



COMMUNICATIONS

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DISCIPLINE REAFFIRMED FOR FOUR PLAYERS SUSPENDED FOR PARTICIPATION IN SAINTS' BOUNTY PROGRAM

DECISION BASED ON CONDUCT DETRIMENTAL TO FOOTBALL

Commissioner Roger Goodell reaffirmed the discipline for four players in the New Orleans Saints' bounty matter today, but adjusted certain aspects of it following recent meetings with each of the players, the first time those players had agreed to speak directly to the NFL to give their side of the story.

In letters to each player and a memorandum to the clubs, Commissioner Goodell clarified that his decision was based entirely on his finding that the bounty program represented conduct detrimental to the league and professional football. The Saints' bounty program operated over a three-year period and offered incentives to players for plays including "cart-offs" and "knock-outs," which were plays that caused injuries to opponents.

The decision was made in response to the CBA Appeals Panel that asked Commissioner Goodell to make a redetermination of the discipline previously imposed on those players and clarify whether any of it was related to salary cap violations.

For decades, the commissioner of the NFL has been empowered, including in the Collective Bargaining Agreement with the players, to impose discipline on any individual employed by the NFL or its clubs that engages in specific conduct that he determines with due process to be conduct detrimental to the integrity of and public confidence in the NFL. This responsibility was most recently affirmed in the 2011 CBA.

"The quality, specificity and scope of the evidence supporting the findings of conduct detrimental are far greater and more extensive than ordinarily available in such cases," Goodell noted in a memorandum to the clubs.

"In my recent meetings with the players and their counsel, the players addressed the allegations and had an opportunity to tell their side of the story," Goodell also wrote. "In those meetings, the players confirmed many of the key facts disclosed in our investigation, most particularly that the program offered cash rewards for 'cart-offs,' that players were encouraged to 'crank up the John Deere tractor' and have their opponents carted off the field, and that rewards were offered and paid for plays that resulted in opposing players having to leave the field of play."

[NOTE: The full memorandum to the clubs and related documents and evidence will be posted on nflmedia.com and nflcommunications.com.]

The specific discipline being imposed today, subject to appeals by the players, is as follows:

- **SCOTT FUJITA** (now with the Cleveland Browns) is suspended for one game. He had been suspended for three games.

In a letter to Fujita, Commissioner Goodell said:

"While I have not found that you directly contributed to the bounty pool, there is no serious question that you were aware of the pool and its elements, including that it provided rewards for cart-offs. Indeed, Mr. [Jonathan] Vilma testified that Coach [Gregg] Williams brought the program to the team's defensive leaders before the 2009 season and that you supported and endorsed it. Your own comments confirm that players were encouraged to 'crank up the John Deere tractor and cart those guys off' the playing field.

"I am surprised and disappointed by the fact that you, a former defensive captain and a passionate advocate for player safety, ignored such a program and permitted it to continue. You made clear to me that participation in the program was voluntary and that other players could have refused to participate, as you claim to have done. If you had spoken up, perhaps other players would have refused to participate and the consequences with which we are now dealing could have been avoided.

"I believe that everyone in the NFL, including players, has an obligation to promote fair and safe play, and to protect the integrity of the game. Your failure to act contributed to allowing this program to remain in place not only during the 2009 season, but for two additional seasons after that. There also remains the matter of your admitting to having essentially run your own rewards program, separate and apart from the program in which Coach Williams was involved, in which you paid or offered to pay teammates for 'big plays' such as forced fumbles or sacks. As you described the payments at our recent meeting, they were entirely independent of Coach Williams, the Club, or any Club Affiliate. As you further noted, you would pay such pledges only if the Saints won the game. This conduct is itself a violation of Article IX, Sections 9.1(c)(8) and 9.3(F) of the Constitution and Bylaws.

"I find that your violation of the rule, which protects the integrity of the game, constitutes conduct detrimental to the League. Accordingly, I have determined that you should be suspended without pay for one game. For the avoidance of doubt, none of this discipline is imposed because your offers or payments to other players were not disclosed to the League. If you had disclosed your offers or payments, they still would have violated the Constitution and Bylaws provisions discussed above and constituted conduct detrimental. "

- **ANTHONY HARGROVE** (now a free agent) is suspended for seven games, reduced from eight games. He will be credited for five games missed while a free agent, and will serve a two-game suspension once he is signed by a club.

In a letter to Hargrove, Commissioner Goodell said:

"I find that you engaged in conduct detrimental by falsely denying, when questioned by an NFL Security representative, both the existence of the Saints' program and the pledge of a substantial payment to any member of the Saints' defensive unit who knocked Brett Favre out of the 2009 NFC Championship Game. The existence of the program has been admitted by numerous Saints coaches and players, and is plainly established by the documents obtained from the club. And, based on substantial evidence, including written declarations made under penalty of perjury by two program participants whom I find credible, I have found that a member of the Saints defensive unit made such a pledge with respect to Mr. Favre.

"My finding that you misled the NFL Security representative and obstructed the League's investigation is corroborated by your own Declaration and by numerous statements made by you in our meeting of September 18 that were themselves not credible.

"In response to a request for clarification from System Arbitrator Burbank, I previously advised you that the 'vast majority' of your discipline was based on your lack of candor to the League's investigators. So that there is no question about the basis on which discipline is being imposed, I find that your misleading a League investigator and your obstruction of the League's investigation constitute conduct detrimental to the integrity of, or public confidence in, the game of professional football."

- **WILL SMITH** of the Saints is suspended for four games. There is no change to his suspension.

In a letter to Smith, Commissioner Goodell said:

"At our meeting in September, you confirmed that you expressed approval of the program when it was first presented to you by Coach Williams. You also confirmed that you provided money to the program pool both at the beginning of the season and again during the playoffs. I understand that you deny that anyone intended to inflict injury on any opposing player. Even in the face of repeated appeals to 'crank up the John Deere tractor and cart the guy off,' you and others now claim that the objective was instead merely to 'knock the wind out' of your opponents, requiring them to leave the game for only a play or two. From the standpoint of player safety, fair competition, and the integrity of the game, the issues with which I am concerned today, this kind of after-the-fact explanation is little more than wordplay that, in my judgment as Commissioner, offers no basis on which to excuse conduct that does not belong in professional football. Such behavior is conduct detrimental without regard to the precise extent or duration of the disability intended.

"Accordingly, and based on the entire record before me, I find that you endorsed and agreed to, and contributed substantial sums toward, a program that incentivized, encouraged and paid players to cause cart-offs and knockouts, plays in which an opposing player is injured or disabled and unable to continue playing, whether temporarily (cart-off) or for the remainder of the game or longer (knockout). Encouraging and rewarding cart-offs and knockouts represents an effort to cause or to seek to cause injury to and to disable opposing players, and such conduct is detrimental to the

integrity of, and public confidence in, professional football, regardless of whether the hit that causes the cart-off or knockout is 'clean' or 'dirty,' *i.e.*, subject to penalty or fine under on-field playing rules.”

- **JONATHAN VILMA** of the Saints remains suspended for the season. Mr. Vilma has been on the Physically Unable to Perform (“PUP”) list since the start of the regular season. In today’s redetermination, the Commissioner stated that Mr. Vilma will retain the salary he has received for the first six games of the season that he has spent on the “PUP” list.

Commissioner Goodell wrote to Vilma:

“At our meeting, you confirmed that cart-offs and knockouts were part of a broader program in place among the Saints’ defensive players. You confirmed that these terms referred to plays in which an opposing player has to leave the game for one or more plays. You confirmed that, as Coach Vitt testified, an opposing player’s need for smelling salts under a trainer’s care was a consequence of the kind that the program sought to achieve and for which players were offered cash rewards from the incentive pool.

“I also find that you engaged in conduct detrimental by offering a substantial financial incentive to any member of the defensive unit who knocked Brett Favre out of the Saints’ 2009 NFC playoff game against the Vikings. (There is also credible evidence that you made a similar pledge regarding Kurt Warner in the immediately preceding playoff game against the Cardinals, but whether you made multiple pledges of that kind does not matter for purposes of the discipline that I have decided to impose.)

“Both Coach Williams and Mr. [Mike] Cerullo have submitted statements under oath attesting to the fact that you made such an offer at a pre-game meeting of the Saints’ defensive unit. I have personally met with both men and have had an opportunity to assess their credibility. I am not persuaded by any suggestion that either Mr. Williams or Mr. Cerullo had an incentive to testify falsely, under penalty of perjury, about such conduct by you or by any other player. With respect to Coach Williams, you and he have repeatedly spoken highly of each other, and nobody has identified any reason why he would make false charges against the Saints or you in particular. In that respect, it is telling that even though he had already left the Saints and signed a contract to be the Defensive Coordinator for the Rams, Coach Williams continued to deny the existence of the program in its entirety, and acknowledged the program and his role in it only after detailed questioning by our investigators.

“Equally important, neither Mr. Williams nor Mr. Cerullo was made aware of the substance of the information provided by the other in the investigation; as one example, each independently volunteered to investigators that the bounty that you pledged with respect to Mr. Favre was in the specific amount of \$10,000.

“Furthermore, Coach [Joe] Vitt recalled that players made a number of pledges at that particular meeting and that the meeting ‘got out of hand.’ Mr. Fujita informed me that he believes that players made pledges of payments for ‘big plays’ at that meeting. Those statements support the written declarations, made under penalty of perjury, by Coach Williams and Mr. Cerullo about the events of that evening. In contrast, your statement that nothing out of the ordinary happened and that no pledges were made by anyone at that meeting is inconsistent with the information provided by other players and is simply not persuasive.

“In addition, as you know, in early 2010 a Vikings player informed Coach Childress that a Saints player had told him that a bounty had been placed on Mr. Favre. There is also video evidence that a Saints player said; ‘Give me my money’ immediately after Coach Vitt told the defensive unit (incorrectly) that Mr. Favre’s leg had been broken and that he would not be returning to the game.

“I find, based on all of these facts and the entire record described above, that you did, in fact, pledge money to any teammate who injured or disabled Mr. Favre to an extent that he would not be able to continue playing in the playoff game. I recognize that you and some of your teammates have denied that you made such a pledge or claim not to recall your doing so, but I am persuaded, based on the entirety of the record before me, that you did so. And I find that such a pledge or any similar incentive is conduct detrimental.”

In the memo to the clubs, Goodell explained:

“The discipline being imposed today is entirely based on my finding that the players engaged in conduct detrimental, and in no way based on any issue of undisclosed payments in violation of the salary cap.

“Our investigation disclosed nearly two dozen players who either contributed to, or received money from, the pool operated by the Saints’ defense. The four disciplined players either were involved in specific bounties on an opposing player, contributed substantially to the bounty program, engaged in payments that violated League rules, or were untruthful when the program was initially investigated.

“As reflected in the letters issued today, after careful review of all of the testimony, statements and documents in the record before me, having met with the players, as well as with Coach Williams, Coach Vitt, and Mr. Cerullo, and having had an opportunity to assess the credibility of each, I have determined that all four players engaged in conduct detrimental and that all four should be suspended for varying lengths of time depending on their particular conduct. Each has a right again to appeal his discipline. And if any player exercises that right, I intend promptly to hold a hearing as provided for in the CBA and to consider carefully, and with an open mind, any further evidence that the player brings to my attention.

“It also bears mention that as leaders among the players, Messrs. Fujita, Smith and Vilma could have spoken up and perhaps prevented the program from being implemented. They recognized that participation in the program was voluntary, that the program included incentives for cart-offs and knockouts, and that players could decline to be involved. (Indeed, Mr. Fujita’s defense is based almost entirely on his asserted refusal to participate in the program administered by Coach Williams.) Yet these same player leaders did nothing to prevent cart-offs from being highlighted, praised, incentivized and rewarded. They bear a particular responsibility for the risks that the program created for other players.

“We also conducted numerous additional interviews, including an interview of Coach Williams. At the time of that interview, Coach Williams had left the Saints and been hired by the St. Louis Rams. At the outset of this interview, Coach Williams strongly denied the existence of any bounty program and vigorously defended the conduct of the Saints players and coaches. Only after a lengthy series of questions, including presentation of facts that established the existence of the bounty program, did Coach Williams ultimately acknowledge the bounty program and disclose its full scope. He did so without any knowledge, expectation, or consideration regarding any penalties that might or might not be imposed on him in the future. Both he and Michael Cerullo, a former member of the Saints’ coaching staff, have provided sworn declarations confirming the central elements of the program.

“Importantly, at no time did Coach Williams exhibit any animus toward the Saints or its management, any of his former coaching colleagues, or any Saints player. No one has subsequently offered any reason why Coach Williams would testify falsely against his former players. To the contrary, the players themselves have praised Coach Williams as a great coach, teacher, and motivator. In his testimony in the New Orleans federal court, Mr. Vilma described Coach Williams as ‘a great motivator . . . he did a lot for me. He embraced me. . . . I think he’s a great coach.’

“The fact that the program offered financial incentive for cart-offs and knockouts of opposing players cannot be disputed. Mr. Vilma and Coach Vitt each testified in federal court in New Orleans that cart-offs were part of the program. Mr. Fujita confirmed that the players were told to ‘crank up the John Deere tractor and cart these guys off’ the field.”

The memo also stated:

“Mr. Vilma confirmed that ‘cart-offs’ and ‘knockouts’ referred to hits or tackles that resulted in an opponent’s having to leave the game for one or more plays, and that a hit or tackle that resulted in an opponent’s needing smelling salts under a trainer’s care was eligible for a reward under the program. Coach Williams defined a cart-off as “a category of big hits that resulted in an opposing player leaving the game due to the hit (for example, having the ‘wind knocked out of him’ or being shaken up or injured in some other way) and not returning to the game for one or more plays.’

“In my recent meetings with the players and their counsel, the players addressed the allegations and had an opportunity to tell their side of the story. In those meetings, the players confirmed many of the key facts disclosed in our investigation, most particularly that the program offered cash rewards for ‘cart-offs,’ that players were encouraged to ‘crank up the John Deere tractor’ and have their opponents carted off the field, and that rewards were offered and paid for plays that resulted in opposing players having to leave the field of play. Each of the players also denied one or more aspects of the earlier findings on which disciplinary action had been based. With respect specifically to the term ‘cart-offs,’ the players claimed that it referred only to a play in which an opponent ‘had the wind knocked out of him’ and had to leave the game for ‘a play or two.’

“The facts, however, conclusively undermine this characterization. For example, in a game between the Saints and the New York Giants in 2009, a Saints player earned a reward for a cart-off of Giants running back Brandon Jacobs, who left the game with a shoulder injury. After a 2010 game against the Carolina Panthers, the Saints defensive unit was commended for forcing ‘3 CART-OFFS! 1 already placed on I.R.!’ In that game, three Carolina players were seriously injured: running backs Jonathan Stewart and Tyrell Sutton, who were literally carted off the field with a head/neck and ankle injury, respectively, and quarterback Matt Moore, who was later placed on injured reserve, unable to return for the remainder of the season, with a torn labrum. These all satisfied Coach Williams’ definition of cart-offs: ‘big hits that resulted in an opposing player leaving the game due to the hit (for example, having the “wind knocked out of him” or *being shaken up or injured in some other way*)....’ He added that ‘rewarding cart-offs and knockouts...could encourage players to injure opposing players [and] I now understand that someone could be seriously injured as a result....’

“In addition, sworn declarations of Coach Williams and Mr. Cerullo confirm that a specific bounty was placed on Brett Favre prior to the NFC Championship Game after the 2009 season, as Coach Childress believed to be the case. Mr. Vilma has denied this, but I have decided that the record as a whole confirms that he made such a pledge. I cannot see why either Coach Williams or Mr. Cerullo would independently attest to the pledge having been made if it were not made.

In addition, in denying that he made the pledge, Mr. Vilma told me that nothing unusual took place at the pre-game meeting the night before the NFC Championship Game. That position is inconsistent with the statements of Coach Vitt, who told me that the defensive meeting the night before the NFC Championship Game against Minnesota 'got out of hand' and that a lot of pledges were made by players during that meeting. It is also inconsistent with Mr. Fujita having told me that many players pledged money for big plays at that meeting."

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