

Written by Charles Jay
Saturday, 12 July 2003 18:00

The 65th Round

(NOTE: The "Q & A" passages in these reports, as well as the direct quotes, are a product of a deposition taken from Jack Kerns, dated December 10, 2002)

I think the best way to approach this particular chapter is to lay out another instructive exchange between the questioner - Greg Page's attorney, Doug Morris, and the respondent, Jack Kerns, who was chairman of the Kentucky Athletic Commission and a co-defendant in the lawsuit Page is currently in the process of contesting.

"Q: Okay. Are you familiar with federal laws related to boxing?

A: No, sir.

Q: You told me that you were aware of the fact that there is a federal license required for boxers?

A: It's not a federal license. It's a federal ID.

Q: Are you familiar with the Professional Boxing Act of 1996, a federal law?

A: Yes, sir.

Q: Are you familiar with 15 U.S. Code, Section 6301 and the subsequent provisions that deal with boxers and boxing?

A: No, sir.

Q: Have you ever been made aware of 15 U.S. Code, Section 6304 where it says - well, let me back up - with 15 U.S. Code, Section 1601, which deals with boxing and the definition section where it refers to a physician - defines physician as follows: The term, quote, physician, close quote, means a doctor of medicine legally authorized to practice medicine by the state in which the physician performs such function or action?

A: No, sir, I've never read it.

Q: And as the Kentucky athletic - as the chairman of the Kentucky Athletic Commission, were you not aware that there were federal laws that dealt with standards that had to be met during boxing matches?

MR. GUILFOYLE (Kerns' attorney): Objection. Calls for a legal conclusion.

Written by Charles Jay
Saturday, 12 July 2003 18:00

A: When I got that, I turned it over to our attorney. I never read that. I don't know.

Q: When you say when you got that, when you got what, sir?

A: This here. Is that the federal bill? See, there's so many things that come through on the federal that I didn't know which was law and which wasn't. I'm not an attorney, and I couldn't really tell. So anytime I get something in, why I would see that our attorney got it.

Q: So you did receive from some source a copy of the Professional Boxing Act of 1996?

A: I can't say that I actually got that. I know I've got a lot of correspondence from the ABC.

Q: And as vice president of the ABC, are you familiar with federal law that applies to boxing?

A: SIR, BEING VICE PRESIDENT DON'T MEAN ANYTHING (Ed: I added the caps here).

Q: So the ABC, the Association of Boxing Commissioners, in your presence has never discussed the federal boxing safety act of 1996?

A: Give me that again, sir?

Q: Has the ABC, the Association of Boxing Commissioners, ever discussed in your presence the Professional Boxing Safety Act of 1996?

A: Not that I'm aware of. Now, you know, they'll discuss a lot of things, but mostly when they have the meetings, it's commissioners from different states asking questions and things. But as far as just going through that, no.

Q: And to your knowledge -

A: I've never sat down with anyone and went over that.

Q: No one in the Association of Boxing Commissioners has discussed the safety standards set forth in the Professional Boxing Safety Act of 1996?

A: No, sir.

Q: And contained at U.S. Code, Section 6301 and following sections?

A: No, sir."

This is the kind of stuff that is so hard for me to stomach. In a previous chapter, we exposed how Nancy Black literally fabricated answers "on the fly" when she was confronted with being completely ignorant of the federal boxing laws. Now here we have Kerns, who just flat-out didn't even know it, and doesn't seem to be the slightest bit concerned about it.

Written by Charles Jay
Saturday, 12 July 2003 18:00

I grant you - Kerns may be the dumbest commissioner of them all, but he is by no means the only boxing commissioner in the country who doesn't know the laws passed on the federal level - laws which, in fact, supersede those at the state level.

I know this from my own personal experience. I've had plenty of conversations with people who were either commission members, or executive directors of boxing commissions, who didn't know the law, misused it, misread it, or misinterpreted all or part of it. There are examples of it in "Operation Cleanup: A Blueprint for Boxing Reform".

Invariably, this is going to cause a problem. In the case of the Kentucky commission and Greg Page, I think it's going to wind up being established in court, without too much trouble, that there is a causative link between the severity of Page's injury and the commission's lack of awareness, or respect, of federal boxing laws.

Look - ultimately it is everyone's own responsibility to make sure they have a working knowledge of the laws that apply to the activity they are regulating, especially as those laws are not very complicated and not particularly extensive. At the very least, boxing commissions should be seeking some kind of advice or evaluation from an attorney within their own agency or a parent agency, and should use that to formulate an interpretation of that law for the purposes of putting it into use.

Sadly, this is not always the case. Not by a long shot.

And there's really no excuse for it. In the event you're not aware of it, there are 43 state commissions in the United States. In at least 35 of those commissions, there's really very little to do on a day-to-day basis. True, some of the executive directors have other responsibilities in state government. But a lot of them don't. And many of the actual commission members are retired or semi-retired. No one can say they don't have the time to go over a federal law that impacts them.

As for Kerns' intimation that federal laws were not discussed as part of the ABC meetings he's attended, I don't completely buy that. I have read the transcripts of some of the ABC convention meetings, and the subject does indeed come up, if only on a limited basis. Usually, the discussion involves one of the ABC attorneys, like Maryland's Bruce Spizler. I can only come to the conclusion that Kerns either wasn't paying attention, didn't understand what was being discussed, or was busy back at the hotel bar. The fact that he was the ABC's First Vice-President is a pathetic commentary on the organization.

But this really brings up some of the inherent weaknesses of the ABC in one, or all, of the following areas - (a) that most of the ABC members who speak out on this federal law just don't know what they're talking about; (b) that the membership would vote someone into office who doesn't know very much about anything; and most importantly, (c) those in the ABC who actually DO know the federal law don't take the time or effort to sit down and educate those who are basically clueless.

Yes, as I mentioned before, it is the individual's responsibility to be properly informed. But if it

Written by Charles Jay
Saturday, 12 July 2003 18:00

comes down to it, you've simply got to fill the vacuum. Since ignorance could lead to tragedy, the ABC, as a trade organization, should be serving an educational purpose in this area. And if they claim to have endeavored to do this, then they've done an extremely poor job.

Unfortunately, the attitude of the "leadership" of the ABC toward most of its members, many of which are from low-volume boxing states, has been, "Just follow me, vote for me, you'll be alright."

This is what a guy like Greg Sirb practiced for years while he was getting elected ABC President, and later, "Past President". He grabbed a lot of the states that played host to little or no boxing, but had equal votes in the ABC nonetheless, and was able to consolidate their support by selling them on the idea that he knew what was best for them; he had all the answers, so they didn't need to have those answers for themselves.

Meanwhile, Sirb, who as has been documented in both the first "Operation Cleanup" book and this book, was leading this flock of sheep down an uninformed path. Kerns was part of this flock, whether he knows how to spell or pronounce Sirb's name or not. And when Sirb put forward Tim Lueckenhoff for election in 2001, Kerns transferred himself, with the rest of the flock, over to Tim's control, whether he can spell or pronounce Lueckenhoff's name or not.

This is the kind of thing that produces a guy like Kerns, who is so confused that he can testify one minute that he isn't familiar with federal boxing law, and thirty seconds later testifies that he IS. Well, which is the right answer? I would submit that it's the one that suits him best, depending on the situation. That's another unfortunate by-product of the Sirb "legacy".

And I'm just wondering - if Sirb and Luckenhoff (or Sirb and Luckenheimer, as Kerns referred to them) had ever undertaken first to educate themselves, then planned for a process by which they truly enlightened their members as to the substance, ramifications, and importance of federal laws designated for boxing - perhaps Greg Page might still be walking around today.

fightpage@totalaction.com

Copyright 2003 Total Action Inc.