

NBA Media Conference

Wednesday, September 14, 2022

New York, New York, USA

Commissioner Adam Silver

Media Conference



ADAM SILVER: Thank you all for being here today. We just finished two days of very productive meetings with our Board of Governors on, frankly, a wide variety of topics. Enormous excitement around the beginning of the season. Training camps open in about 10 days and the beginning of the season is in about a month.

There was one very serious topic, though, that was addressed. I know a lot of you have questions about it today, and that's the situation around Robert Sarver in Phoenix.

I did issue a statement yesterday, but let me add a little to it now and just say from a personal standpoint, I was in disbelief to a certain extent about what I learned that had transpired over the last 18 years in the Suns' organization. I was saddened by it, disheartened. I want to, again, apologize to the former and in some cases current employees of the Phoenix Suns for what they had to experience. There's absolutely no excuse for it.

We addressed it. I, of course, have been following what's been said since we issued those findings. Let me reiterate, the conduct is indefensible. But I feel we dealt with it in a fair manner in both taking into account the totality of the circumstances, not just those particular allegations, but the 18 years in which Mr. Sarver has owned the Suns and the Mercury.

But part of the goal in being transparent here, and that is in issuing a public report, of course, is so that whether it's the media or the public can draw their own conclusions, in the same way I did.

I will say, though, that what I have access to is a bit different than the public because while we issued this report, in the process of doing the investigation, the outside counsel who conducted this review committed to confidentiality to anyone who wanted it, which was the vast majority of those who were interviewed, plus they looked at cell phones, something like 80,000 documents.

So I have access to information that the public doesn't, and again, I'm able to look at the totality of the circumstances around those events in a way that we're not able to

completely bring to life the nuance that you see when you read a report or deal with it sort of in short bursts of news reporting.

I think that puts me in a different position ultimately as the person who has to render the ultimate judgment about what is a fair outcome here.

You know, again, I wish I could share that with all of you, but I can't, because that was the condition on which this investigation was conducted.

With that, I'm happy to answer any questions regarding the Sarver situation or anything else.

Q. In 2014, you said that because Mr. Sterling's remarks became public that that changed things. That was essentially the game changer in some respect. It was a slippery slope I think was the term you used at the time. These remarks, while the quotes have not been made public, the gist of it is now out. How is this situation different, and did you consider a similar sanction this time as you did with Mr. Sterling?

ADAM SILVER: In the case of Donald Sterling, I don't remember my precise words back then, but I think the commentary around it becoming public didn't go to ultimately what the consequences should be. I think it was more the nature of how we learned about it, how the public was aware of it in a time where -- the way it was disseminated so quickly over the internet.

I think there was a realism to it that exists when you have audio of something that put -- back to my earlier comments, put everyone in essence in the same position I was in. We were all looking at the same record, anyone who cared to listen to Donald Sterling's words.

This case is very different, and that was what I was commenting on earlier. It's not that one was captured on tape and the other one isn't, because as we went through this investigation, and what was pointed out in the investigator's report is Mr. Sarver ultimately has acknowledged his behavior.

ASAP . . . when all is said, we're done.®
sports

There may be some disagreement around the edges, but it's not really about a factual dispute here. It's not Mr. Sarver saying, I never said that.

What is lost, though, in differentiating between the facts in this situation and Donald Sterling, is the context. I have available to me more of a context than the public can, and that's just the nature of it, because we have investigators who then can explain what they learned in 320 interviews and say, for example, the person was there and heard those words but this is how they interpreted them in that context. In the case of Sterling, we all could make our own judgments.

But maybe then to go to really your ultimate question is why the penalty in the case of Donald Sterling is different than Mr. Sarver.

I'd say, number one, it was the same law firm, the same investigators both who looked into the Sterling matter looked into Sarver's matter and ultimately the same league office and the same ultimate judge. For me, the situations were dramatically different.

I think what we saw in the case of Donald Sterling was blatant racist conduct directed at a select group of people. While it's difficult to know what is in someone's heart or in their mind, we heard those words. Then there was a follow-up from the league office, and that became public, as well, in terms of what Mr. Sterling even subsequently said about his actions.

In the case of Robert Sarver, I'd say, first of all, we're looking at the totality of circumstances over an 18-year period in which he's owned these teams, and ultimately we made a judgment, I made a judgment, that in the circumstances in which he had used that language and that behavior, that while, as I said, it was indefensible is not strong enough. It's beyond the pale in every possible way to use language and behave that way, but that it was wholly of a different kind than what we saw in that earlier case.

I'd also say that I would like to think that all of us would want to be judged by the totality of everything they've done, good and bad. It may be that in certain cases something you've done is so bad, it doesn't matter what all the other good things you've done. But I think in this case, looking back over his track record of hiring, his track record of support of particular employees, what the actual people said about him -- remember, while there were these terrible things, there were also many, many people who had very positive things to say about him through this process.

Ultimately, I took all of that into account in making the

decision that the one-year suspension plus the fine was appropriate.

Q. Two questions here. The report, the law firm concluded that the things that Robert Sarver did and said were, quote, without animus. So I wonder if you agree with that assessment. Secondly, I think everybody in this room would agree that if any of us had said or done even a small percentage of the things that Robert Sarver has been shown to have said and done, we would be fired, and I assume that anybody working at Olympic Tower, if they had done even a percentage of that, would be fired, and anybody who worked for any of your 30 teams would easily be fired. Why would there be a different standard -- understanding the complications of removing an owner, why should there be a different standard of an NBA team than there would be for anybody who works in this league?

ADAM SILVER: Fair question. I want to say, you alluded to it, Howard, that there are particular rights here of someone who owns an NBA team as opposed to somebody who is an employee.

The equivalent of a \$10 million fine and a one-year suspension, I don't know how to measure that against a job, but I have certain authority by virtue of this organization, and that's what I exercised.

I don't have the right to take away his team. I don't want to rest on that legal point because of course there could be a process to take away someone's team in this league. It's very involved, and I ultimately made the decision that it didn't rise to that level.

But to me, the consequences are severe here on Mr. Sarver. Reputationally, it's hard to even make those comparisons to somebody who commits an inappropriate act in the workplace in somewhat of an anonymous fashion versus what is a huge public issue now around this person.

There's no neat answer here, other than owning property, the rights that come with owning an NBA team, how that's set up within our constitution, what it would take to remove that team from his control is a very involved process, and it's different than holding a job. It just is, when you actually own a team. It's just a very different proposition.

Q. Was there any discussion today about the process of removing him as owner?

ADAM SILVER: There was no discussion around the process of removing him. There was a discussion around this case.

Q. I wanted to follow up on what Howard was asking. This report found Sarver saying, "I hate diversity," specifically in reference to racial diversity. They confirmed several accounts of Sarver being disrespectful to Black employees and those employees feeling like that was race based, repeated uses of the N-word despite people telling him that he couldn't say that. How does all that taken together not represent race-based animus?

ADAM SILVER: Number one, and I should have said this in response to Howard's question, as well, I was not the fact-finder here. The Wachtell firm conducted the 320 interviews and ultimately made their conclusions.

I will say, I think that that's in some ways a legal distinction. I think as I interpret their report to be saying that we are not able to conclude, based on the context of those statements, that they were said out of racial animus. I think also they are in essence saying that we do not know what is in his heart or ultimately in his mind, but that in the broader context of him saying those things, as foolish as it was for him to say that and as indefensible as it was for him to say that, we do not find that the motivation in the instances of saying those things was based on race. But that is their finding.

Again, they have the benefit of the larger context of doing those interviews, of seeing the full context in which those things were said.

I understand the inference that can be drawn from those things, but they ultimately found there was insufficient evidence to make those findings.

Q. The investigation made no finding that Mr. Sarver's workplace misconduct was motivated by a racial or gender-based animus. Do you believe that is the case, you personally?

ADAM SILVER: I accept their work. To follow what we believe is appropriate process here, to bring in a law firm, to have them spend essentially nine months on this, to do the extensive kinds of interviews they can, I'm not able to put myself in their shoes. I respect the work they've done, we've done. Worked with them in the past. They're very good at what they do. They're very experienced at what they do.

The fact is I am given a factual record and then I make determinations based on that. I do accept what they found.

Q. Did that factor into that line in the report? How much of a factor did that play into your decision in

terms of what the punishment was?

ADAM SILVER: It was relevant. I think if they had made findings that, in fact, his conduct was motivated by racial animus, absolutely that would have had an impact on on the ultimate outcome here. But that's not what they found.

Q. To follow up on Tania's question about discussion of removal, back when you guys had the situation with the Hawks several years ago, there were discussions with them, ultimately Bruce Levenson sold the team. Were there any discussions with Robert Sarver during this process about voluntarily selling the Suns?

ADAM SILVER: No. The discussions -- Robert Sarver and I spoke several times along the way, and I allowed the investigation to unfold. We didn't prejudice it.

Just to be clear, in the case of Atlanta, there was not a discussion there about a forced sale of the team. Ultimately Mr. Levenson chose to sell his team, but that was not at the request of the league.

Q. I just want to ask, and I'm reading to make sure I have the details right, if an owner is found by a league investigation to have repeatedly used racist language, demeaned women, bullied employees, twice used nudity to embarrass employees, "believed workplace norms did not apply to him" and ran an organization that had a hostile workplace and was found to be discriminatory toward women, and he's allowed to retain ownership of the franchise, where does the NBA draw the line as to who they believe should no longer be allowed to own and run a team?

ADAM SILVER: There is not a bright line in terms of ownership, and I wouldn't want to create one to suggest people could go right up to it. I think every one of these situations is going to be different. They're going to be fact-based, and as I said, I think you have to look at the totality of circumstances.

You're looking at behavior over an 18-year period. I do believe that Mr. Sarver clearly has evolved as a person over that 18-year period. I think much of the behavior in question stems from much earlier in his tenure as an NBA owner. I think what your litany leaves out are many very positive things he did, as well, and also leaves out how those events were characterized by those people who were directly involved in them and how they described them to the investigators.

I recognize that the point, as I said earlier, of transparency in a report like this is so that you in the media or our fans can also look directly at that report and draw their own

conclusions, as your question suggests others can. So I accept that.

I would only say in the situation for me, looking at the totality, looking at what Mr. Sarver's rights are as an owner, looking at what the options were available to me, I thought I came out with the right outcome.

Q. Your realm is professional sports, where historically things have gotten profane, things have gotten vulgar, insulting. This has gone on from the ownership level, down through executives, through coaches, managers, players, even fans. As you look at all that and the context in which this particular chapter has played out, do you see any ripple effect, any message up and down the pecking order, I guess, in terms of what people need to be mindful of, what's acceptable, the best way to pursue these things so they don't build up over 18 years?

ADAM SILVER: One, I think how you're describing the environment that many of us have worked in in professional sports is accurate, and I think that -- part of, I think, when you're doing a workplace investigation like this, I think what the investigators are looking at and the environment in which some of this language is used and the context it's being used and often it is a profane environment where language is being bantered about, et cetera. So I think that as they interviewed the witnesses, that's the context that's missing when you sort of pull the words out in a certain way.

But at the same time, through my several decades now with the league, we've tried at every opportunity to improve the environment around the teams, around the league office for that matter.

Most recently, around 2018, we made a decision that our current practices were insufficient across all 30 teams, for example. We installed a hotline, an anonymous hotline to the extent there was untoward activity at teams or people felt there were things happening that were inappropriate that they had a sounding board outside of their own Human Resources department at the team, viewing these as league-wide issues. We added a Chief Diversity and Inclusion Officer at the league. We've become much more focused on these topics at our league meetings, on the data from our teams, on our hiring practices.

I believe we've seen significant improvement over the years. I believe even in the case of the Phoenix Suns, looking back over the 18 years, to a certain extent you can see the evolution of how things have improved around the league.

But ultimately, I think some of the issues we experience here in the NBA are not all that different than what you see, unfortunately, in other workplaces.

I'd love to say we've turned the corner. We clearly haven't. As I said, I can't express it in strong enough terms how disheartening it is to be the commissioner of a league in which this kind of conduct has transpired during my tenure. It's my hope at least that part of what we can learn from all this is that to the extent there are employees anywhere at a team in the league or at the league office, for that matter, that feel that they are being treated improperly or in a discriminatory fashion that they know there are outlets and they will be heard and they will be taken seriously. And we'll try to continue to improve.

Q. Have you heard from any players over the last 24 hours, and if so, can you kind of explain or describe the emotion, if you have heard from any of those players?

ADAM SILVER: Yes, I've talked to some players. Those have been private conversations. I'll leave it for the players to speak directly how they feel.

I'd only say disheartening. Same reaction I've had in many cases. I think these are -- I think saddened, as I was, I think, for those players to see that we continue to deal with these issues.

Look, I think it's no secret this is a league where roughly 80 percent of our players are Black. More than half our coaches are Black. I will say that none of them maybe are as shocked as I am, living their lives, that I don't think they're reading this saying, oh, my God, I can't believe this happens.

But at the same time, I think they look to the league, look to the partnership that the league has with the Players Association to see, how can we do better, how can we improve things.

Look, I don't want it to be lost, there's so much I'm proud about in terms of this league, particularly on these issues. I think one of the things that makes it so painful for me when -- even the questions you're asking me today and to read the report is to think about how much this league means, has meant in the African American community, how much progress we've made in terms of women's sports, the WNBA. I was up at the Hall of Fame on Saturday night listening to Swin Cash and some of those great speeches that the inductees were giving about the meaning of this game and these leagues and how we've transformed people's lives and the impact we've had on society. And then something like this happens, and you're

disgusted by it.

I'm glad that we were able to be transparent about this. Certainly, we're not hiding from this. We recognize it happened. It happened in our league.

I accept and understand that some people disagree with what the ultimate consequences were for Mr. Sarver, and I'm also hopeful that Mr. Sarver uses this time to not just express his remorse but demonstrate it.

Just to be clear, he is precluded from doing anything in the NBA or the WNBA, but he's not being censured in terms of his opportunity to do good things with his year away from the league or for the rest of his life, for that matter.

I do hope that people in the league, even to Steve's earlier question, that people come away from this and refocus on these issues, on the impact of language.

Sometimes I think in sports, it's a little bit of the context of this that -- sort of the notion of like the locker room, the way people talk to each other, just the sort of testosterone around the NBA that people realize that language can be incredibly hurtful to people and that their behavior, while maybe they have no racist intent behind it or misogynistic intent that that's not how it may be interpreted or felt by the person who is on the receiving end.

It's clear to me that as much as this league does, we have to do even more to make sure everyone is educated, top to bottom, in our organizations, to understand the impact of their behavior.

Q. I just wanted to ask about the investigative team. Do you know how many women and Black people were a part of that group?

ADAM SILVER: I know it was a very diverse team. I know there were, I believe, two Black males who worked on the team. There were two women who worked on the team. I don't have the full scope, but I know it was a diverse team. I know that was important to Wachtell, as well, that when they were embarking on this investigation, they wanted to make sure that many different perspectives were represented in the room.

Q. How big is the full group?

ADAM SILVER: I believe it was roughly around five people, but we could get that precise answer for you.

Q. It all pales obviously to the news, but while we have you, you guys have been up here for three long days. Were there any updates on CBA negotiations,

in-season tournament, any other league business of note transpiring from this?

ADAM SILVER: There were updates on all those topics. You know, I'll put collective bargaining to the side for a moment. But we continue to discuss the notion of an in-season tournament potentially as soon as next season. As I've said before, it's something that I remain excited about. I think it continues to be an opportunity within the current footprint of our season to create some more meaningful games, games of consequence, during an otherwise long regular season.

I think as we've continued to discuss this opportunity with our players and our teams, I think the more excitement has built. I think the group at the NBA led, by Byron Spruell, has continued to refine the plan, has gotten some great feedback from both the players, the Players Association directly. It still would need to be something ultimately agreed to in collective bargaining, but it's not quite ready for primetime yet.

But I'm excited about it. I think fans might really ultimately enjoy another competition during the season, some sort of cup competition. Certainly not rising to the level of the Larry O'Brien Trophy, yet something else significant to play for.

Q. Back to Sarver for a second, I understand that \$10 million is the max that you were permitted to fine an owner. On the suspension part, did you have the option of going further than one year, and if so, how do you settle on one year? And related to that, based on some of the reporting and even based on some of the things like Robert Sarver's own statement yesterday, he seems less than fully repentant on some of this. What assurance is there that when he returns a year from now that he does not engage in some of the same behavior that we've just been reading about?

ADAM SILVER: To your first question, I had the option to go longer. I landed on one year. I will say it's the second-longest suspension in the history of our league, just to put it in some sort of context.

In terms of his level of remorse, at least as expressed directly to me, he was taking complete accountability and seemed fully remorseful. I recognize, I think what he was saying in the report itself, I think he may take issues around certain particular context of what things were said or particular activities. But he's not the finder of fact; Wachtell was, and I accept that.

In terms of future behavior, there's no question he is on notice. He knows that. I also think, though, if you look at

the chronology of the report, most of this activity goes back, most of the inappropriate activity goes back many years.

I would say the Suns' workplace is a very different environment today, even at the beginning of this investigation, than it was years ago. I don't think there's any dispute over that. New human resources people, professional people coming in, many people who were once with the organization who frankly were part of the problem are no longer there.

But you know, every day is a new day. It's not as if we've closed the book. We've closed the book on these historic incidents, but anything going forward, I don't think there's any question that he will be scrutinized in terms of his behavior and speech.

Q. What is the standing on the investigations into the Sixers and Knicks? What prompted all of that, as well?

ADAM SILVER: The statuses of those investigations are ongoing. Hopefully they'll be wrapped up in the next few weeks.

I think what prompted them was sort of just the tick-tock chronology around sort of when signings are permissible and the announcements of those signings and the information that came out about them, which was cause for the league office to investigate.

Q. Not a complaint from a team?

ADAM SILVER: No.

Q. There was, I believe, in the report, it said there was an email from him to someone at the league office in October 2016 where he used the N-word. Did you or anyone at the league office know about his conduct, behavior, before the ESPN report in November of 2021?

ADAM SILVER: No. That behavior had never been reported to us before.

I think, again, the context is so important in all of these cases, and the context of an email to the league office was one in which he was reporting about particular behavior of a player on the floor.

Again, that's why these situations become so complicated, because I think we all recognize that in terms of the use of language that in order to properly interpret it and to have a sense of what the motivation is for using it, we have to look

at the totality of circumstances.

Incidentally, I had mentioned the hotline before. There had not been complaints to the league office directly about inappropriate behavior at the Phoenix Suns or about Mr. Sarver prior to the publishing of that ESPN article.

FastScripts by ASAP Sports