



**NFL PLAYERS
ASSOCIATION**

LEGAL DEPARTMENT

August 18, 2016

Adolpho Birch, Senior VP Labor Policy
NFL
345 Park Avenue
New York, NY

Re: Al-Jazeera Investigation and Mr. James Harrison

Dear Adolpho:

We write in response to your August 15th letter about the NFL's investigation of Mr. Harrison, which is based upon a twenty-five second clip from an hour-long story broadcast by Al-Jazeera, in which one individual (who subsequently recanted all of his remarks) was secretly recorded making baseless, false allegations about Mr. Harrison.

Your most recent letter, distributed to the media before providing it to Mr. Harrison and the NFLPA, confirmed our understanding that, rather than act with the integrity, respect, and thoughtful diligence that an employer such as the NFL should, the League has instead decided to ignore its collectively-bargained agreements and try to bully and publicly "shame" a veteran player-employee who has repeatedly asked a simple, eminently reasonable question about his employer's investigation:

Is the NFL aware of *any* credible evidence - other than the recanted remarks by one individual shown by Al-Jazeera - that indicates that there is any validity to the remarks about Mr. Harrison?

To be clear, Mr. Harrison's request was not that the NFL provide copies of any such evidence at the time he asked the question; rather, in his attempt to ascertain what constitutes his reasonable cooperation with a public-facing employer's investigation, he asked a simple, fair question to which the NFL has repeatedly refused to respond.

In addition to the "public shaming" media strategy employed by the NFL, in that same letter, the Commissioner has now threatened to impose an indefinite suspension if Mr. Harrison refuses to agree to an in-person interview. Such discipline for refusing to be interviewed in a Performance-Enhancing Substances Policy (the "Policy") investigation, however, is nowhere to be found in that carefully negotiated Policy. Both Mr. Harrison and the NFLPA strongly disagree that the Commissioner has any authority under the CBA to take such action and reserve all of their rights. We also disagree with your assertion that Article 46 has any application here—the Policy has its own collectively bargained discipline and dispute resolution provisions.



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Despite the NFL's attempt to assert authority for which it never bargained, and its embarrassing refusal to thoughtfully consider the fair question and viewpoint of a man who has performed his job in a public arena at the highest level for over fifteen years, Mr. Harrison has decided that he will try to end this witch hunt and distraction to his team; he will make himself available at approximately 5pm on Tuesday, August 30, 2016 at the Steelers' facility to answer NFL investigators' questions about the only remarks about him in the Al-Jazeera report, which are transcribed below:

Time stamp in report: 36:38 – 37:03

Charles Sly to Undercover Al Jaz: Do you know who James Harrison is?

Undercover Al J: No, what does he do?

Sly: Oh, he's a fucking beast. Yes, he's a football player.

Undercover Al J: Who does he play for?

Sly: He plays for the Steelers. He's been at it for awhile.

Undercover Al J: You supply him as well?

Sly: Yeah, with some stuff. Yeah.

Undercover Al J: Is he in the D2 [Delta-2] club?

Sly: Yeah, he takes it.

Mr. Harrison and the NFLPA are willing to provide this interview on a non-precedential basis because of Mr. Harrison' professional decision in this situation to respond to an employer who has failed in its obligations to him, and he and the NFLPA reserve all rights regarding any future action the NFL may attempt to take in this matter.

Very truly yours,

Heather M. McPhee
NFLPA Associate General Counsel

cc: James Harrison
Tom DePaso