



*Preserving the integrity of competition. Inspiring true sport. Protecting the rights of athletes.*

**Via Electronic & Overnight Mail**

April 30, 2012

Mr. Tony West  
Acting Associate Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Re: USADA Request for Non-Rule 6(e) Documents Developed During the U.S. Postal Service Federal Criminal Investigation

Dear Mr. West:

I am writing to request a meeting with you on an important matter that directly affects the credibility of the United States Government in the international sport community.

The United States Anti-Doping Agency (“USADA”) is a Congressionally-authorized, independent anti-doping agency for Olympic Movement sports in the United States. Public Law 109-469, signed into law on December 29, 2006, officially recognizes USADA as the anti-doping agency for Olympic, Pan American, and Paralympic sports in the United States. One of USADA’s most important purposes is to protect the reputations of the United States Olympic Committee and the United States Government as institutions committed to the integrity of sport and the rights of clean athletes. As things currently stand, there is a substantial risk that the reputations of both the USOC and U.S. Government may be compromised because the DOJ Civil Division has yet to provide USADA with the documents from the investigation into the U.S. Postal Cycling Team. As you may know, the various agencies who participated in that now closed investigation as well as the U.S. Attorney’s Office for the Central District of California, have all agreed to share the non-Rule 6(e) documents with USADA. Even without the support of the abovementioned entities, USADA would be entitled to receive the requested information pursuant to the UNESCO Convention Against Doping in Sport.

We understand that during the criminal investigation of the U.S. Postal Service Team, the investigators conducted interviews (represented by Memoranda of Interviews) and obtained other non-Rule 6(e) documents which clearly establish that some of the top American cyclists have been involved with doping, and thus should not be allowed to participate in the Olympic Games. Unfortunately, without our immediate intervention, several of these cyclists are likely to be selected to the 2012 U.S. Olympic Team. Our ability to keep these riders off the Olympic Team will likely depend on our access to these documents. We are faced with a very realistic worst-case-scenario in which American cyclists, who have cheated with dangerous performance enhancing drugs, will be allowed to compete and possibly win medals at the Games because DOJ

**United States Anti-Doping Agency**

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Civil Division has withheld the documents necessary to prevent that outcome. At some future point, this information will become public and the credibility of all U.S. athletes, USADA and the U.S. Government will be badly tarnished.

USADA has had a longstanding and productive relationship with federal law enforcement in the anti-doping area. We regularly provide technical advice and assistance to investigations where the criminal activity involves performance-enhancing drugs. Consistent with that practice, we also provided assistance in connection with the U.S. Postal Service criminal investigation in the Central District of California. In subsequent discussions with the U.S. Attorney's office and the agencies involved in the investigation, there has been agreement to provide USADA the non-Rule 6(e) documents developed in the case which establish doping by cyclists and others. If not for the roadblock at Civil DOJ, USADA would already be using the documents to ensure that cyclists and others involved with doping do not represent the United States in the London Olympics and to further fulfill our Congressional mandate.

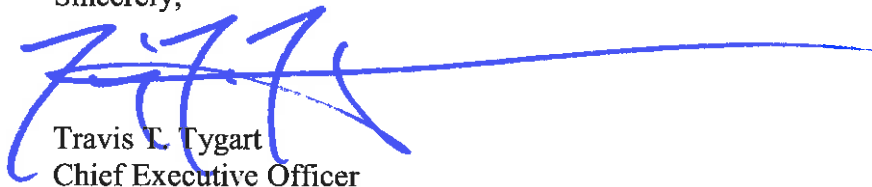
We have been advised that Floyd Landis, a rider who came forward and publicly admitted his own doping and doping by others on the U.S. Postal Service Team, has filed a *qui tam* action based on the taxpayer monies paid by the Postal Service to sponsor the U.S. Postal Team. It is our understanding that Civil DOJ is still considering whether they will be a part of that action. In the meantime, we have been informed that Civil DOJ is reluctant to provide the requested documents to USADA at this time because of a concern that if Civil DOJ joins in the case, work product doctrine privilege issues may arise and it might have a chilling effect on potential witnesses. We believe we can satisfactorily alleviate any legitimate concerns. More importantly, however, is the fact that the hypothetical concerns raised by Civil DOJ are sufficiently speculative and weak that they cannot possibly outweigh the reputational risk that is at stake for our country.

USADA has a long tradition of exchanging documents with federal criminal authorities. This practice is supported by both mutual interest and the mandatory requirements of the UNESCO Convention Against Doping in Sport, to which the U.S. government is a signatory. Under that Convention, the U.S. government commits to support the World Anti-Doping Code, which in turn provides that "[e]ach government will encourage all of its public services or agencies to share information with anti-doping organizations which would be useful in the fight against doping and where to do so would not otherwise be legally prohibited." (Article 27.2). We are not asking for Rule 6(e) documents, which would be legally prohibited. Rather, we are asking for documents which can be legally shared with USADA and are seeking the type of government cooperation and support of anti-doping that is at the heart of the UNESCO Convention. Importantly, we are only asking for the same type of information that has previously been shared with USADA in other cases.

Time is of the essence in this matter. The U.S. Olympic Cycling Team is likely to be announced in mid-June and the Olympics open on July 27, 2012. There are also other important timing issues requiring prompt disclosure of the information that I can discuss with you.

This letter is intentionally brief given the time and urgency. If you are able to meet with me, I would be happy to go into additional detail for you. I appreciate your consideration of this request and look forward to speaking with you soon.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Tygart', with a long horizontal flourish extending to the right.

Travis T. Tygart  
Chief Executive Officer