

**STATE OF ILLINOIS
OFFICE OF THE ILLINOIS ATTORNEY
GENERAL**



**ATTORNEY GENERAL
KWAME RAOUL**

**STATE OF NEW YORK
OFFICE OF THE NEW YORK ATTORNEY
GENERAL**



**ATTORNEY GENERAL
LETITIA JAMES**

December 12, 2022

Jessica Berman, Commissioner
National Women's Soccer League
1556 South Michigan Avenue, Floor Two
Chicago, IL 60605

JT Batson, CEO and Secretary General
Cindy Parlow Cone, President
U.S. Soccer Federation
1801 S. Prairie Ave.
Chicago, IL 60616

Re: *Report of the Independent Investigation to the U.S. Soccer Federation Concerning Allegations of Abusive Behavior and Sexual Misconduct in Women's Professional Soccer*

Dear Ms. Berman, Mr. Batson, and Ms. Cone:

We, the undersigned State Attorneys General of Illinois and New York, write to express our alarm over the findings of pervasive and systemic abuse and misconduct in women's professional soccer – and failures by the National Women's Soccer League ("NWSL") and the U.S. Soccer Federation ("U.S. Soccer") to exercise adequate oversight, institute basic workplace policies, or respond to complaints – as detailed in Sally Q. Yates and King & Spalding LLP's recently released investigative report, *Report of the Independent Investigation to the U.S. Soccer Federation Concerning Allegations of Abusive Behavior and Sexual Misconduct in Women's Professional Soccer* (the "Report").¹ As Attorneys General, we are charged with representing and

¹ See Yates, Sally Q., *Report of the Independent Investigation to the U.S. Soccer Federation Concerning Allegations of Abusive Behavior and Sexual Misconduct in Women's Professional Soccer* (Oct. 3, 2022), available at <https://int.nyt.com/data/documenttools/full-report-soccer-abuse/91e8cbcf0cd27905/full.pdf>.

protecting the safety and wellbeing of the people of our states, and we are deeply committed to enforcing federal, state, and local antidiscrimination and harassment laws that protect workers. With twenty (20) member teams in the NWSL and at least twenty (20) female players on every team's roster, hundreds of individuals are at risk when NWSL and U.S. Soccer turn a blind eye to allegations of abuse and misconduct. It is incumbent upon the NWSL and U.S. Soccer to promptly ensure that all players and employees are protected from misconduct, harassment, and abuse in all its forms. The NWSL and U.S. Soccer are currently headquartered in Illinois, and the report identifies numerous incidents of workplace misconduct alleged to have occurred in Illinois and New York.²

Our offices enforce laws that protect individuals from misconduct, harassment, and abuse, including harassment and discrimination in the workplace. State law explicitly prohibits harassment, including sexual harassment, in the workplace. Specifically, the Illinois Human Rights Act ("IHRA") prohibits any employer, employee, or agent of any employer from engaging in harassment or sexual harassment, and provides that the employer is responsible for harassment or sexual harassment "if the employer becomes aware of the conduct and fails to take reasonable corrective measures." 775 ILCS 5/2-102(A); 2-102(D). The IHRA also strictly prohibits retaliation "against a person because he or she has opposed that which he or she reasonably and in good faith believe to be . . . sexual harassment in employment." 775 ILCS 5/6-101 (A). Similarly, the New York State Human Rights Law ("NYSHRL") prohibits harassment based on sex. N.Y. Exec. Law § 296(1)(h). Under the NYSHRL, an employer is liable where it has condoned harassment, which includes undertaking "insufficient investigation and corrective action." *Father Belle Cmty. Ctr. v. New York State Div. of Human Rights on Complaint of King*, 221 A.D.2d 44, 55 (N.Y. App. Div. 4th Dep't. 1996). The NYSHRL also prohibits retaliation for opposing, complaining about, or participating in an investigation into workplace harassment. N.Y. Exec. Law § 296(7). Moreover, federal law also strictly prohibits sexual harassment in the workplace. *See* Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e *et seq.* (1964).

The Report details incidents of misconduct, harassment, and abuse by coaches in the NWSL across the country, across venues, and involving many different NWSL players. The allegations are shocking; broadly they demonstrate "a pattern of sexually charged comments, unwanted sexual advances and sexual touching, and coercive sexual intercourse," and "retaliation against [NWSL players] who attempted to come forward."³ The Report concludes that certain coaches engaged in pervasive and systemic patterns of harassment and sexual harassment toward players in the NWSL.

The Report further finds that U.S. Soccer and the NWSL failed to address or remediate the harm when presented with evidence of misconduct. For example, U.S. Soccer and the NWSL failed to respond to years' worth of complaints about sexual misconduct by a coach,⁴ and failed to

² The report documents extensive misconduct involving coaches for the Western New York Flash, *id.* at 8, 14, 39, 63, 71-73; the Chicago Red Stars and youth soccer in Illinois, *id.* at 89-126; and the NJ/NY Gotham (f.k.a Sky Blue), *id.* at 127-142.

³ *Id.* at 2.

⁴ *Id.* at 7.

act even when “confronted with player reports and evidence of abuse.”⁵ The Report also faults U.S. Soccer and the NWSL for failing to institute basic workplace protection policies,⁶ protocols for conducting investigations of abuse,⁷ or accountability and oversight measures to ensure that teams comply with disciplinary measures and abusive coaches do not reenter the league.⁸

As a component of the comprehensive investigation, the Report makes a series of thoughtful and urgent recommendations by which the NWSL and U.S. Soccer can hold wrongdoers accountable, enhance transparency, and foster a “professional environment where players are treated with respect.”⁹ We emphatically support the recommendations outlined in the Report. The recommended changes are designed to protect players from ongoing misconduct, harassment, and abuse, and to ensure there is a substantial shift in the organization’s culture—a culture that currently enables and protects wrongdoing and abuse.

We request that you provide us with information about how NWSL and U.S. Soccer have implemented and plan to continue to implement the recommendations in the Report, including a detailed timeline for implementation. We ask that you provide this response by February 1, 2023.

Thank you for your attention to this matter.

Respectfully,



KWAME RAOUL
Attorney General
State of Illinois



LETITIA A. JAMES
Attorney General
State of New York

⁵ *Id.* at 2-3.

⁶ *Id.* at 35-37

⁷ *Id.* at 160.

⁸ *Id.*

⁹ *Id.* at 157.