

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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August 16, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

I write regarding investigative findings released by the National Football League (NFL) into the Washington Commanders that directly contradict statements the team's former owner, Daniel Snyder, made under oath before this Committee.¹ The NFL's findings are based on interviews of "44 witnesses" and the review of "tens of thousands of documents."² I urge you, as Chair of this Committee, to refer Mr. Snyder to the Department of Justice, so that it can investigate his conduct and determine whether Mr. Snyder should be prosecuted for making false statements to this Committee and obstructing a Congressional investigation.

In October 2021, Chairwoman Carolyn Maloney launched an investigation into the decades-long toxic workplace culture at the Washington Commanders, the NFL's handling of the investigation into this matter, and the NFL's role and record in setting and enforcing workplace standards across the League. The Committee's year-long investigation showed that sexual harassment, bullying, and other toxic conduct pervaded the Commanders' workplace, perpetuated by a culture of fear instilled in the workforce by the Team's owner. Through an internal investigation, the NFL was aware that the Team's owner permitted and participated in workplace misconduct and engaged in tactics used to intimidate, surveil, and pay off victims. However, the NFL aligned its legal interests with the Commanders, failed to curtail these abusive tactics, and buried the investigation's findings. This Committee's investigation revealed new evidence of sexual misconduct by the Commanders' then-owner, Daniel Snyder, as well as allegations that the Commanders engaged in financial misconduct involving withholding and concealing money owed to fans and other NFL teams.³ As a result of the Committee's findings,

¹ Debevoise & Plimpton LLP, *Report of Findings of the Investigation Regarding Daniel Snyder and the Washington Commanders*, at Page 5 (July 20, 2023) (online at <https://static.www.nfl.com/image/upload/league/xtgdzineti21ywo7lrza.pdf>).

² *Id.*

³ Committee on Oversight and Accountability, *Press Release: Oversight Committee Releases Final Report on Investigation into the NFL's Handling of Washington Commanders' Hostile Workplace Culture* (Dec. 8, 2022)

several law enforcement agencies, including the U.S. Attorney's Office for the Eastern District of Virginia and the Attorneys General for Virginia, Maryland, the District of Columbia, New York, and California launched their own investigations into the Commanders and the NFL.⁴

The Committee's investigation prompted the NFL to retain former U.S. Attorney and Securities and Exchange Commission Chair Mary Jo White to undertake an independent investigation of the sexual misconduct allegations against Mr. Snyder and allegations of financial misconduct. Commissioner Roger Goodell committed to release the results of Ms. White's investigation at a June 22, 2022, Committee hearing and delivered on this commitment on July 20, 2023, when the NFL released the report of Ms. White's investigation.⁵

The Committee Uncovered New Allegations of Sexual and Financial Misconduct by Mr. Snyder and the Commanders

On February 3, 2022, the Committee held a roundtable with former Commanders employees who shared personal accounts of sexual harassment, verbal abuse, and other misconduct while employed at the Washington Commanders under the leadership of owner Daniel Snyder. At the roundtable, Tiffani Johnston, employed by the Commanders as a former Marketing and Events Coordinator and cheerleader, recalled being sexually harassed 50 to 100 times, including by Mr. Snyder. She described a particular instance of sexual misconduct during a Commanders work dinner when Mr. Snyder "place[d] his hand on my thigh under the table" and, later that evening "aggressively pushed me towards his limo with his hand on my lower back, encouraging me to ride with him to my car."⁶

(online at <https://oversightdemocrats.house.gov/news/press-releases/oversight-committee-releases-final-report-on-investigation-into-the-nfl-s>).

⁴ Sources: *U.S. Attorney's Office Investigating Commanders Over Alleged Financial Improprieties*, ESPN (Nov. 2, 2022) (online at www.espn.com/nfl/story/_/id/34934158/sources-us-attorney-office-investigating-commanders-alleged-financial-improprieties); *Commanders Reach Settlement with Maryland AG Over Allegations of Withholding Ticket Deposits*, Yahoo Sports (Nov. 18, 2022) (online at <https://sports.yahoo.com/commanders-reach-settlement-with-maryland-ag-over-allegations-of-withholding-ticket-deposits-230129930.html>); Office of the New York State Attorney General, *Press Release: Attorneys General James and Bonta Launch Investigation into National Football League's Workplace Practices and Culture* (May 4, 2023) (online at <https://ag.ny.gov/press-release/2023/attorneys-general-james-and-bonta-launch-investigation-national-football-leagues>).

⁵ National Football League, *Findings and Outcome of Mary Jo White's Investigation into Commanders Announced* (July 20, 2023) (online at www.nfl.com/news/findings-and-outcome-of-mary-jo-white-investigation-into-commanders-announced).

⁶ 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://oversightdemocrats.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://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/020322%20-%20Friedman%20Witness%20Letter.pdf>) (corroborating Ms. Johnston's account of Mr. Snyder's attempt to push Ms. Johnston into his limo).

Jason Friedman, a 24-year veteran of the Commanders and former Vice President of Premium Sales corroborated Ms. Johnston's allegations.⁷ During a transcribed interview, Mr. Friedman described the Commanders' culture during most of his tenure as rife with "sexual harassment in the workplace" and "a frat house mentality."⁸ He further explained that Mr. Snyder displayed a pattern of intimidating behavior and attempted to silence employees who raised allegations of misconduct. Mr. Friedman also described a troubling, long-running, and potentially unlawful pattern of financial misconduct by senior Washington Commanders' executives, including Daniel Snyder. This conduct involved withholding millions of dollars in refundable deposits owed to fans and concealing revenues that were owed to the NFL as part of the League's revenue-sharing agreement.⁹

Under Oath, Mr. Snyder Denied Ms. Johnson's Allegations of Sexual Misconduct

After Mr. Snyder declined to testify before the Committee and repeatedly refused to accept service of the Committee's subpoena, he ultimately agreed to sit for a private deposition on July 28, 2022. During this deposition, Mr. Snyder stated under oath *over 100 times* that he could not recall basic facts about his role as then-owner of the Commanders and repeatedly denied sexually harassing Ms. Johnston.¹⁰

In particular, Mr. Snyder stated:

Q: As you discussed, Ms. Johnston accused you of placing your hand on her thigh at a work dinner and later at the end of the evening that you attempted to push her into your car. Did I understand you correctly to say that you have no recollection of this evening?

A: None.¹¹

⁷ Letter from Jason Friedman to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 3, 2022) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/020322%20-%20Friedman%20Witness%20Letter.pdf>); Committee on Oversight and Reform, *Excerpts from the Transcribed Interview of Jason Friedman*, (Mar. 14, 2022) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-03-14%20Transcribed%20Interview%20of%20Jason%20Friedman_0.pdf).

⁸ Committee on Oversight and Reform, *Excerpts from the Transcribed Interview of Jason Friedman*, at Page 53, (Mar. 14, 2022) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-03-14%20Transcribed%20Interview%20of%20Jason%20Friedman_0.pdf).

⁹ *Id.*

¹⁰ Committee on Oversight and Reform, *Conduct Detrimental: How the NFL and the Washington Commanders Covered Up Decades of Sexual Misconduct* (Dec. 8, 2022) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-12-08%20NFL%20Report_Final.pdf).

¹¹ Committee on Oversight, *Excerpts from the Deposition of Daniel M. Snyder*, at Page 198 (July 28, 2022) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-07-28%20Deposition%20of%20Daniel%20M.%20Snyder_Redacted.2.pdf).

* * *

Q: Now, immediately after the allegations were leveled, you stated you that Ms. Johnston's allegations were outright lies. Is that fair?

A: I just know the truth, that didn't happen.

Q: Well, Mr. Snyder, I thought your statement – your testimony was that you didn't have a recollection of that evening.

A: I don't.

Q: And so you don't have a recollection of that evening. Ms. Johnston seems to have a recollection of that evening, but you took the position that she's lying. Is that correct?

A: All I know is that it's just not true.

Q: Despite the fact you don't have any recollection of that evening?

A: Correct.¹²

Mr. Snyder also sought to undermine Mr. Friedman's account of these events by asserting he never had dinner with Mr. Friedman:

Q: Now, Mr. Snyder, it wasn't only Ms. Johnston's testimony that this incident occurred. There is also corroborating evidence from Mr. Friedman; correct?

A: I just know that the whole claim is not true. And after looking at my calendars over nearly two decades, I don't have a dinner on my calendar with Jason Friedman or even a meeting or a lunch.

Q: Mr. Snyder, why would these two people lie about that evening?

A: I don't know what people's motives are. And I'm not going to speculate on people's motives.¹³

In an effort to discredit Ms. Johnston and Mr. Friedman's allegations, Mr. Snyder also engaged in a smear campaign against his detractors, including Mr. Friedman.¹⁴ Just days after

¹² *Id.* at Page 201.

¹³ *Id.* at Page 202.

¹⁴ The Committee's December 2022 Staff Report detailed Mr. Snyder's practice of engaging in abusive and predatory tactics to cover up his misconduct, including by abusing "the subpoena power of federal courts on at least ten separate occasions" 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."

the Committee interviewed Mr. Friedman, Mr. Snyder's lawyers leaked emails detailing damaging private information about him.¹⁵ Mr. Snyder's actions appeared to be an attempt to paint Mr. Friedman as unreliable in an effort to discredit his allegations. These actions closely resemble tactics Mr. Snyder used to obstruct a prior effort to investigate misconduct at the Commanders led by Beth Wilkinson.¹⁶ Ms. Wilkinson was retained by the NFL in September 2020 to conduct an independent investigation into the allegations of decades-long misconduct at the Commanders and to complete a written report of her findings. As this Committee's investigation uncovered, Mr. Snyder launched a shadow investigation into suspected sources of the Washington Post exposés about his misconduct, attempted to block Ms. Wilkinson's access to information, and tried to silence employees who could implicate him in misconduct.¹⁷ Ms. Wilkinson's report was never released. Instead, 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."¹⁸

Last Congress, you also repeatedly called Mr. Friedman's testimony "one-sided, unsupported claims from a disgruntled ex-employee" who was "not a reliable witness."¹⁹ In a

Committee on Oversight and Reform, *Conduct Detrimental: How the NFL and the Washington Commanders Covered Up Decades of Sexual Misconduct* at 6 (Dec. 8, 2022) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-12-08%20NFL%20Report_Final.pdf).

¹⁵ Letter from Jordan Sieve, Reed Smith LLP, on behalf of Daniel Snyder, to Lina M. Khan, Chair, Federal Trade Commission (Apr. 18, 2022) (online at www.scribd.com/document/570437407/Commanders-Legal-Team-Letter-to-FTC).

¹⁶ See Committee on Oversight and Reform, *Conduct Detrimental: How the NFL and the Washington Commanders Covered Up Decades of Sexual Misconduct* (Dec. 8, 2022) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-12-08%20NFL%20Report_Final.pdf).

¹⁷ Committee on Oversight and Accountability, *Press Release: Oversight Committee Releases Final Report on Investigation into the NFL's Handling of Washington Commanders' Hostile Workplace Culture* (Dec. 8, 2022), (online at <https://oversightdemocrats.house.gov/news/press-releases/oversight-committee-releases-final-report-on-investigation-into-the-nfl-s>).

¹⁸ *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-ANNOUNCESOUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx>).

¹⁹ Committee on Oversight and Reform, Letter from Ranking Member James Comer, Committee on Oversight and Reform, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Apr. 21, 2022) (online at <https://oversight.house.gov/wp-content/uploads/2022/04/letter-to-Maloney-re-FTC77.pdf>). See also Committee on Oversight and Reform, *Roundtable: Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at <https://oversightdemocrats.house.gov/legislation/hearings/examining-the-washington-football-team-s-toxic-workplace-culture>) (where Ms. Herrell labeled this roundtable as "a farce."); Memorandum from Committee on Oversight and Reform Republican Staff to Committee on Oversight and Reform Republican Staff, *Committee Democrats' Misuse of Congressional Oversight in Washington Commanders Investigation* (Dec. 7, 2022) (online at <https://int.nyt.com/data/documenttools/republican-response-washington-commanders/c1a789ce581a1e43/full.pdf>) (claiming the Oversight Committee's investigation "relied on

December 7, 2022, memo, the Committee's Republican staff once again referred to Mr. Friedman as a "former disgruntled employee" who "levied many baseless accusations."²⁰ This same report highlighted that Mr. Snyder "denie[d] Tiffani Johnston's allegations" during his deposition.²¹

Ms. White's Investigation Findings Directly Contradict Mr. Snyder's Denials

On July 20, 2023, the NFL issued Ms. White's full report of her independent review. Ms. White investigated both "allegations made by Ms. Johnston at the Congressional roundtable," as well as "Mr. Friedman's allegations of financial improprieties from media reports."²² Despite publicly pledging to cooperate with Ms. White's investigation, Mr. Snyder and the Commanders "failed to cooperate."²³ Further, Mr. Snyder agreed to be interviewed for one hour only, during which he "reiterated his denials of Ms. Johnston's allegations of sexual harassment and purported to have little knowledge or recollection of any substantive information relevant to the financial issues."²⁴

Despite Mr. Snyder and the Commanders' lack of cooperation over the course of Ms. White and her team's year-long investigation, the team interviewed a total of "44 witnesses" and reviewed "tens of thousands of documents" relating to Ms. Johnston and Mr. Friedman's allegations of misconduct.²⁵ The independent investigation "sustained both Tiffani Johnston's allegation of sexual harassment by Mr. Snyder and Jason Friedman's allegation of deliberate underreporting of NFL revenues by the Club to avoid its [revenue] sharing obligations."²⁶ With regard to Ms. Johnston's allegation of sexual misconduct, the report concluded:

We credit Ms. Johnston's account that Mr. Snyder put his hand on her thigh under the restaurant table (which she removed without comment) and pushed her towards his car after a work-related dinner, and that Ms. Johnston did not consent, in any way, to Mr. Snyder's actions. While we could not determine the precise date of the incident and the identities of all dinner attendees, we sustained Ms. Johnston's allegations. We spoke to

uncorroborated allegations while ignoring, and even actively trying to avoid learning the inconvenient truth," and that Mr. Friedman was a "former disgruntled employee [...] who levied many baseless allegations.").

²⁰ Memorandum from Committee on Oversight and Reform Republican Staff to Committee on Oversight and Reform Republican Staff, *Committee Democrats' Misuse of Congressional Oversight in Washington Commanders Investigation* (Dec. 7, 2022) (online at <https://int.nyt.com/data/documenttools/republican-response-washington-commanders/c1a789ce581a1e43/full.pdf>).

²¹ *Id.*

²² Debevoise & Plimpton LLP, *Report of Findings of the Investigation Regarding Daniel Snyder and the Washington Commanders*, at Page 4 (July 20, 2023) (online at <https://static.www.nfl.com/image/upload/league/xtgdzineti21ywo7lrza.pdf>).

²³ *Id.* at Page 4.

²⁴ *Id.*

²⁵ *Id.* at Page 5.

²⁶ *Id.* at Page 22.

Ms. Johnston several times and found her to be highly credible. Her account of the incident was also corroborated by other witnesses and evidence[.]²⁷

The report also noted: “We found Mr. Friedman to be a credible and careful witness about the allegations regarding both this event [i.e., Ms. Johnston’s allegation] and the financial improprieties, which, as detailed below, are corroborated separately by extensive independent evidence and the Club’s own admissions to the Investigators.”²⁸ Upon releasing the report, Commissioner Goodell publicly acknowledged “the diligence, thoroughness and professionalism of Ms. White and her team throughout this process.”²⁹

Mr. Snyder’s statements under oath to this Committee, claiming Ms. Johnston’s allegations “didn’t happen” and were “not true,” as well as his assertion that “the whole claim is not true” are inconsistent with the findings of Ms. White’s investigation. Mr. Snyder’s testimony to the Committee suggests a deliberate effort to provide false testimony in an effort to obstruct a Congressional investigation. These false statements are particularly troubling given that they appear to be part of a pattern of obstruction and misrepresentation that included Mr. Snyder’s efforts to smear Mr. Friedman and his characterization of Ms. Johnston’s account as “outright lies,” as well as his efforts to interfere with a prior investigation conducted by Beth Wilkinson.

This Committee’s investigation into the workplace misconduct at the Commanders and the NFL’s response was a critical step toward exposing the sexual harassment, bullying, and other toxic conduct that permeated the Washington Commanders with the NFL’s tacit approval. This investigation was an important step toward holding one of the most prominent workplaces in the country accountable. The investigation also highlighted 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. As a result of the investigation, Committee Democrats introduced much-needed legislative reform to laws governing harassment in the workplace and use of employee images.³⁰

Making false statements to Congress and obstructing Congressional investigations are serious crimes. This Committee cannot conduct effective oversight if witnesses misrepresent and obscure the truth. I therefore urge you to hold Mr. Snyder accountable by referring him to the Department of Justice for investigation and, if warranted, prosecution, for lying under oath and obstructing this Committee’s investigation.

²⁷ *Id.* at Page 7.

²⁸ *Id.* at Page 9.

²⁹ National Football League, *Findings and Outcome of Mary Jo White’s Investigation into Commanders Announced* (July 20, 2023) (online at www.nfl.com/news/findings-and-outcome-of-mary-jo-white-investigation-into-commanders-announced).

³⁰ This investigation led to the introduction of multiple pieces of legislation, including H.R. 8145 (guarding against employer abuse of employee images and ensuring that employees have a say in how and when their images are used for business purposes) and H.R. 8146 (safeguarding against the abuse of non-disclosure agreements that silence victims of workplace misconduct and establishing requirements for employers when conducting investigations of harassment, discrimination and retaliation complaints).

Thank you for your prompt attention to this important matter.

Sincerely,



Jamie Raskin
Ranking Member