

The 94th Round

For those of you who thought the institution of the "United States Boxing Administration" might make the Association of Boxing Commissions (ABC) obsolete, you've got another thing coming.

Among the estimated 30 people to be employed by a United States Boxing Administration - including "three senior executives, about 20 people at the GS-12 or GS-13 level, and less than 10 support staff", according to the Congressional Budget Office, you can bet that many of them will be ambitious ABC operatives who want to hop onto a gravy train of sorts - perhaps people like Tim Lueckenhoff, Greg Sirb, Jeannette King, or their disciples/underlings. Maybe even Bruce Spizler, an attorney from Maryland who provides legal services to the ABC, into that mix as well.

Let's consider some more -- the ABC still remains in place in the new bill. It is represented in provisions that deal with ratings criteria, fighter complaints about ratings, medical standards, as well as operation of the medical database, and curiously, its approval is required for every fight in this country that is scheduled for ten rounds or more.

But the ABC has proven to be an organization that exercises a tremendous amount of flexibility, for the sake of its own convenience, and not necessarily consistency in terms of principle, or law. OPERATION CLEANUP readers are very familiar with the fact that after demonstrating, beyond any shadow of a doubt, that he had acted negligently in ignoring federal law on the fight card that saw Greg Page lapse into a coma, Kentucky Athletic Commission chairman Jack Kerns was actually voted onto the ABC's executive board, then kept on the board at the end of one year, after more incriminating evidence was uncovered. His answers to Page's attorney in subsequent depositions pursuant to the lawsuit are a matter of public record, and are documented in great detail on the pages of Operation Cleanup 2.

It has been documented on numerous occasions that Greg Sirb, the former president of the ABC and now listed as "past president" on the board while waiting for an appointment as federal boxing "czar", does not know how to interpret the federal laws that have been in place for years, and has acted contrary to his own state law (Pennsylvania) in letting 16-year-old fighters into state rings.

The latest folly - the ABC's treatment of referee Armando Garcia - has been particularly shameful. The organization, in a letter issued by its president, Tim Lueckenhoff, and which may have been written by Spizler, not only threatened, in effect, to ban Garcia from being able to officiate in any state if he maintained his position on the World Boxing Association's Officials Committee, but also threatened to prosecute him in accordance with the "Conflict of Interest" provision in the Professional Boxer Safety Act.

Not only is that threat arbitrary and capricious, it is also highly unusual in light of the fact that it

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Written by Charles Jay

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would be, to my knowledge, the first action ever taken by the ABC, in conjunction with a United States Attorney, against any individual for "violating" the federal laws concerning boxing.

And why? Well, what it came down to was that Lueckenhoff, Greg Sirb, and the rest of the ABC leadership sought to make an example out of Garcia - to force him to make a decision between his membership in a sanctioning body and his association with a pair of ABC-member boxing commissions (in this case, Florida and the Miccosukee Tribal Commission), as a show of strength. And for good measure, they dangled an assignment in conducting an ABC-sponsored referee's seminar in North Carolina, which no doubt would be pulled from him if he retained his allegiance to the WBA.

Garcia gave them their victory, at least for the time being. He quit his position as Chairman of the WBA Officials Committee. That's not necessarily an aesthetic victory for boxing, since Garcia could have improved the sport by helping to make the WBA a better-run organization.

So the ABC won the battle, but may have set itself up to lose the war. I'll be honest - if I were Armando Garcia, right now I'd be making plans to sue the hell out of the ABC, and I'd probably win. Not only is a trade group - which has no standing as a government agency - threatening to take away his right to earn a living (or at least part of a living) by officiating matches, it is denying him a certain freedom of association. It could very well be unconstitutional. If it indeed is, it should lead to the immediate dissolution of the organization. And to bolster Garcia's case, add to it the draft of a letter, sent to Anthony Fois, an Assistant Attorney General in the Department of Justice's Office of Legislative Affairs, by Senators McCain, Brian, Oxley, and Dingell (who helped draft the Professional Boxer Safety Act) on March 11, 1997.

Here is that draft, in pertinent part:

"Section 9 of the Act provides that:

'No member or employee of a boxing commission, no person who administers or enforces State boxing laws, and no member of the Association of Boxing Commissions may belong to, contract with, or receive any compensation from, any person who sanctions, arranges, or promotes professional boxing matches.....'

However, Commissioners from many states are concerned that this language may be interpreted to cover professional boxing REFEREES AND JUDGES. As the primary authors of the Act, we unhesitatingly stipulate that Section 9 was meant to prohibit only State officials, Commissioners, and their direct employees (Executive Directors, Inspectors, and support personnel) from belonging to or receiving compensation from sanctioning bodies. This language was DEFINITELY NOT INTENDED to include temporary hirees such as boxing referees and judges. They are akin to independent contractors, and might work for a State commission only one night a year. Professional referees and judges should not be considered as an 'employee of a boxing commission' for the purposes of this limited conflict of interest provision.

This matter is of tremendous concern to Commissioners. Most referees and judges ARE AFFILIATED with sanctioning bodies, and interpreting Section 9 to cover them would effectively

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shut down a majority of professional boxing events in the U.S. No experienced referees or judges could be hired by State Commissions to participate in a boxing event. Such an overly broad interpretation of Section 9's language would be completely devoid of Congressional intent, and disastrous for the professional boxing industry in America."

Now, obviously this contradicts my own interpretation of the "Conflict of Interest" provision in the Professional Boxer Safety Act, but hey, when it comes to what the intent of the framers of this law had in mind, and seeing as it is not an "after-the-fact" situation (that is, after Lueckenhoff's letter), I am strongly inclined to defer to the legislators on that aspect of it. So I would stand corrected.

Apparently, the ABC doesn't feel the same way. And as such, they don't mind fostering something that is "disastrous for the professional boxing industry in America". We have reason to believe that Lueckenhoff has had the aforementioned draft in his possession since 2001, when the ABC had its convention in New Orleans. Whether he ever bothered to consult with McCain, one of the "drafters", prior to sending the letter of threat to Garcia is not known. But there seems to be substantial grounds, based on that letter, that the law probably does not apply to a ring official (i.e., Garcia).

Yet I have not seen a reversal of that position on the part of the ABC.

Maybe it's because there has been no clarification of that "Conflict of Interest" clause in subsequent amendments to the federal law, through the Ali Act and even now, as far as I can tell, with the Professional Boxing Amendments Act of 2003. That might be sufficient reason, in and of itself, to vote this bill down. And there are other nebulous aspects just like it.

But my question is this - what made Lueckenhoff, Sirb, King, or Spizler think they had the right to threaten an American citizen with prosecution, based on an interpretation of the law they had no legal authority to pursue, and which, as it turns out, they had every reason to believe was not valid?

I'll have a possible answer in the next chapter.

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