

Written by Charles Jay
Thursday, 09 October 2003 18:00

The 93rd Round

Any day now, Senate Bill 275, otherwise known as the "Professional Boxing Amendments Act of 2003", which would create the "United States Boxing Administration", is to come up for vote in the Senate, then, if passed, would go immediately to the House of Representatives.

It's a bill that must be defeated.

And there are numerous reasons for it.

Over the course of the next several chapters, and at the risk of repeating myself just a tad, I'm going to break it down thoroughly for you, and perhaps at the end, you'll come to the same conclusion I have adopted - the by-product of a sort of "evolutionary" process that can only result from an intense study of these issues for the past two years - that the "efforts" of Senator John McCain & Co. to "reform" boxing present the very real possibility of doing more harm than good.

According to a cost estimate furnished by the Congressional Budget Office, the United States Boxing Administration would require funding to the tune of \$34 million over a five-year period, from 2004 through 2008 - an average of \$6.8 million per year.

In terms of fiscal responsibility, it represents a move in the direction of increasing the size of federal government without providing more in the way of the basic quality of "service", so to speak. That is to say, it doesn't demonstrate that it will expedite the efficient administration of boxing, either on the national level or the state level. In fact, there is reason to believe that it will in fact complicate the process - to the extent that its duties, in many respects, will be redundant.

Under this bill, there is still no provision for federal funding of the mandate, and no guarantee that any U.S. Attorney would be more vigilant in pursuing violations of the law; in point of fact, there is a imposition of the obligations of enforcement, almost without exception, onto the individual states. And, in addition to the logistical problem of having to prosecute federal law at the state level, the states must bear the brunt of all costs associated with it. In other words, the message John McCain is sending to the states with this legislation is, "Within the parameters of having to surrender your state's rights, you get to pay for it to boot." Essentially, the violations of federal law will go unchecked, because the U.S. Department of Justice seems to be avoiding any involvement if possible. And we haven't even begun to talk about the administrative costs that will be borne by the states if they have to take on the added burden of forwarding licensing fees and records on to this new USBA.

If violations are going to be enforced only by state entities, why aren't we moving more in the direction of proposing and adopting model legislation that can exist as state law, rather than

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enacting yet another federal law that creates a new bureaucracy - at atmosphere that encourages minimal prosecution, and consequently has the effect of presenting just as incomplete a package as the Professional Boxer Safety Act and the Muhammad Ali Boxing Reform Act before it? Is this whole thing about creating higher-paying federal jobs for people who have already demonstrated their incompetence at the state level?

It would appear so.

Once again, as I have in previous chapters of "Operation Cleanup 2", I emphasize that there is no mechanism in place to require, or even suggest, that this new federal agency, which would be headed up by a presidential appointee, be self-supporting, i.e., that it will ultimately generate enough revenue, through reasonable means, to pay for itself, or surrender its existence altogether. That's what is being done in some states, with a certain degree of success. And as far as I'm concerned, that is a critical component of passing any legislation that deals with a constituency that is more or less "self-contained", as boxing is.

What I'm saying is this: while I might care about boxing, my mother doesn't care about it. Many of my friends don't care about it. My sister-in-law could care less about it. In fact, no one who doesn't work in boxing or watch it on at least semi-regular basis has the slightest concern about regulating the sport. It is not an issue of wide public interest. What compelling argument can be presented to support the proposition that the general populace should have to pay for it?

There really is no good answer to that question.

And speaking of the delineation between states rights and responsibilities and those of the federal government, what happens in the event you have some renegade commissioner or executive director who decides that the law doesn't apply to him, or that in a conflict between his own state's law and the federal law, the state law takes precedence? Or decides to simply ignore the law? Or is much too incompetent to understand it? Or misinterprets it? In other words, do we have a "Jack Kerns Clause"?

Absolutely not. But I can tell you, if you're going to dump responsibility onto the states, absent any responsibility that the U.S. Attorney would assume, what you're going to have in cases like that is an atmosphere of non-enforcement. After all, is a state going to enforce the federal law against itself? You bet your ass it isn't. And nowhere in McCain's bill do I see anything empowering the United States Boxing Administration to initiate an investigation, in conjunction with the Department of Justice, for the purposes of facilitating a federal civil action to sue a state for the deprivation of constitutional rights, in situations where it absolutely would apply. For example, the state of Kentucky may yet find itself subject to such an action for the rights to safety, under federal law, that it denied to Greg Page in March of 2001.

You don't think that's much of a worry? Well, I'm considered by some to be pretty good in terms of documenting myself, and I can guarantee you one thing that has been learned, both by my readers and I, throughout the duration of both "Operation Cleanup" books - that is, there are some state commissions in this country that would break the law just as soon, if not sooner, than any promoter, matchmaker, manager, or fighter.

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Who's going to police THEM?

No one. And part of the reason is that some of those people happen to be involved in the leadership of the Association of Boxing Commissions (ABC), which will no doubt have a tremendous amount of influence over any policies that are affected by the new bureaucracy.

And for the uninitiated, that's terrible and dangerous news.

Why, specifically?

If you don't mind, I'll keep you in suspense on that one.

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