacted.pdf) (stating "any legal privilege to be asserted with respect to these documents would be a privilege belonging to the Team, to be assessed and determined by the Team's lawyers"); Email from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (June 1, 2022) (explaining that "the vast majority of unproduced documents are being withheld due to the Commanders' claim of privilege or the Commanders' request for redactions").

- **Wilkinson Investigation Findings.** The Commanders objected to the release of the Wilkinson Investigation findings, which likely included written materials that were created during the investigation for the purposes of briefing NFL officials.[158]

- **2020 Presentations made to the NFL and Ms. Wilkinson.** The Commanders blocked the Committee's access to several PowerPoint presentations that Mr. Snyder and his lawyers made to the NFL and Ms. Wilkinson.[159]

- **2018 Human Resources Audit.** The Commanders blocked the production of a 2018 human resources audit report by outside consulting firm Sageview Consulting, which according to former Team President Brian Lafemina showed areas where the Commanders' human resources department was "deficient, where we had room for improvement, recommendations that they would make that we would then try to implement" and concluded that the Team's human resources department "wasn't a place that employees felt they could go to should they have a problem in the workplace." Mr. Lafemina testified that Mr. Snyder was aware of the audit, which was completed in December 2018.[160]

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[158] *See* Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Feb. 25, 2022) (providing a chart reflecting the dates on which the Wilkinson law firm provided "information and updates concerning the investigation and their findings to the NFL lawyers overseeing the investigation" and "the form in which work product was shared and with whom," showing that written materials were created for at least four of the briefings provided to the NFL); Letter from John Brownlee, Holland & Knight LLP, on behalf of the Washington Football Team, to Majority Staff, Committee on Oversight and Reform (Jan. 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/4.%202022-02-04%20-%20Brownlee%20Nash%20WFT%20Jan%2028%20Letter_Redacted.pdf) (acknowledging that the Team asserted privilege over "the release of information related to Ms. Wilkinson's findings" and that the "Team and, and the NFL, have always acted in a manner consistent with the maintenance of that privilege").

[159] Email from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Sept. 30, 2022) (confirming that "Reed Smith, on behalf of the Commanders and Dan Snyder, has objected to the production of presentations it made or provided to the NFL and/or the Wilkinson firm."). The Committee also requested these records directly from Mr. Snyder's lawyers and welcomed any evidence they wished to share that would show Mr. Snyder's reasons for launching a shadow investigation during the Wilkinson Investigation. Counsel for Mr. Snyder rejected this request, claimed that the presentations—though purportedly unrelated to the Wilkinson Investigation—were covered by a common interest agreement, stating: "As to your request for presentations made to the NFL and former Attorney General Loretta Lynch, these presentations were prepared by counsel and were privileged communications to the NFL under a common interest agreement." Letter from Karen Seymour, Sullivan & Cromwell LLP, on behalf of Dan Snyder, to Majority Staff, Committee on Oversight and Reform (Oct. 19, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-10-19%20Letter%20from%20Karen%20Seymour%20to%20Majority%20Staff_Redacted.pdf).

[160] Deposition of Brian Lafemina (Mar. 30, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-03-30%202022-04-08%20Depositions%20of%20Brian%20Lafemina.pdf) (testifying that Eric Schaffer, a former Commanders general counsel, informed him that he had "talked to Mr. Snyder about it"); NFL-00097843-NFL-0097848 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00097843-NFL-00097848_Redacted.pdf).

- **2009 Confidential Sexual Assault Settlement.** The Commanders obstructed the Committee's access to a $1.6 million confidential settlement agreement between Mr. Snyder and a former employee who had accused him of sexual assault in 2009. Mr. Snyder also attempted to block Ms. Wilkinson from accessing the agreement and related information during the Wilkinson Investigation.

- **2008 and 2010 Videos.** The Commanders prevented the Committee from accessing the videos with lewd footage of cheerleaders that were reportedly created by Commanders employees at Mr. Snyder's direction and for his consumption. Ms. Wilkinson collected these videos as part of her investigation.[161]

4. Mr. Snyder Refused to Attend a Public Hearing and Failed to Provide Full and Complete Testimony at his Deposition

On June 1, 2022, the Committee invited Commissioner Goodell and Mr. Snyder to participate in a hearing on the Commander's toxic workplace culture and the NFL's handling of that matter. The Committee explained that the hearing would help inform legislative efforts to, among other things, strengthen protections for employees across all workplaces.[162] Mr. Goodell agreed to testify. Mr. Snyder, on the other hand, refused the Committee's invitation and instead traveled to France to attend an advertising festival.[163]

As a result of Mr. Snyder's refusal to cooperate, on June 23, 2022, the Committee issued a subpoena for his testimony at a deposition scheduled to occur later that month. Mr. Snyder, who remained overseas, refused to allow his attorney to accept service of the Committee's subpoena, even after the Committee offered to accommodate his requests to reschedule the deposition and testify remotely.[164] Eventually, Mr. Snyder agreed to participate in a virtual

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[161] *See* Committee on Oversight and Reform, Statement of Brad Baker, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb.3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Baker%2C%20Brad%20-%20Opening%20Statement.220203.Final_.pdf); *see also* Letter from Lisa Banks, Katz Banks Kumin, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Nov. 16, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-11-16%20Letter%20from%20Lisa%20Banks%20to%20CBM_Redacted.pdf).

[162] Committee on Oversight and Reform, Press Release: Oversight Committee Invites Roger Goodell, Daniel Snyder to Testify at Hearing on Washington Commanders' Hostile Workplace Culture (June 1, 2022) (online at https://oversight house.gov/news/press-releases/oversight-committee-invites-roger-goodell-daniel-snyder-to-testify-at-hearing-on).

[163] Call with Karen Seymour et al., Sullivan & Cromwell LLP, and Majority Staff, Committee on Oversight and Reform (June 27, 2022).

[164] Email from Karen Seymour, Sullivan & Cromwell LLP, on behalf of Dan Snyder, to Majority Staff, Committee on Oversight and Reform (June 24, 2022) ("I am not authorized to accept service on Mr. Snyder's behalf, and I'm not in a position to identify anyone who will accept service on his behalf"); Email from Stuart Nash, Holland & Knight LLP, on behalf of Dan Snyder and the Washington Commanders, to Majority Staff, Committee on Oversight and Reform (June 24, 2022) (stating "Neither I, nor anyone else at my firm, is authorized to accept service of process on behalf of Mr. Snyder. We are not aware whom, if anyone, has been authorized to accept

deposition, and his counsel promised Mr. Snyder would provide "full and complete testimony" to the Committee.[165]

Despite this commitment, Mr. Snyder provided testimony to the Committee that was often evasive or misleading. Mr. Snyder testified **over 100 times** that he did not know or could not recall basic facts about his role as owner of the Commanders. For example, although Mr. Snyder admitted to using private investigators, he testified that he was "unaware" whom his investigators approached and did not "remember" having conversations with his counsel about the individuals targeted. Among the individuals that Mr. Snyder claimed he could not recall as targets of the private investigators were: Brad Baker, who had publicly alleged that Team executives ordered the creation of lewd cheerleader videos at Mr. Snyder's direction; John Moag, an investment banker who had represented the Commanders former minority owners in their efforts to sell their stake in the Team and who Mr. Snyder accused of leaking disparaging information about him; and Mr. Allen, whom Mr. Snyder publicly blamed for the Commanders' toxic work environment.[166] The following excerpt from Mr. Snyder's deposition reflects an exchange between Committee staff and Mr. Snyder regarding his use of private investigators:

Q: Did Reed Smith send private investigators to the home of Bruce Allen?

A: **I'm not sure**. **I'm unaware**.

Q: So it's your testimony today that you did not have any conversations with your Reed Smith counsel about private investigators and Bruce Allen, your former team president?

A: **I don't remember** conversations about which investigations, what they were looking into. They were just conducting an investigation, and those results or facts were presented to Attorney General Lynch.

Q: Did your attorneys send private investigators to the home of John Moag?

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service on his behalf."); Letter from Karen Seymour, Sullivan & Cromwell LLP, on behalf of Dan Snyder, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (July 7, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-07%20Letter%20from%20Karen%20Seymour%20to%20CBM_Redacted.pdf); Letter from Karen Seymour, Sullivan & Cromwell LLP, on behalf of Dan Snyder, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (July 13, 2022) (online at https://oversight house.gov/sites/democrats.oversight.house.gov/files/2022-07-13%20Letter%20from%20Karen%20Seymour%20to%20CBM_Redacted.pdf).

[165] Email from Karen Seymour, Sullivan & Cromwell LLP, on behalf of Dan Snyder, to Majority Staff, Committee on Oversight and Reform (July 14, 2022) (confirming that "Mr. Snyder can voluntarily provide full and complete testimony" to the Committee).

[166] *See e.g.*, *Lewd Cheerleader Videos, Sexist Rules: Ex-Employees Decry Washington's NFL Team Workplace*, Washington Post (Aug. 26, 2020) (online at www.washingtonpost.com/sports/2020/08/26/redskins-cheerleaders-video-daniel-snyder-washington/); *Dan Snyder Files Request Seeking Information from Firm Handling Minority Owners' Sale*, Washington Post (Sept. 15, 2020) (online at www.washingtonpost.com/sports/2020/09/15/daniel-snyder-discovery-motion-moag-company/); *Dan Snyder Tries to End and Era of NFL Scandal with a Progressive Pivot*, Wall Street Journal (June 29, 2021) (online at www.wsj.com/articles/dan-snyder-washington-football-team-investigation-11624931972).

A: **I'm not sure**.

Q: So it's your testimony today that you never had conversations with your Reed Smith lawyers about private investigators and John Moag?

A: **I'm not sure** if they did or what have you.

Q: Did you send private investigators to the home of Brad Baker's ex-wife? Or did someone on your behalf, Reed Smith specifically, send private investigators to Brad Baker's ex-wife's home?

A: **I'm not sure**. You know, I gave it to the attorneys, and the attorneys followed whatever leads they were looking into. It was all regarding India. It was all regarding the defamation, and they were just looking—searching for the facts.

Q: So is it your testimony today that you did not have any conversations with your lawyers at Reed Smith about Brad Baker and private investigators?

A: **I don't remember** Brad Baker. **I don't know** Brad Baker.

In another instance, Mr. Snyder testified that he could not recall key events that had occurred only months earlier. For example, just a few months before his deposition, Mr. Snyder had announced plans to investigate allegations that Tiffani Johnston, a former Commanders employee, had made against him during the Committee's February 3, 2022, roundtable. After that announcement, the NFL publicly stated that the League—and not Mr. Snyder—would investigate these allegations.[167] Despite the significant media attention surrounding these events, Mr. Snyder testified that he could not recall whether the NFL had instructed him not to launch his own investigation.[168]

Mr. Snyder could recall very little when questioned about allegations of misconduct against him, including specific allegations raised in recent press stories. For example, Mr. Snyder testified that he could not recall how the Commanders responded to allegations that Mr.

[167] See e.g., In Sharp Rebuke, NFL Plans Independent Probe of Sexual Misconduct Allegations Against Daniel Snyder, Washington Post (Feb. 9, 2022) (online at www.washingtonpost.com/sports/2022/02/09/snyder-allegations-investigation/); N.F.L. to Investigate New Harassment Claims Against Commanders' Owner, New York Times (Feb. 9, 2022) (online at www nytimes.com/2022/02/09/sports/football/nfl-dan-snyder-sexual-harassment.html); NFL Says League Will Oversee Investigation into Sexual Harassment Claims Against Commanders Owner Daniel Snyder, USA Today (Feb. 9, 2022) (online at www.usatoday.com/story/sports/nfl/commanders/2022/02/09/commanders-launch-investigation-sexual-harassment-daniel-snyder/6721141001/).

[168] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

Snyder directed the creation of the lewd videos—videos he called "fraudulent" in August 2021, but which have subsequently been authenticated:[169]

Q: What did you do in response to learning about these lewd videos?

A: **I can't recall** what was done. **I can't recall**.

Q: You don't have any recollection of what you did after learning that your team was making lewd videos with unauthorized naked shots of members of your cheerleaders?

A: **I can't recall** what the team did.

Q: I'm asking what you did, Mr. Snyder.

A: What I did is just tell the truth and deny this, about me.

Q: You told the truth and denied it, meaning denying that these videos exist?

A: Denying that anything—that I've ever seen these purported videos, and I have no knowledge of them.

Q: Is it your testimony, sir, that you read these allegations and the one thing you did was deny them?

A: No, no. I'm just—you know, **I can't recall** what the organization did.

Q: And are you saying, Mr. Snyder, that you have no information about what the organization did in response to this?

A: **I can't recall**.

Q: Are you not here today, Mr. Snyder, to testify on behalf of the organization of which you are the owner and the co-CEO?

A: Yes.

Q: Yet you cannot tell me what the team did in response to these allegations regarding lewd videos?

A: **I can't recall**.

[169] *See e.g.*, *Lewd Cheerleader Videos, Sexist Rules: Ex-Employees Decry Washington's NFL Team Workplace*, Washington Post (Aug. 26, 2020) (online at www.washingtonpost.com/sports/2020/08/26/redskins-cheerleaders-video-daniel-snyder-washington/) (stating that a former Commanders employee who produced the video confirmed the authenticity of at least one of the videos).

Q: You can't even tell me whether the team ascertained whether or not these were authentic videos?

A: I don't want to guess. **I just can't recall**.

In total, Mr. Snyder claimed more than 100 times during his deposition that he could not recall or was unaware of basic information about his role as the owner of the Commanders, the allegations that gave rise to the Wilkinson Investigation, or his interference in that investigation. These topics included, among others:

- His role in personnel decisions, including hiring and terminating employees;
- His knowledge of sexual harassment by senior Team officials which other witnesses testified they brought to his attention;
- The settlement of claims involving lewd videos of Commanders cheerleaders;
- His attorneys offering money to former employees in exchange for signing non-disclosure agreements during the Wilkinson Investigation;
- The individuals targeted with private investigators during his shadow investigation; and
- The content and number of presentations made to the NFL during the Wilkinson Investigation.

IV. THE NFL FAILED TO ADDRESS MR. SNYDER'S INTERFERENCE AND HELPED COVER UP THE COMMANDERS' TOXIC WORK ENVIRONMENT

On August 26, 2020, four days before the NFL assumed responsibility of the Wilkinson Investigation, the League issued a public statement warning Mr. Snyder and his agents to cooperate with Ms. Wilkinson's investigation:

> We will continue to monitor the progress of this investigation and ensure that the club and its employees satisfy their obligation to give full cooperation to the investigators. If at any time the club or anyone associated with the club fails to do so, the investigating counsel has been asked to promptly advise our office and we will take appropriate action. When the investigation concludes, we will review the findings and take any appropriate action at that time."[170]

The Committee's investigation revealed that Mr. Snyder and the Commanders did not heed the NFL's warning to fully cooperate with Ms. Wilkinson. The League, however, failed to

[170] National Football League, *Press Release: Statement from NFL Commissioner Roger Goodell* (Aug. 26, 2021) (online at https://nflcommunications.com/Documents/STATEMENT%20FROM%20NFL%20COMMISSIONER%20ROGER%20GOODELL%2008%2026%2020.pdf).

take appropriate action in response. This failure raises doubts about the League's ability and willingness to fully address toxic workplace conduct and highlights the need for Congress to act to protect workers.

A. The NFL Failed to Address Mr. Snyder's Interference in the Wilkinson Investigation

1. The NFL Sought to Portray the Wilkinson Investigation as a Voluntary Inquiry Initiated by the Team, Even Though it was Required by League Policy

Following the *Washington Post* exposés, the NFL made several public statements crediting Mr. Snyder and the Commanders for taking action upon learning about the allegations. At a February 2021, press conference, Commissioner Goodell stated, "To me, the important thing in the context of this is that the Washington football club has made a lot of changes already. They asked for this type of review. They asked for the recommendations on this."[171] Similarly, at the Committee's June 22, 2022, hearing, Mr. Goodell testified: "Two years ago, the Commanders asked me to recommend independent counsel to address workplace issues and recommend changes to improve the workplace culture."[172]

The NFL also credited Mr. Snyder for the decision to transfer oversight of the Wilkinson Investigation to the League, in its July 1, 2021, announcement, and Commissioner Goodell stated at the Committee's June 22, 2022, hearing that "the club asked my office to assume oversight of the Wilkinson firm's work."[173] Mr. Snyder has also taken credit for the decision, stating:

> In conversations with Commissioner Goodell, Tanya and I suggested that the NFL assume full oversight of the investigation so that the results are thorough, complete and trusted by the fans, the players, our employees and the public. I appreciate Commissioner Goodell agreeing to our suggestion and the entire Washington Football Team remains committed to fully cooperating with all aspects of the investigation.[174]

During his deposition, when asked why the NFL took over the Wilkinson Investigation, Mr. Snyder replied: "It was a lot of outside pressure from the standpoint of making sure that we had an independent investigation. So we called the National Football League and suggested that

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[171] *Beth Wilkinson Close to Completing Washington Football Team Investigation, Roger Goodell Says*, Washington Post (Feb. 4, 2021) (online at www.washingtonpost.com/sports/2021/02/04/beth-wilkinson-washington-football-investigation/).

[172] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

[173] *Id*.; National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx).

[174] *NFL Taking Over Investigation of Washington Football Team* , NFL.com (Aug. 31, 2020) (online at www nfl.com/news/nfl-taking-over-investigation-of-washington-football-team).

they take it over." When pressed for details about the specific concerns that prompted this decision, he claimed he could not recall.[175]

> ***"Whenever the league office becomes aware of a possible violation of the Personal Conduct Policy, it will undertake an investigation…"***
>
> —2018 NFL Personal Conduct Policy

Despite these assertions by the NFL and Mr. Snyder, the NFL's own internal policy *required* the League to conduct this investigation. Specifically, the NFL's Personal Conduct Policy provides: "Whenever the league office becomes aware of a possible violation of the Personal Conduct Policy, it will undertake an investigation," which "may be conducted by NFL Security, independent parties, or by a combination of the two."[176] The policy does not currently appear to permit a team owner who is potentially involved in misconduct to decide whether to investigate that conduct himself or transfer it to the NFL.[177] As Commissioner Goodell stated at a February 2022 press conference:

> I do not see any way a team can do its own investigation of itself. That's something we would do and we would do with an outside expert that would help us come to the conclusion of what the facts were, what truly happened, so we can make the right decision from there. We'll treat that seriously.[178]

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[175] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

[176] National Football League, *Personal Conduct Policy* (2018) (online at https://nflcommunications.com/Documents/2018%20Policies/2018%20Personal%20Conduct%20Policy.pdf#:~:text=PERSONAL%20CONDUCT%20POLICY%20League%20Policies%20for%20Players.%202018.,Films%2C%20NFL%20Network%2C%20or%20any%20other%20NFL%20business).

[177] *See e.g.*, Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf) (testifying during the Committee's hearing that allegations of sexual assault would constitute potential violations of the NFL's Personal Conduct Policy and would require the League to oversee an investigation into such claims); Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Feb. 25, 2022) (confirming that "certain conduct or allegations of misconduct" under investigation by the Wilkinson law firm potentially constituted prohibited conduct under the NFL's Personal Conduct Policy).

[178] *Roger Goodell: NFL, Not Commanders, Will Conduct Daniel Snyder Investigation*, Sports Illustrated (Feb. 10, 2022) (online at www.si.com/nfl/commanders/news/roger-goodell-dan-snyder-washington-commanders-investigation-super-bowl#gid=ci0299804c5000278d&pid=dan-snyder-2019--geoff-burke-usa-today-sports).

2. The NFL Was Aware that Mr. Snyder Tried to Block Ms. Wilkinson's Access to Key Information

The Committee's investigation shows that the League was aware of Mr. Snyder's efforts to impede Ms. Wilkinson's investigation, including by blocking access to information related to sexual assault allegations against him. However, the League downplayed his actions.

The NFL received "regular updates on the progress of the investigation," including "significant developments" from Ms. Wilkinson and her team, which almost certainly included updates on the Commanders' efforts to obstruct the investigation.[179] Court records in the lawsuit that Mr. Donovan filed against Ms. Wilkinson seeking to prevent her release of documents demonstrate the League's awareness of this obstruction. In a November 2020 court filing, Ms. Wilkinson explained that her firm was "obligated to consult and coordinate with their client [redacted] before submitting a substantive evidentiary response to Donovan's filing," suggesting that she kept the NFL apprised of the lawsuit.[180] Lisa Friel, the NFL's Senior Vice President and Special Counsel for Investigations, even filed an affidavit in that case, detailing efforts by Mr. Snyder's lawyers to silence the employee who had accused Mr. Snyder of sexual assault and to prevent the release of this employee from her NDA.[181]

Ms. Wilkinson also met with the NFL during key moments in the Commanders' efforts to block access to key information. For example, she met with Ms. Friel on October 20, 2020 and on October 26, 2020—the first meeting occurring the day after Ms. Wilkinson received a letter from Mr. Donovan's lawyer refusing to allow Mr. Donovan to be interviewed, and the second meeting on the same day the Reed Smith law firm informed Ms. Wilkinson that Mr. Snyder's accuser would not be released from her confidentiality obligations.[182]

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[179] Committee on Oversight and Reform, Deposition of Bruce Allen (Sept. 6, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf); Letter from Rob Kelner, Covington & Burling LLP, on behalf of the National Football League, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Nov. 4, 2021) (online at https://oversight house.gov/sites/democrats.oversight house.gov/files/3.%202022-02-04%20-%20Kelner%20NFL%20Nov.%204%20Letter_Redacted.pdf).

[180] Beth Wilkinson's Prehearing Memorandum, Doc. 240, (Nov. 11, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

[181] Opposition to Motion for Preliminary Injunction, Doc. 245, (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD); Declaration of Lisa Friel, Doc. 248, (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD); *Sources: Commanders Boss Snyder Claims 'Dirt' on NFL Owners, Goodell* (Oct. 13, 2022) (online at www.espn.com/nfl/story/_/id/34778123/washington-commanders-owner-dan-snyder-claims-dirt-nfl-owners-roger-goodell); *Daniel Snyder Pledged Support for the NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/); Declaration of Beth A. Wilkinson, Doc. 246, (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

[182] *See* Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Feb. 25, 2022) (confirming dates that the NFL received updates from the Wilkinson firm); Declaration of Beth A. Wilkinson, Doc. 246, (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD); Declaration of David P. Donovan in Support of David Donovan's Motion for Temporary Restraining Order and Preliminary Injunction, Doc. 233, (Nov. 8, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

In December 2021, Commissioner Goodell downplayed Mr. Snyder's interference, characterizing it as "a little bit of a tug and a pull with particularly lawyers and law firms." Mr. Goodell also stated: "The one thing I can say with 100 percent assurance is that it didn't interfere with the work our investigators did."[183]

3. The NFL Allowed Mr. Snyder to Target His Accusers and Impede the Wilkinson Investigation

The Committee's investigation found that the NFL was aware of Mr. Snyder's surveillance, harassment, and intimidation of his accusers throughout the Wilkinson Investigation.

During the Committee's investigation, the NFL claimed that it was aware of "Mr. Snyder's intention to initiate litigation to defend himself" against the allegedly defamatory India articles, but "was not aware of or privy to Mr. Snyder's litigation strategy or tactics and did not approve or disapprove of actions taken by Mr. Snyder or his agents in that litigation."[184] However, evidence suggests that the NFL was likely made aware of these tactics by Ms. Wilkinson and her team, who were well aware of Mr. Snyder's actions and who "held weekly and biweekly virtual meetings with Lisa Friel and Janet Nova at various times during the course of the investigation."[185]

Ms. Wilkinson collected court records from Mr. Snyder's federal petitions seeking to compel phones records, text messages, and other documents from former employees.[186] Below is an excerpt from one of Mr. Snyder's petitions seeking documents and information that bore directly on the matters under investigation by the Wilkinson law firm.[187]

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[183] *Roger Goodell Says Dan Snyder's Reported Machinations 'Didn't Interfere' With NFL's Investigation*, Yahoo Sports (Dec. 15, 2021) (online at https://news.yahoo.com/roger-goodell-dan-snyders-didnt-interfere-nfl-investigation-000423983 html).

[184] Email from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League to Majority Staff, Committee on Oversight and Reform (Sep. 30, 2022).

[185] Letter from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Nov. 4, 2021) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/3.%202022-02- 04%20-%20Kelner%20NFL%20Nov.%204%20Letter_Redacted.pdf).

[186] *E.g.*, NFL-00100901; NFL-00100915; NFL-00100922; NFL-00100935; NFL-00100942 (subpoenas for documents and information to Jessica McCloughan and Friday Night Lights LLP); NFL-00101840 (subpoena for documents and information to Former Staff 1 and Comstock Holdings Companies, Inc.) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00101840%20%28Redacted%29.pdf).

[187] *See* NFL-00101840 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00101840%20%28Redacted%29.pdf).

s. Retaliation against employee(s) of The Washington Football Team for complaints of discrimination or harassment;

t. A toxic culture at the workplace of The Washington Football Team;

u. Non-disclosure agreement(s) of The Washington Football Team;

Ms. Wilkinson also collected news articles describing Mr. Snyder's efforts to target former employees and containing allegations Mr. Snyder was using the India defamation lawsuit as a proxy to uncover the sources behind the damning *Washington Post* exposés.[188]

At the Committee's June 22, 2022, hearing, Commissioner Goodell stated that the League "made clear" to Mr. Snyder that he should not investigate any matter that was under review by Ms. Wilkinson:

> As soon as we took over the investigation, we made it clear to them that they should not be investigating any of these matters. Second, we asked that the Commanders reach out to current employees, as well as former employees, to encourage them to participate. So any efforts to intimidate witnesses or prevent them from doing it would be inconsistent with that.[189]

The Committee's investigation revealed, however, that Mr. Snyder did not stop "investigating any of these matters," and he continued to target his accusers and amass information on individuals that he believed had spoken out against him. In particular, the Committee is aware of at least three instances where Mr. Snyder used private investigators to investigate matters related to the Wilkinson Investigation *after* the NFL assumed responsibility for the investigation:

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[188] *See* NFL-00100323- NFL-00100332 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00100323-NFL-00100333_Redacted.pdf); NFL-00100179- NFL-00100191 (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NFL-00100179-NFL-00100191_Redacted.pdf).

[189] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at https://www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf). As described in the Committee's June 22, 2022, supplemental memorandum, in late August 2020, lawyers for more than 40 former Commanders employees reportedly told the NFL that Mr. Snyder had used private investigators to target former employees. *NFL Asked Snyder to "Back Off" Use of Private Investigators, Lawyers Says, As PI Visits Rattle Ex-employees*, Washington Post (Sept. 4, 2020) (online at www.washingtonpost.com/sports/2020/09/04/dan-snyderprivate-investigators-nfl/). In addition, on August 4, 2020, John Moag, the investment banker who represented the former minority owners in the sale of their shares, notified Jeffrey Pash, the NFL's General Counsel, that Mr. Snyder had sent private investigators to his home and that the investigators had also "cornered" Former Staff 1 on an earlier date. NFL-00100948, Slide 73 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00100948-NFL-00101047_Redacted.pdf).

- On **September 15, 2020**, approximately two weeks after the NFL assumed oversight of the Wilkinson Investigation, Lisa Banks notified Ms. Friel, in-house counsel for the NFL, that Mr. Snyder was targeting Brad Baker, a former Commanders employee who was named as a source by the *Washington Post*, by sending private investigators to the homes of his friends and family. Below is an excerpt from the email Ms. Banks sent to Ms. Friel after she attempted to notify the Wilkinson law firm:

From: Lisa Banks
Sent: Tuesday, September 15, 2020 4:25 PM
To: Friel, Lisa <[redacted]@nfl.com>
Cc: Lisa Banks <[redacted]@kmblegal.com>
Subject: FW: FYI, Brad Baker

Lisa,

Hope you are well. I forwarded this email to [redacted] yesterday, but I haven't heard back from her (I know she is slammed) and wanted to make sure you had the information as well. Brad is understandably concerned that this is the second friend visited by a PI, and he doesn't know who will be next.

Thanks,
Lisa

KATZ, MARSHALL & BANKS, LLP

- In **April and May 2021**, a private investigator working on behalf of the Commanders approached Abigail Dymond Welch, a former team cheerleader, and questioned her about Mr. Allen and "the sexual misconduct investigation" at the Redskins. Ms. Welch told the Committee that several other former Team cheerleaders were approached by private investigators asking similar questions during this time.[190]

- As described in Section IV above, in or around late **April 2021**, Mr. Allen informed Ms. Friel that Mr. Snyder had sent private investigators to surveil him at his home. Mr. Allen testified at his Committee deposition:

  Q: So at some point did you relay to Ms. Friel that private investigators had approached you?

  A: Yes.

  Q: What was her reaction to that?

[190] Committee on Oversight and Reform, Transcribed Interview of Abigail Dymond Welch (May 17, 2022) (online at https://oversight house.gov/sites/democrats.oversight house.gov/files/2022-05-17%20Transcribed%20Interview%20of%20Abigail%20Dymond%20Welch_0.pdf).

A: I felt it was compassionate, but it was more of a, "I'm not shocked." I think they've heard of with the other people. And I said, "I don't know what you guys are doing with any of this, but this, it's really getting out of control."[191]

Despite the League's knowledge of Mr. Snyder's efforts to target employees during the Wilkinson Investigation, the NFL failed to take adequate steps to prevent this harassment.

4. The NFL Was Aware of Mr. Snyder's Campaign to Blame Mr. Allen for the Commanders' Toxic Workplace

The Committee's investigation confirmed that the NFL was fully aware of Mr. Snyder's efforts to blame his former Team president, Mr. Allen, for the matters under investigation by Ms. Wilkinson rather than accept responsibility himself. The NFL confirmed to the Committee that Mr. Snyder's counsel provided a set of "inappropriate Bruce Allen emails" to the NFL and Ms. Wilkinson "to demonstrate that Bruce Allen had created a toxic environment at the Washington Commanders."[192]

In his deposition, Mr. Allen testified that, after he complained to the NFL about Mr. Snyder's use of his other private emails in Mr. Snyder's public lawsuit, Ms. Friel informed him of Mr. Snyder's broader efforts to blame him for the Commanders' decades-long toxic culture, including by making presentations to the NFL about Mr. Allen's role in day-to-day operations of the Team.[193] Mr. Allen explained:

Q: Did she ever share with you other information on your emails?

A: Other than she told me, "We're aware of the emails." They weren't a part of the Wilkinson investigation. That the team gave them the emails and that there was a presentation at a—I don't know if it was a league hearing or something between the league office and Dan where "he blamed you for everything."

I said, "Well, how can I be blamed for things when I'm working in Tampa? How do I get blamed for things that happened before I got there?"

And she goes, "We know your resume," noting that I wasn't there when the early serious allegations were made.

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[191] Committee on Oversight and Reform, Deposition of Bruce Allen (Sept. 6, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf).

[192] Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022).

[193] Email from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022) ("In April 2021, Reed Smith was asserting that Mr. Allen, not Mr. Snyder, was really in charge of day-to-day operations at the club. Counsel identified the specific inappropriate Bruce Allen emails in attempting to demonstrate that Bruce Allen had created a toxic environment at the Commanders.").

Q: So she related to you that there was a presentation made by Mr. Snyder?

A: Yeah, by either him or his lawyer. I forget.

Q: Did she relate to you what was in that presentation?

A: She said it was a PowerPoint, a PowerPoint or a slide show, one of the—a phrase like that.

Q: And what was the purpose of that presentation, to your knowledge?

A: I guess to blame me for what happened.

Q: And who was that presentation made to?

A: I don't know if it was—I don't know who was at it. She was. And either Dan presented it or his lawyer or his PR firm presented it. It was one of the three.[194]

B. The NFL Buried Ms. Wilkinson's Findings and Negotiated the Investigation's Outcome with Mr. Snyder, Failing to Hold Him Accountable

1. The NFL Buried the Findings of the Wilkinson Investigation

Evidence obtained during the Committee's investigation shows that the NFL had initially intended for Ms. Wilkinson to draft a written report at the conclusion of her investigation.[195] According to Commissioner Goodell, however, in October 2020—the same month that Mr. Snyder's lawyers from Reed Smith reportedly informed Ms. Wilkinson that she could not interview Mr. Snyder's 2009 accuser as part of her investigation—he abandoned this plan, requesting Ms. Wilkinson to provide an oral, rather than a written report.[196]

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[194] Committee on Oversight and Reform, Deposition of Bruce Allen (Sept. 6, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf).

[195] Engagement Letter Between National Football League and Wilkinson Walsh LLP (Sept. 4, 2020) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/WW%20NFL%20Engagement%20Letter%20Sept%204%202020%20%28Redacted%29%20%2815%29.pdf).

[196] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf); Redacted Version of Declaration of Beth A. Wilkinson, Doc. 246, (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD); *see also Daniel Snyder Pledged Support for the NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/).

Commissioner Goodell directed Ms. Wilkinson to brief him orally, rather than submit her findings in writing.[197] The NFL's outside counsel later explained Mr. Goodell's decision, stating:

> He believed that an oral briefing would better preserve the anonymity assurances given to many of the witnesses and the confidentiality of the investigative information, findings, and recommendations that Ms. Wilkinson shared with the Commissioner during those briefings.[198]

Commissioner Goodell defended his decision at the Committee's June 22, 2022, hearing, explaining that an oral briefing allowed for "preserving the confidentiality of those who participated in the investigation" and asserting that redacting names was not sufficient to safeguard the privacy of witnesses who did not wish to be identified.[199] However, this explanation is at odds with his handling of prior NFL workplace investigations.

> ***"Because of the extraordinary public interest in this matter, the Commissioner made the decision that the full Report as presented to him, without any redactions or modifications, will be released to the public."***
>
> —2014 Report to the National Football League Concerning Issues of Workplace Conduct at the Miami Dolphins

In 2014, the NFL launched an investigation into allegations of bullying and racial and sexual harassment of a Miami Dolphins football player. At the conclusion of the investigation, the League released a 144-page report detailing the investigation's findings.[200]

In explaining the 2014 report's release, Commissioner Goodell underscored the "extraordinary public interest" in the matter.[201]

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[197] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

[198] Letter from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Nov. 4, 2021) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/3.%202022-02- 04%20-%20Kelner%20NFL%20Nov.%204%20Letter_Redacted.pdf).

[199] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (H. Rept. 117-88) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

[200] *Incognito, Others Tormented Martin*, ESPN (Feb. 14, 2014) (online at www.espn.com/nfl/story/_/id/10455447/miami-dolphins-bullying-report-released-richie-incognito-others-responsible-harassment).

[201] Paul, Weiss, Rifkind, Wharton & Garrison LLP, *Report to the National Football League Concerning Issues of Workplace Conduct at the Miami Dolphins* (Feb. 14, 2014) (online at http://apps.washingtonpost.com/g/documents/sports/nfl-report-on-richie-incognito-dolphins-harassment-ofjonathan-martin/803/).

Commissioner Goodell even proposed that the report be released "without any redactions or modifications," but the law firm retained by the NFL to conduct the investigation ultimately chose to show "sensitivity to issues of privacy and requests for confidentiality" by anonymizing names and not publishing certain details.[202]

Commissioner Goodell has also committed that the NFL will release a forthcoming report detailing the findings of its ongoing internal investigation into workplace misconduct allegations made by Tiffani Johnston, a former employee and cheerleader, during the Committee's February 3, 2022, roundtable. Mr. Goodell explained that "because those new allegations were brought to the Committee in a public setting, we will share the results of that investigation when it is completed."[203] The Commissioner did not explain why allegations openly made by numerous former employees in another public forum, the *Washington Post*, did not warrant a public report.

> ***"I have not seen a workplace in the NFL that is anywhere near what we saw in the context of that period of time for the Washington Commanders."***
>
> —Commissioner Roger Goodell
> June 22, 2022, Testimony before the Committee on Oversight and Reform

In the *Donovan* litigation, Ms. Wilkinson recognized that "[t]he public's interest is to know the truth—one way or another—about the matters at issue in this lawsuit" "involving allegations of misconduct in the workplace."[204] Despite the significant public interest in the Wilkinson Investigation, and the Commissioner's testimony that he had "not seen a workplace in the NFL that is anywhere near what we saw in the context of that period of time for the Washington Commanders," the NFL chose to bury Ms. Wilkinson's findings and whitewash the misconduct it uncovered. As a result of the NFL's actions, the full extent of misconduct at the Commanders and the harm that it caused remain unknown.[205]

The misconduct uncovered by the Wilkinson law firm was presented to NFL in-house counsel throughout the Wilkinson Investigation, and Commissioner Goodell was briefed on these findings at least twice. According to the NFL, the Wilkinson team prepared written materials in connection with their investigative findings. Specifically, during a call with counsel for the NFL, Committee staff was informed that Ms. Wilkinson prepared "work product" to inform her

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[202] *Id.*

[203] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

[204] Opposition to Motion for Preliminary Injunction, Doc. 245, (Nov. 20, 2020), *Donovan v. Wilkinson*, E.D. Va (No. 1:20-cv-01344-AJT-IDD).

[205] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

March 2, 2021, and April 26, 2021, oral briefings with Commissioner Goodell on her findings.[206] As reflected in the below excerpt of the NFL's briefing schedule with the Wilkinson law firm, Ms. Wilkinson also prepared written materials for briefings with NFL's in-house counsel on four other occasions from March through June 2021.

Figure 1. Wilkinson Law Firm's Briefings for NFL Personnel[207]

Date	Form	NFL Personnel Briefed
Aug. 26, 2020	Oral	Lisa Friel; Janet Nova
Sept. 11, 2020	Oral	Lisa Friel; Janet Nova
Sept. 15, 2020	Oral	Lisa Friel; Janet Nova
Sept. 24, 2020	Oral	Lisa Friel; Janet Nova
Sept. 30, 2020	Oral	Lisa Friel; Janet Nova
Oct. 20, 2020	Oral	Lisa Friel; Janet Nova
Oct. 26, 2020	Oral	Lisa Friel
Jan. 5, 2021	Oral	Lisa Friel
Mar. 2, 2021	Oral	Commissioner Goodell
Mar. 24, 2021	Oral	Lisa Friel; Janet Nova
Mar. 29, 2021	Written	Lisa Friel; Janet Nova
Apr. 6, 2021	Written	Lisa Friel; Janet Nova
Apr. 26, 2021	Oral	Commissioner Goodell
June 8, 2021	Oral; Written	Lisa Friel; Janet Nova
June 14, 2021	Oral; Written	Lisa Friel; Janet Nova
June 28, 2021	Oral	Lisa Friel

2. *The NFL Allowed Mr. Snyder to Negotiate the Outcome of the Investigation*

By November 2020, as reports emerged that Ms. Wilkinson was concluding her investigation, Mr. Snyder endeavored to shift attention away from the allegations against him and convince the public that the Team had entered a new era marked by significant reforms. To accomplish this goal, Mr. Snyder participated in an interview with the *Wall Street Journal*, casting himself as a hands-off owner who had made a dramatic pivot to improve the culture of

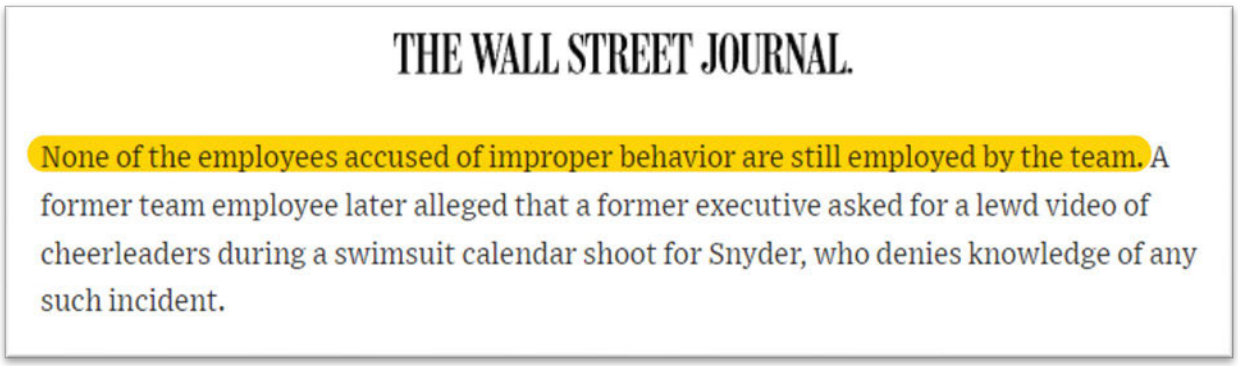
[206] Call with Robert Kelner et al., Covington & Burling LLP, and Majority Staff, Committee on Oversight and Reform (Nov. 23, 2021).

[207] Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Feb. 25, 2022); *see also* Letter from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Nov. 4, 2021) (online at https://oversight house.gov/sites/democrats.oversight.house.gov/files/3.%202022-02-04%20-%20Kelner%20NFL%20Nov.%204%20Letter_Redacted.pdf) (explaining that Janet Nova, the NFL's Deputy General Counsel for Media and League Business Affairs, and Lisa Friel, the NFL's Special Counsel for Investigations served as the "day-to-day points of contact for Ms. Wilkinson and her team." According to the NFL, these NFL employees received "regular updates on the progress of the investigation, and rendered assistance when requested, to facilitate interaction with WFT personnel and to provide League-related materials to Wilkinson Stekloff.").

the Commanders. The resulting article stated: "None of the employees accused of improper behavior are still employed by the team."[208]

On July 1, 2021, the NFL issued a five-page press release announcing "the outcome of the workplace review of the Washington Football Team" and the "remedial measures and penalties arising out of that review."[209] The press release also stated that "none of the people involved are still employed"—language that closely resembled both (i) language included in the November 2020 *Wall Street Journal* article (for which Mr. Snyder granted a rare interview and which appeared intended to tacitly exonerate him of any wrongdoing); and (ii) language contained in several emails sent by senior Team executives to corporate sponsors to placate them in the wake of the July 16, 2020, *Washington Post* exposé.[210]

Figure 2. Excerpt from November 23, 2020, *Wall Street Journal* article


THE WALL STREET JOURNAL.

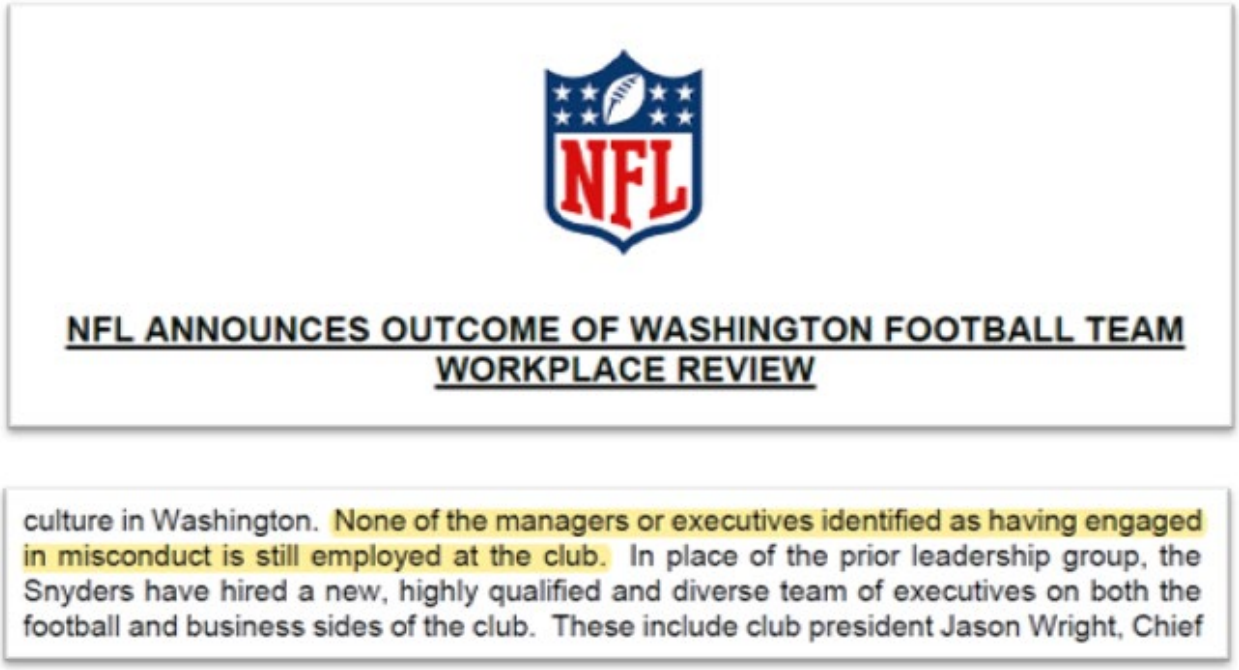
None of the employees accused of improper behavior are still employed by the team. A former team employee later alleged that a former executive asked for a lewd video of cheerleaders during a swimsuit calendar shoot for Snyder, who denies knowledge of any such incident.

[208] *Snyder Acknowledges His NFL Team Had a Workplace Problem, Tries to Move Ahead*, Wall Street Journal (Nov. 23, 2020) (online at www.wsj.com/articles/dan-snyder-acknowledges-his-nfl-team-had-a-workplace-problem-tries-to-move-ahead-11606147677).

[209] National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx).

[210] *Compare Dan Snyder Acknowledges His NFL Team Had a Workplace Problem, Tries to Move Ahead*, Wall Street Journal (Nov. 23, 2020) (online at www.wsj.com/articles/dan-snyder-acknowledges-his-nfl-team-had-a-workplace-problem-tries-to-move-ahead-11606147677) *with* National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx) *and* NFL-00457801 (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NFL-00457801.pdf); NFL-00457799 (online at https://oversight house.gov/sites/democrats.oversight.house.gov/files/NFL-00457799.pdf); NFL-00458032 (online at https://oversight house.gov/sites/democrats.oversight house.gov/files/NFL-00458032.pdf).

Figure 3. Excerpt from July 1, 2021, NFL Announcement on the Outcome of the Wilkinson Investigation



NFL ANNOUNCES OUTCOME OF WASHINGTON FOOTBALL TEAM WORKPLACE REVIEW

culture in Washington. None of the managers or executives identified as having engaged in misconduct is still employed at the club. In place of the prior leadership group, the Snyders have hired a new, highly qualified and diverse team of executives on both the football and business sides of the club. These include club president Jason Wright, Chief

Figure 4. Excerpt from July 16, 2020, Email from Commanders Executive to Corporate Sponsor[211]

From: Terry Bateman <[redacted]@gmail.com>
Sent: Thursday, July 16, 2020 8:10 PM
To: [redacted]@pepsico.com>; [redacted]@pepsico.com>; [redacted]@pepsico.com>
Cc: [redacted]@genescosports.com>; Scott Shepherd <[redacted]@redskins.com>
Subject: Post article

[redacted]

Just wanted to make sure you saw the article that [redacted] and I discussed last night. Most of these issues were from several years ago, and none of the people involved are still employed. As you know we have solid management in place today, solid HR talent and take this extremely serious. As the article stated we have also hired top level legal talent to review our process. I know there was a lot of stuff flying around on the internet today and I assure you none of it was true. The Post article attached is the only legitimate reporting on this issue. Please feel free to call me anytime to discuss further. Thanks guys for your continued support. I hope to have some good news about the future in the coming days.

Terry Bateman
Washington Redskins
[redacted]

Outside counsel for the NFL acknowledged that Mr. Snyder's representatives were actively involved in the July 1 announcement, stating that the announcement followed multiple discussions between the League Office and counsel for Mr. Snyder regarding the Wilkinson

[211] NFL-00457801 (online at https://oversight house.gov/sites/democrats.oversight house.gov/files/NFL-00457801.pdf).

Investigation findings, the "remedial measures and penalties" that were reportedly levied against the Team, and the information to be included in the announcement.[212]

In an October 27, 2022, online radio interview, counsel for Mr. Snyder admitted that the outcome of the Wilkinson Investigation was a "negotiated resolution."[213] Counsel for Mr. Snyder also admitted to the Committee that Mr. Snyder had asserted privilege in connection with the NFL's release of information.[214]

The Team's $10 million fine was also the result of negotiations with the NFL.[215] The NFL's July 1 press release announced that the Commanders—not Mr. Snyder—would "pay $10 million" that would be used "to support organizations committed to character education, anti-bullying, healthy relationships and related topics" and that the NFL would "solicit recommendations from the club" for worthy organizations.[216]

The Committee's investigation revealed that the NFL chose to negotiate the financial penalty with Mr. Snyder rather than refer the decision to the NFL's Executive Committee for a vote.[217] According to the League's Constitution & Bylaws, Commissioner Goodell does not have authority to impose a $10 million fine on team owners unless he receives the approval of

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[212] Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League to Majority Staff, Committee on Oversight and Reform (Jan. 7, 2022); Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League to Majority Staff, Committee on Oversight and Reform (May 17, 2022).

[213] *Lawyer: Restrictions on Danial Snyder Ended on November 1, 2021*, NBC Sports (Oct. 27, 2022) (online at https://profootballtalk nbcsports.com/2022/10/27/lawyer-restrictions-on-daniel-snyder-ended-on-november-1-2021/) (recorded interview with John Brownlee, counsel for Mr. Snyder, and Mike Florio, discussing the July 1, 2021, outcome); *see also* Letter from John Brownlee, Holland & Knight, LLP, on behalf of the Washington Commanders, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Dec. 28, 2021) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-12-28%20Letter%20from%20John%20Brownlee%20to%20CBM%20RK_Redacted.pdf) (stating that the Ms. Wilkinson's recommendations "were agreed upon by the Team and the NFL.").

[214] Letter from John Brownlee, Holland & Knight LLP, on behalf of the Washington Football Team, to Majority Staff, Committee on Oversight and Reform (Jan. 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/4.%202022-02-04%20-%20Brownlee%20Nash%20WFT%20Jan%2028%20Letter_Redacted.pdf).

[215] *Lawyer: Restrictions on Danial Snyder Ended on November 1, 2021*, NBC Sports (Oct. 27, 2022) (online at https://profootballtalk nbcsports.com/2022/10/27/lawyer-restrictions-on-daniel-snyder-ended-on-november-1-2021/) (recorded interview with John Brownlee, counsel for Mr. Snyder, and Mike Florio, discussing the July 1, 2021, outcome).

[216] National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx).

[217] *See* National Football League, *Integrity of the Game* (online at https://operations.nfl.com/inside-football-ops/nfl-operations/integrity-of-the-game/#:~:text=The%20Executive%20Committee%20includes%20one,Without%20consensus%2C%20nothing%20will%20pass) (explaining that the composition of the NFL's Executive Committee includes "one representative—an owner or top officer—from each of the league's 32 clubs") (accessed Oct. 30, 2022).

three-quarters of team owners at a special League meeting.[218] Counsel for the NFL confirmed that it did not seek a vote at such a meeting.[219] Instead, according to counsel for Mr. Snyder, "after some discussions" between the NFL and counsel for Mr. Snyder, the parties agreed upon the $10 million sum.[220]

However, information obtained by the Committee suggests that the Commanders paid half of the $10 million penalty directly to charitable organizations. Specifically, counsel for Mr. Snyder informed Committee staff that "$5 million dollars went to approximately 22 organizations in the Washington, D.C. area dedicated to supporting women and underrepresented groups" and that "[t]he remaining $5 million was provided to the NFL."[221] This payment structure may have allowed the Team to take tax deductions for its charitable contributions and payments to the League, thereby conferring the Commanders a benefit.[222]

On July 1, 2020, the NFL announced that, as part of the outcome of the Wilkinson Investigation, "[Ms.] Wilkinson made several specific recommendations."[223] Of the ten recommendations identified in the NFL's announcement, eight bore a striking resemblance to the recommendations stemming from a 2018 internal probe into allegations of systemic workplace of misconduct at the Dallas Mavericks, the National Basketball Association (NBA) team owned by

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[218] National Football League, *Constitution and Bylaws of the National Football League* art. VIII § 8.13 (A)-(B) (eff. Feb. 1, 1970, rev. 2016) (online at www.documentcloud.org/documents/23170921-nfl-constitution-and-bylaws); Email from Simone Ross, Covington & Burling LLP, on behalf of the national Football League, to Majority Staff, Committee on Oversight and Reform (Feb. 25, 2022).

[219] Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022) ("There was not a special league meeting relating to the fine imposed against Mr. Snyder or the recommendations resulting from the Wilkinson firm's investigation of the Washington Commanders."); *Jim Irsay Says Owners, Not the NFL, Should Decide Daniel Snyder's Fate*, Washington Post (Oct. 29, 2022) (online at www.washingtonpost.com/sports/2022/10/29/jim-irsay-dan-snyder-roger-goodell/) (stating that Jim Irsay, the owner of the Indianapolis Colts, complained that he "wasn't even asked about this, not consulted one time," and underscored, "It's our league … Owners have to be directly involved and be very active and involved in massive decisions like this."); *Sources: Commanders Boss Snyder Claims 'Dirt' on NFL Owners, Goodell* (Oct. 13, 2022) (online at www.espn.com/nfl/story/_/id/34778123/washington-commanders-owner-dan-snyder-claims-dirt-nfl-owners-roger-goodell) (stating that "it galls some owners and league and team executives that the NFL has been in lockstep with Washington on many fronts, 'propping up' the franchise, in the words of one owner, by burying attorney Beth Wilkinson's report about the team's toxic workplace last year").

[220] *Lawyer: Restrictions on Danial Snyder Ended on November 1, 2021*, NBC Sports (Oct. 27, 2022) (online at https://profootballtalk nbcsports.com/2022/10/27/lawyer-restrictions-on-daniel-snyder-ended-on-november-1-2021/) (video interview with John Brownlee, counsel for Mr. Snyder, and Mike Florio).

[221] Email from Karen Seymour, Sullivan & Cromwell LLP, on behalf of Daniel Snyder, to Majority Staff, Committee on Oversight and Reform (Aug. 22, 2022) (In addition, Ms. Seymour stated, "The remaining $5 million was provided to the NFL, and Mr. Snyder is unaware of the charities supported by this portion of the penalty.").

[222] *See* 26 U.S.C. § 170(a) (authorizing corporations to deduct charitable contributions); *2*6 U.S.C. § 162(a) (authorizing corporations to "ordinary business expenses); *see also NBA Owner's $10 Million Fine Is No Slam Dunk as a Tax Deduction*, Bloomberg Tax (Sept. 2022) (online at https://news.bloombergtax.com/tax-insights-and-commentary/nba-owners-10-million-fine-is-no-slam-dunk-as-a-tax-deduction).

[223] National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx).

Mark Cuban.[224] As part of the Mavericks resolution, Mr. Cuban, who had not been accused of or implicated in sexual misconduct, had agreed to pay $10 million, including to charitable organizations, and implement a series of recommendations.[225]

Figure 5 below is chart that demonstrates the similarities between the Commanders July 1, 2021, recommendations and the Mavericks' September 19, 2018, recommendations.

[224] Lowenstein Sandler LLP and Krutoy Law, P.C., *The Report of the Independent Investigation of Dallas Basketball Limited* (Sept. 19, 2018) (online at www.lowenstein.com/media/4556/the-report-of-the-independent-investigation-of-dallas-basketball-limited_9-19-2018.pdf).

[225] *See* National Basketball Association, *Press Release: NBA Statement About Independent Investigation Regarding the Workplace of the Dallas Mavericks* (Sept. 19, 2018) (online at https://pr.nba.com/nba-statement-about-independent-investigation-regarding-workplace-mavericks/); *Mark Cuban to Donate $10 Million in Lieu of Fine After NBA's Investigation Into Workplace Misconduct*, Sports Illustrated (Sept. 19, 2018) (online at www.si.com/nba/2018/09/19/dallas-mavericks-workplace-sexual-misconduct-investigation-findings-punishment-mark-cuban); *see also* Sirius XM Interview, *Mark Cuban - Reaction to Washington Football Sexual Harassment Story* (July 16, 2020) (online at www.siriusxm.com/clips/clip/305249d1-98b4-9291-3171-d8b0c39d8d18/8fcb0601-fb85-4a42-a3ba-0be60db36cba) (advising Mr. Snyder "You've got to just recognize what you did right and what you did wrong. You have to accept the mistakes you made that's painful … and that's the only way this is going to get resolved.").

Figure 5. 2018 Mavericks v. 2021 Commanders Recommendations[226]

Mavericks - 2018

- Improve formal harassment reporting processes.
- Provide "prompt and proportionate" and "consistent" discipline for misconduct.
- Conduct anonymous workplace culture and sexual harassment climate surveys.
- Provide regular training for all employees on sexual harassment.
- Increase the number of women in the organization.
- Establish clear hierarchies and lines of decision-making authority.
- Strengthen and expand HR.
- Hire a full-time general counsel.
- Adopt clear, transparent, office-wide processes for hiring, on-boarding, performance, compensation.
- Evaluate, and hold accountable, managers' efforts to eliminate harassment and improve diversity.
- Clarify what role team owner Mark Cuban will play in the business organization.
- Collect and use data to identify weaknesses.
- Require all managers engage in efforts to improve workplace culture and diversity.

Owner Mark Cuban was required to donate $10 million to women's leadership and domestic-violence organizations, but he was not suspended.

Washington - 2021

- Develop a formal protocol for reporting allegations of harassment and misconduct.
- Develop a formal disciplinary action plan for misconduct.
- Conduct anonymous workplace culture and sexual harassment climate surveys.
- Have a third party provide regular training for all employees on bullying, harassment and workplace conduct issues.
- Increase the number of women and minorities throughout the organization
- Implement clear organizational structure and clear lines of authority.
- Expand and empower the in-house HR and legal departments.
- Develop an onboarding, performance management and compensation system, and exit interview process.
- Ensure cheerleaders or dance team has access to HR and other organizational resources.
- Retain an independent consultant to conduct annual assessments of all employment policies.

Owner Dan Snyder was required to donate $10 million for organizations and programs aimed at improving workplace culture and diversity. He will step down from running the team's daily operations for the next several months.

Despite overwhelming evidence of Mr. Snyder's interference with the Wilkinson Investigation and efforts to silence former employees, none of the recommendations included in the July 1, 2021, announcement addressed Mr. Snyder's conduct or included proposals for the NFL to improve internal policies that govern investigations overseen by the League Office.[227]

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[226] *See* Nicki Jhabvala (@nickijhabvala), Twitter (July 1, 2021) (online at https://twitter.com/NickiJhabvala/status/1410744873381031939?s=20&t=iOrydaGzZIPQzjvCZJv6MA) *comparing* recommendations in Lowenstein Sandler LLP and Krutoy Law, P.C., *The Report of the Independent Investigation of Dallas Basketball Limited* (Sept. 19, 2018) (online at www.lowenstein.com/media/4556/the-report-of-the-independent-investigation-of-dallas-basketball-limited_9-19-2018.pdf) *with* recommendations in National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx).

[227] Letter from Thomas G. Connolly, et al., Harris, Wiltshire & Grannis LLP, on behalf of Beth Wilkinson and Wilkinson Walsh, to [redacted], on behalf of Washington Football Team (May 20, 2021) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/Letter%20from%20Thomas%20Connolly%20to%20WFT%20May%2020%202021%20%28Redacted%29.pdf); *Compare* National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx) *with* National Football League, *Press Release: Commissioner Goodell Announces Findings in Carolina Panthers Workplace Investigation* (June 28, 2018) (online at https://nflcommunications.com/Pages/COMMISSIONER-GOODELL-ANNOUNCES-FINDINGS-IN-CAROLINA-PANTHERS-WORKPLACE-INVESTIGATION.aspx) (including a specific recommendation for the NFL to improve investigation processes under its Personal Conduct Policy after finding that the League had no mechanism to protect witnesses who cooperated with NFL's investigations from the penalties of breaching non-disclosure agreements); *see also My Truth In Letters*, Sports Illustrated (Apr. 26, 2018) (online at www.si.com/nfl/2018/04/26/carolina-panthers-owner-jerry-richardson-allegations-victim-letters?utm_campaign=sinow&utm_source=twitter.com&utm_medium=social&xid=socialflow_twitter_si) (describing the accounts of a victim of former Carolina Panthers owner, Jerry Richardson and detailing how lawyers

The absence of recommendation addressing Mr. Snyder's misconduct, including his interference with Wilkinson Investigation, is particularly troubling in light of public reports in March 2021 suggesting that Ms. Wilkinson had planned to include such recommendations in her report to the NFL. Specifically, on March 5, 2021, the hosts of a local radio morning show, *The Sports Junkies*, reported that they had received excerpts from a draft document that had apparently been prepared by Ms. Wilkinson. According to the hosts, the document included recommendations for the NFL to either "force the owner to divest his ownership of the team" or "[s]uspend the owner for a significant period to allow the club time to repair its infrastructure and culture." The hosts explained that the recommendations were made by Ms. Wilkinson due to Mr. Snyder's reported efforts to "persuade or instruct other employees not to talk to Wilkinson's firm about what they were investigating" and "because of the coverup and lack of integrity throughout the internal investigations."[228]

The NFL dismissed *The Sports Junkies*' reporting, calling the alleged document "absolutely false" and stating that the League Office had "received no such report." Although *The Sports Junkies* hosts retracted their report that the document had been delivered to the NFL, they continued to defend the authenticity of the document, which they maintained was prepared by Ms. Wilkinson.[229]

Lawyers for the NFL confirmed to the Committee that, while no written report was delivered to the Commissioner, the League's in-house legal team had "access" to Ms. Wilkinson's "findings," which included written "work product" prepared by the Wilkinson law firm.

3. The NFL Failed to Prevent Mr. Snyder's Continued Involvement in the Commanders' Daily Operations

Mr. Snyder and the NFL have provided a variety of conflicting explanations about the decision announced in July 2021 for Mr. Snyder to step away from day-to-day operations of the Team. Although the NFL has sought to portray this decision as an element of "unprecedented discipline" that has held Mr. Snyder "accountable," Mr. Snyder and his attorneys have indicated that he is no longer under any restrictions, and both the Team and League have asserted that the decision was a "voluntary" one by Mr. Snyder.

The NFL's July 1, 2021, press release stated:

> As co-CEO, Tanya Snyder will assume responsibilities for all day-to-day team operations and represent the club at all league meetings and other league activities for at least the

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for Mr. Richardson warned the NFL that Mr. Richardson had "no intention" of turning any information over to the NFL and threatened that if the victim did so, she would be in "strict violation of the NDA").

[228] *Forcing Dan Snyder to "Divest His Ownership" of Washington Among Options in Wilkinson Report*, 106.7 The Fan (Mar. 8, 2021) (online at www.audacy.com/thefandc/sports/washington-football-team/forcing-dan-snyder-to-sell-washington-football-team-among-options-from-beth-wilkinson).

[229] *Id*.

next several months. Dan Snyder will concentrate on a new stadium plan and other matters.[230]

In a statement issued the same day, Mr. Snyder confirmed: "Tanya will assume the responsibilities of CEO and will oversee all day-to-day team operations and represent the club on all league activities. I will concentrate my time during the next several months on developing a new stadium plan and other matters."[231] Neither the NFL nor Mr. Snyder provided additional details on Mr. Snyder's operational limitations or why they were occurring.

According to public reports, the NFL's in-house lawyers and Mr. Snyder's counsel separately informed reporters that the decision was "'voluntary' and not a mandate."[232] Although some reporting indicated that Mr. Snyder could not resume his responsibilities "without approval from Commissioner Roger Goodell," [233] lawyers for Mr. Snyder denied this, stating that Mr. Snyder had not been suspended and "by definition he does not need to be reinstated to any position."[234]

At the Committee's June 22, 2022, hearing, Commissioner Goodell sought to characterize the decision as part of holding Mr. Snyder accountable for the decades of workplace misconduct at the Team, and asserted that his removal from Team operations had been in effect for over a year:

> While I have the microphone, I'd also like to say, respectfully, that Dan Snyder has been held accountable. As I mentioned in the opening, he faced unprecedented discipline,

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[230] National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx).

[231] Washington Commanders, *Press Release: Statement of Daniel M. Snyder* (July 1, 2021) (online at www.commanders.com/news/statement-of-daniel-m-snyder).

[232] See *NFL Fines Washington Football Team $10 Million After Misconduct Investigation*, PBS (July 1, 2021) (online at www.pbs.org/newshour/nation/nfl-fines-washington-football-team-10-million-after-misconduct-investigation) (stating that Janet Nova, the NFL's Deputy General Counsel for Media and Business Affairs, told reporters that Mr. Snyder's "stepping away" was "'voluntary'" and "not a mandate"); *NFL Commissioner: Dan Snyder Remains Removed From Day-to-Day Operations*, Richmond Times-Dispatch (Mar. 29, 2022) (online at https://richmond.com/sports/professional/nfl-commissioner-dan-snyder-remains-removed-from-day-to-day-operations/article_de67fc6a-7e7c-5cf2-8ff2-86f005bd1a7b.html) (stating that "Snyder's representatives called The Times-Dispatch and other outlets to emphasize that he was not suspended, that he was only stepping away from day-to-day matters voluntarily").

[233] *NFL Continues to Not Comment on Claim that Roger Goodell Must Approve Daniel Snyder's Return*, NBC Sports (July 4, 2021) (online at https://profootballtalk.nbcsports.com/2021/07/04/nfl-continues-to-not-comment-on-claim-that-rodger-goodell-must-approve-daniel-snyders-return/).

[234] *Daniel Snyder's Lawyer Disputes Washington Post Report on Reinstatement to Day-to-Day Control*, NBC Sports (July 2, 2021) (online at https://profootballtalk.nbcsports.com/2021/07/02/daniel-snyders-lawyer-disputes-washington-post-report-on-reinstatement-to-day-to-day-control/).

including financial fines, being removed and away from the team at his request for a period of time, up to the year now already.[235]

Mr. Goodell also stated at the hearing that, "for the past years, Daniel Snyder has not attended league or committee meetings and to the best of my knowledge has not been involved in day-to-day operations at the Commanders."[236]

In October 2022, Mr. Snyder's lawyers adopted a different characterization, saying that Mr. Snyder was no longer under any "restriction related to his involvement with the team."[237] During an October 27, 2022, radio interview, Mr. Snyder's lawyer stated that Mr. Snyder had only "agree[d] to remove himself from the team until November 1 [2021]" and described this term of the agreement as a "sanction that was imposed by the NFL." He further stated that although the "restrictions" placed on Mr. Snyder had ended, "because of everything that was going on" Mr. Snyder and his wife agreed "that it was in the best interest of the team for him not to do certain things … ."[238]

During his Committee deposition, Mr. Snyder downplayed his involvement in the Team's daily operations following the NFL's July 1 announcement, but confirmed that he had resumed involvement, including by giving "advice and help" when "needed"; being "updated and kept informed" by Team president Jason Wright; and holding meetings with head Coach Ron Rivera about the football season and "future" of the franchise.[239]

These various assertions cast serious doubt on the NFL Commissioner's claim that Mr. Snyder had been "held accountable" by being removed from Team operations. Indeed, public

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[235] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

[236] *Id*. The Commissioner's testimony was at odds with public reporting that confirmed the NFL had been informed of Mr. Snyder's involvement in the Team's daily operations in April 2022 following a report that Mr. Snyder "has resumed his day-to-day role with the Commanders" and was even "'heavily involved' when the team discussed acquiring quarterback Carson Wentz." *NFL Has No Comment on Report That Daniel Snyder Has Resumed His Day-to-Day Role,* NBC Sports (April 2, 2022) (online at https://profootballtalk.nbcsports.com/2022/04/02/nfl-has-no-comment-on-report-that-daniel-snyder-has-resumed-his-day-to-day-role/); *Dan Snyder Already Back Day-to-Day with Commanders, Source Says, Despite What Goodell Contends*, Washington Times (March 30, 2022) (online at www.washingtontimes.com/news/2022/mar/30/roger-goodell-wrong-source-says-dan-snyder-already/).

[237] *Daniel Snyder No Longer Under Any NFL Restrictions, His Attorneys Say*, Washington Post (Oct. 13, 2022) (online at www.washingtonpost.com/sports/2022/10/13/dan-snyder-nfl-ownership-restrictions/).

[238] *Lawyer: Restrictions on Danial Snyder Ended on November 1, 2021*, NBC Sports (Oct. 27, 2022) (online at https://profootballtalk nbcsports.com/2022/10/27/lawyer-restrictions-on-daniel-snyder-ended-on-november-1-2021/).

[239] Committee on Oversight and Reform, Deposition of Daniel M. Snyder (July 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

reporting from March 2022, months before Mr. Goodell's testimony before the Committee, suggested that Mr. Snyder had "resumed his day-to-day role with the Commanders"[240]

C. The NFL's Mishandling of the Wilkinson Investigation Reflects a Broader Pattern of Failing to Take Workplace Misconduct Seriously

The NFL's mishandling of workplace misconduct allegations at the Commanders began years before the Wilkinson Investigation commenced. In 2018, the *New York Times* published a report detailing allegations that the Commanders had exploited cheerleaders during a 2013 cheerleader photo shoot in Costa Rica, including by allowing male sponsors and FedEx Field suite holders up-close access to their photo shoots and instructing several cheerleaders to serve as their "personal escorts at a nightclub." Rather than conduct an independent investigation into these claims, the NFL deferred responsibility to the Commanders, whose owner had personally promoted the practices under investigation, stating that the NFL "has no role in how the clubs which have cheerleaders utilize them."[241] Had the NFL taken the Costa Rica allegations seriously, it might have uncovered much of the misconduct found during the Wilkinson Investigation years earlier.

The NFL's response to the Costa Rica allegations against the Commanders, and its handling of the Wilkinson Investigation, reflects its broader pattern of failing to take workplace misconduct seriously across the League. For example:

- **Carolina Panthers:** In December 2017, *Sports Illustrated* published an exposé detailing allegations of rampant sexual and racial harassment by Jerry Richardson, the former owner of the Carolina Panthers.[242] Following the report, the NFL retained former U.S. Attorney and SEC Chairman Mary Jo White—the same investigator leading the NFL's ongoing inquiry into the Tiffani Johnston's allegations—to examine the allegations and make specific recommendations to the NFL. In June 2018, Ms. White made four specific recommendations, including that the League create a "specific requirement that claims of workplace misconduct issues be reported to the League Office under the Personal Conduct

[240] *NFL Has No Comment on Report That Daniel Snyder Has Resumed His Day-to-Day Role,* NBC Sports (Apr. 2, 2022) (online at https://profootballtalk nbcsports.com/2022/04/02/nfl-has-no-comment-on-report-that-daniel-snyder-has-resumed-his-day-to-day-role/); *Dan Snyder Already Back Day-to-Day with Commanders, Source Says, Despite What Goodell Contends*, Washington Times (March 30, 2022) (online at www.washingtontimes.com/news/2022/mar/30/roger-goodell-wrong-source-says-dan-snyder-already/).

[241] *Washington Redskins Cheerleaders Describe Topless Phot Shoot and Uneasy Night Out*, New York Times (May 2, 2018) (online at www nytimes.com/2018/05/02/sports/redskins-cheerleaders-nfl.html); *see also* Committee on Oversight and Reform, Deposition of Bruce Allen (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-09-06%20Deposition%20of%20Bruce%20Allen_Redacted.pdf).

[242] *Sources: Jerry Richardson, Panthers Have Made Multiple Confidential Payouts for Workplace Misconduct, Including Sexual Harassment and Use of a Racial Slur*, Sports Illustrated (Dec. 17, 2021) (online at www.si.com/nfl/2017/12/17/jerry-richardson-carolina-panthers-settlements-workplace-misconduct-sexual-harassment-racial-slur).

Policy."[243] In other words, Ms. White recommended that workplace misconduct be considered by the League as violations of the Personal Conduct Policy. However, during the Committee's June 22 hearing, Commissioner Goodell testified that the NFL rejected this recommendation, stating, "We don't think we're situated to be able to handle all that." He further testified "that's something that the individual clubs are going to have to be able to address [in] their own workplace."[244]

- **Dallas Cowboys:** In February 2022, *ESPN* revealed that the Dallas Cowboys paid $2.4 million to resolve allegations that longtime senior executive Richard Dalrymple secretly recorded Cowboys cheerleaders in 2015 while they were undressing. Mr. Dalrymple was also accused of taking "upskirt" photographs of team owner Jerry Jones' daughter, Charlotte Jones Anderson. Mr. Dalrymple continued working for the Cowboys in the same role for nearly six years *after* the team settled with a group of cheerleaders whom Mr. Dalrymple had surreptitiously recorded. Just days before *ESPN* published its story, Mr. Dalrymple abruptly retired. When asked by reporters whether the NFL would separately investigate the allegations and the Cowboys' handling of that matter, the NFL declined because "[t]he club handled the matter."[245]

- **Las Vegas Raiders:** In May 2022, the *Las Vegas Review-Journal* reported that former Raiders interim team president and general counsel Dan Ventrelle was terminated after raising with the NFL multiple complaints against team owner Mark Davis concerning workplace misconduct and a hostile work environment.[246] Although Mr. Ventrelle's own involvement in the team's workplace culture is unknown to the Committee, former female employees alleged "a troubling pattern of harassment, forced demotions and unequal treatment" based on sex at the Raiders.[247] In July 2022, Mr. Davis announced that the Raiders organization had conducted its own investigation into the allegations against him, explaining: "So we did an investigation into all those things and we listened to the people who

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[243] National Football League, *Press Release: Commissioner Goodell Announces Findings in Carolina Panthers Workplace Investigation* (June 28, 2018) (online at https://nflcommunications.com/Pages/COMMISSIONER-GOODELL-ANNOUNCES-FINDINGS-IN-CAROLINA-PANTHERS-WORKPLACE-INVESTIGATION.aspx).

[244] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

[245] *NFL Says It Won't Investigate Settlement Between Dallas Cowboys and Cheerleaders in Voyeurism* Claim, ESPN (Feb. 18, 2022) (online at www.espn.com/nfl/story/_/id/33322431/nfl-says-investigate-settlement-dallas-cowboys-cheerleaders-voyeurism-claim).

[246] *Raiders President Says He Was Fired for Reporting Hostile Work Environment*, Las Vegas Review-Journal *(*May 6, 2022) (online at www.reviewjournal.com/sports/raiders/raiders-president-says-he-was-fired-for-reporting-hostile-work-environment-2572432/).

[247] *How a "Boys Club" Raiders Culture Fueled Turnover, Lawsuits and Harassment Claims*, Las Vegas Review-Journal (June 25, 2022) (online at www.reviewjournal.com/investigations/how-a-boys-club-raiders-culture-fueled-turnover-lawsuits-and-harassment-claims-2598298/).

> work in the organization, and I believe we started to make those changes that are necessary to get the culture back to where we feel we can all be positive."[248]
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> When reporters asked the NFL whether it planned to conduct an independent investigation into the allegations, the League intimated that it had no such plans, stating that it "has been reviewing with the club its workplace policies and practices" and looked "forward to working closely with the Raiders and all clubs to ensure that our workplaces are professional, respectful, and inclusive, and give all employees an opportunity to grow and contribute."[249] The NFL refused to respond to questions from Committee staff regarding whether it had launched an investigation into the Raiders workplace culture.

In addition to failing to adequately address workplace misconduct at NFL clubs, the League Office failed to ensure that its own workplaces are free from discrimination and harassment. In April 2022, six state attorneys general warned the NFL to address allegations of workplace harassment and gender discrimination after more than 30 former League Office employees, many of whom spoke on conditions of anonymity due to non-disclosure agreements or fear of retaliation, described "a stifling, deeply ingrained corporate culture that demoralized some female employees, drove some to quit in frustration and left many feeling brushed aside."[250]

Although the NFL has mandated anti-harassment trainings in recent years, it has failed to take key steps to protect employees or prevent workplace misconduct from occurring across the League.[251] For example, the NFL currently allows its 32 clubs to use non-disclosure agreements

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[248] *Mark Davis Says Raiders Investigated Claims of Hostile Workplace Culture*, Sports Illustrated (July 8, 2022) (online at www.si.com/nfl/2022/07/08/mark-davis-raiders-investigation-claims-hostile-workplace-culture); *Roger Goodell: NFL, Not Commanders, Will Conduct Daniel Snyder Investigation*, Sports Illustrated (Feb. 10, 2022) (online at www.si.com/nfl/commanders/news/roger-goodell-dan-snyder-washington-commanders-investigation-super-bowl#gid=ci0299804c5000278d&pid=dan-snyder-roger-goodell); *Mark Davis Says Raiders Investigated Claims of Hostile Workplace Culture*, Sports Illustrated (July 8, 2022) (online at www.si.com/nfl/2022/07/08/mark-davis-raiders-investigation-claims-hostile-workplace-culture).

[249] *NFL "Has Been Reviewing" Workplace Policies and Practices with Raiders*, NBC Sports (July 12, 2022) (online at https://profootballtalk nbcsports.com/2022/07/12/nfl-has-been-reviewing-workplace-policies-and-practices-with-raiders/?partner=Yahoo).

[250] Letter from Attorney General Letitia James, Office of New York State Attorney General, to Commissioner Roger Goodell, National Football League (April 6, 2022) (online at https://ag.ny.gov/sites/default/files/nfl_ltr_04.06.2022_final.pdf); *Promised a New Culture, Women Say the N.F.L. Instead Pushed Them Aside*, New York Times (Feb. 8, 2022) (online at www nytimes.com/2022/02/08/sports/football/nfl-women-culture.html); *Attorneys General Threaten to Investigate N.F.L.'s Treatment of Female Employees*, New York Times (April 6, 2022) (online at www nytimes.com/2022/04/06/sports/football/nfl-sexual-harassment-women.html).

[251] Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf) (discussing the NFL's sexual harassment training requirements); *Washington N.F.L. Harassment Report Shocked Many, but Not Women*, New York Times (July 17, 2020) (online at www nytimes.com/2020/07/17/sports/football/sexual-harassment-washington-dan-snyder.html?auth=login-email&login=email).

to resolve workplace disputes and conceal workplace misconduct.[252] Moreover, "member clubs of the NFL are not required to report confidentiality and non-disclosure agreements to the League."[253]

Rather than address issues of workplace misconduct head on, the NFL has deferred responsibility to its clubs. The League's Personal Conduct Policy defines the standards of conduct that applies to all League and club employees and owners.[254] However, according to an internal document obtained by the Committee that explains reporting requirements under this policy, "workplace complaints of sexual harassment," including "non-physical sexual harassment, discrimination, retaliation" are *not* considered "conduct that undermines or puts at risk the integrity of the NFL, NFL clubs or NFL personnel" under the NFL's Personal Conduct Policy and instead defers to clubs to such matters internally.[255]

This guidance is contrary to Mary Jo White's 2018 recommendation, which the League rejected, that claims of workplace misconduct be "reported to the League Office under the Personal Conduct Policy."[256]

The NFL's ongoing failure to take workplace misconduct seriously is compounded by its own policies that are designed to protect the interest of club owners. In particular, a subset of team owners oversees the Personal Conduct Policy and are empowered to "recommend any appropriate changes in the policy, including investigatory practices, disciplinary levels or procedures, or service components."[257]

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[252] *See* Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).

[253] Letter from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Nov. 4, 2021) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/3.%202022-02-04%20-%20Kelner%20NFL%20Nov.%204%20Letter_Redacted.pdf).

[254] National Football League, *Personal Conduct Policy* (2018) (online at https://nflcommunications.com/Documents/2018%20Policies/2018%20Personal%20Conduct%20Policy.pdf#:~:text=PERSONAL%20CONDUCT%20POLICY%20League%20Policies%20for%20Players.%202018.,Films%2C%20NFL%20Network%2C%20or%20any%20other%20NFL%20business).

[255] NFL-00031723- NFL-00031725 (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/NFL-00031723-NFL-00031725.pdf). According to the metadata provided by the NFL, the document appears to have been created in 2016 and was last modified in 2020 by the file's author Jeff Pash, the NFL's General Counsel.

[256] National Football League, *Press Release: Commissioner Goodell Announces Findings in Carolina Panthers Workplace Investigation* (June 28, 2018) (online at https://nflcommunications.com/Pages/COMMISSIONER-GOODELL-ANNOUNCES-FINDINGS-IN-CAROLINA-PANTHERS-WORKPLACE-INVESTIGATION.aspx).

[257] National Football League, *Personal Conduct Policy* (2018) (online at https://nflcommunications.com/Documents/2018%20Policies/2018%20Personal%20Conduct%20Policy.pdf#:~:text=PERSONAL%20CONDUCT%20POLICY%20League%20Policies%20for%20Players.%202018.,Films%2C%20NFL%20Network%2C%20or%20any%20other%20NFL%20business); *see also If NFL Wants to Curb Abuse, It*

V. CONCLUSION: THE NFL'S HANDLING OF TOXIC WORKPLACE CONDUCT SHOWS THE NEED FOR INCREASED OVERSIGHT AND LEGISLATIVE REFORMS TO PROTECT WORKERS

The results of the Committee's investigation, as laid out in this report, are clear: sexual harassment, bullying, and other toxic conduct pervaded the workplace at the Washington Commanders and were perpetuated by a culture of fear instilled by the Team's owner. The NFL, through the investigation conducted by Ms. Wilkinson, was aware that Mr. Snyder and other Team executives not only failed to stop this misconduct but engaged in it themselves. The League also knew that Mr. Snyder and the Commanders organization used a variety of tactics to intimidate, surveil, and pay off whistleblowers and to influence and obstruct Ms. Wilkinson's work. Rather than seek real accountability, the NFL aligned its legal interests with Mr. Snyder's, failed to curtail his abusive tactics, and buried the investigation's findings.

The Committee's investigation demonstrates the urgent need for workplace reforms to prevent and address toxic work environments, strengthen protections for women in the workplace, and restrict the use of non-disclosure agreements that prevent the disclosure of unlawful employment practices, including sexual harassment. These reforms were supported by the victims interviewed during the Committee's investigation. Dave Pauken, the Commanders former COO, explained: "And my belief is that this Congress has a right and an obligation to workplace safety and oppression. And if there's a role to help the American worker in that, then you have a role in it."[258] Emily Applegate, who was a victim of the Commanders' toxic culture and a target of Mr. Snyder's shadow campaign, concurred, calling for the Committee "to take this issue on, pass legislation that would help other employees to report so they have the opportunity to be in the courtroom, and not only be in the courtroom, but find some justice."[259]

To address this need, Chairwoman Maloney has introduced two bills that would ensure the protection of employees, not only at the NFL and its clubs, but in workplaces across the country. **H.R. 8146, the Accountability for Workplace Misconduct Act,** would prohibit the use of pre-dispute employment nondisclosure, confidentiality, and non-disparagement agreements that limit, prevent, or interfere with an employee's ability to disclose harassment, discrimination, or retaliation in the workplace as a condition of employment. **H.R. 8145, the Professional Images Protection Act,** would require employers to provide written notice to and obtain consent from employees prior to taking, collecting, disseminating, or using their

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Needs to Ban Non-Disclosure Agreements In Cases of Sexual Harassment and Discrimination, Yahoo Sports (July 21, 2020) (online at https://sports.yahoo.com/if-nfl-wants-to-curb-abuse-it-needs-to-ban-nondisclosure-agreements-in-cases-of-sexual-harassment-and-discrimination-000731714.html) (noting that Commissioner Goodell referred Mary Jo White's Carolina Panthers recommendation to the Conduct Committee in 2018).

[258] Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf).

[259] Committee on Oversight and Reform, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight house.gov/files/2022-02-03%20Transcript%20of%20Roundtable.pdf).

professional images.[260] Commissioner Goodell voiced support for these bills during the Committee's hearing.[261]

Congress should also consider additional reforms to address the problems identified in the Committee's investigation and strengthen oversight of toxic workplaces in the NFL and other professional sports leagues. In particular, Congress should consider prohibiting professional sports team owners from taking tax deductions on fines or penalties paid in connection with workplace misconduct investigations. Congress should also consider requiring the NFL and its 32 clubs to prioritize the wellness of their employees and demonstrate compliance with state and federal employment laws as a condition to continue to benefit from federal antitrust exemptions as well as tax-exempt municipal bonds used to finance construction and renovation of sports stadiums.

[260] Committee on Oversight and Reform, *Press Release: Chairwoman Maloney Introduces Legislation to Combat Workplace Misconduct and Misuse of Professional Images* (June 17, 2022) (online at https://oversight.house.gov/news/press-releases/chairwoman-maloney-introduces-legislation-to-combat-workplace-misconduct-and).

[261] *See* Committee on Oversight and Reform, *Hearing on Tackling Toxic Workplaces: Examining the NFL's Handling of Workplace Misconduct at the Washington Commanders* (June 22, 2022) (online at www.congress.gov/117/meeting/house/114933/documents/HHRG-117-GO00-Transcript-20220622.pdf).