



NFL PLAYERS
ASSOCIATION

LEGAL DEPARTMENT

July 11, 2016

Adolpho Birch, Senior VP Labor Policy
NFL



Re: Al-Jazeera Investigation and Mr. James Harrison

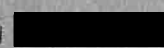
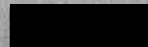
Dear Adolpho:

The NFLPA and Mr. Harrison have repeatedly requested that the NFL inform Mr. Harrison and the NFLPA if the NFL's investigation has yielded any credible evidence (other than verbal remarks aired by Al Jazeera) that would provide a reasonable basis for Mr. Harrison to submit to an interview by his employer. After numerous written exchanges, the NFL has failed to inform Mr. Harrison or the NFLPA that it possesses, or is even aware of the existence of, any such credible evidence.

Your letter dated June 30, 2016 states that we do not dispute that "NFL players have an obligation to cooperate with league investigations," and we do not dispute that employees have a duty to reasonably cooperate with employer investigations - *if* the employer's diligent investigative efforts have yielded credible evidence (here, in the forms explicitly referenced in the Policy on Performance Enhancing Substances) that triggers an employee's duty to reasonably cooperate. In this situation, despite repeated inquiries from the targeted players and NFLPA, the NFL has not indicated that its investigation has yielded any such credible evidence about which league investigators need to question Mr. Harrison.

As you know, neither the CBA nor the Policy state that a player must agree to an in-person interview based upon random, baseless verbal remarks or face discipline for a failure to cooperate with a league investigation. The NFLPA and Mr. Harrison have simply asked the NFL to meet its obligation as a responsible, sophisticated employer to perform rigorous due diligence prior to demanding interview with employees.

In an effort to clarify both the paucity of "evidence" contained in the report and the lack of the need for the NFL to demand in-person interviews of Mr. Harrison, we enclose a transcript of all references to him that appear in the report, and an affidavit from Mr. Harrison addressing those references. We ask that you promptly review the exact references to Mr. Harrison in the Al Jazeera report (transcribed excerpts with time-stamps are attached); you will see that the affidavit from Mr. Harrison addresses each of the specific references to him.



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In the absence of the existence of any documented, credible evidence, this affidavit constitutes reasonable cooperation by this employee.

Very truly yours,

A handwritten signature in black ink, appearing to read "Heather M. McPhee". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "McPhee".

Heather M. McPhee
NFLPA Associate General Counsel

cc: James Harrison
Tom DePaso

Al Jazeera Report References to JAMES HARRISON

Time stamp in report: 36:38 – 37:03

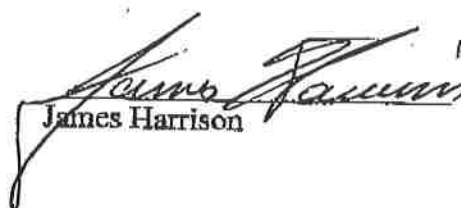
Charles Sly to Undercover Al Jaz:	Do you know who James Harrison is?
Undercover Al J:	No, what does he do?
Charles Sly:	Oh, he's a f---ing beast. Yes, he's a football player.
Undercover Al J:	Who does he play for?
Charles Sly:	He plays for the Steelers. He's been at it for awhile.
Undercover Al J:	You supply him as well?
Charles Sly:	Yeah, with some stuff. Yeah.
Undercover Al J:	Is he in the D2 [Delta-2] club?
Charles Sly:	Yeah, he takes it.

AFFIDAVIT OF JAMES HARRISON

I, James Harrison, hereby declare, as follows:

1. I am a professional football player, and I am currently employed by the Pittsburgh Steelers.
2. As a professional athlete, I have met thousands of people during my career, but to the best of my knowledge and recollection, I have never met the individual who is apparently named Charles Sly whose remarks appeared in a report called "The Dark Side" that was aired by Al Jazeera America in December 2015 ("the Report").
3. As stated in paragraph 2, I do not know Charles Sly, and thus I have not had email, text messaging, or other communications with Charles Sly.
4. As stated in paragraph 2, I do not know Charles Sly, and thus I have never been supplied with a substance called "D-2" or "Delta-2" that the person who appears to be named Charles Sly refers to in the Al Jazeera report.
5. I have never ingested the substance or product called "Delta-2."
6. I have never violated the NFL Policy Performance Enhancing Substances.

Dated: July 11, 2016


James Harrison