

## Boxing and the Law: Weighing In On Jose Luis Castillo

Written by David Berlin

Monday, 09 October 2006 19:00

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The weigh-in before the fight is controlled by rules and by ritual. Two men, bare-chested, challenging each other with hard eyes and hard muscles, as each takes his turn stepping on the scale. The weight is made. Biceps are flexed in a show of triumph. It is a moment of drama, the last chance for opponents to take stock of each other, to measure each other, before they meet in the ring.

But the weigh-in, however dramatic, is only prelude. Thousands may have filled the seats of the MGM Grand Garden Arena to watch Oscar De La Hoya and Ricardo Mayorga mount the scale the day before their showdown, but it was the anticipation of what was to come that made the moment meaningful. Both fighters weighed in at half a pound below the junior middleweight limit. Now they could replenish their bodies with food and fluids as they moved forward to fight time.

But it doesn't always go that way. Sometimes the triumph of making weight is replaced by the hard reality that a fighter, already depleted, already dehydrated, has pounds to lose. For title fights, the overweight fighter is given two hours to shed the excess, and he spends that time jumping rope or jogging in a sweat suit, or enduring the heat of a sauna. These time-tested methods of losing a pound or two usually meet with success.

Usually. On June 2, 2006, when Jose Luis Castillo climbed onto the scale for a second time, two hours after his first trip to the scale, he hadn't lost an ounce. The scale still read 139½, and a downcast Castillo was out of time and out of a fight. "The War to Settle the Score" was no more, and Castillo was not the only one who felt dejected. Diego Corrales, who had spent 9½ weeks training himself down to the lightweight limit, and who had weighed in at a hungry 135, left with his title but without his purse. More important, he left without the opportunity to prove his mettle in the ring.

The fight's moniker was reference to the fact that the scheduled June 3 fight was to be the rubber match between Castillo and Corrales. In their first meeting, on May 7, 2005, the two 135-pound warriors went head to head for ten action-packed rounds. In the tenth, Castillo floored Corrales twice, and the end seemed near. It was, but not in a way that anyone expected. Corrales bought himself time when he pulled out and dropped his mouthpiece after the second knockdown, and the seconds it took referee Tony Weeks to issue a one-point deduction simply provided him more time to recover. When action resumed, Corrales used a two-fisted attack to drive Castillo to the ropes, where Castillo appeared to be out on his feet. At 2:06 of the round, Weeks waved off the fight, making Corrales a TKO winner and new owner of the WBC title.

The controversy created by Corrales' removal of his mouthpiece, the argument that the extra time to recover was unfair to Castillo, prompted calls for a second fight. Of course, the hope for another scintillating slugfest between two skilled warriors also fueled the public's desire for a rematch. On October 8, 2005, they met again. This time controversy came before the fight, the day before, when Castillo failed to make weight. Three trips to the scale did not help as Castillo

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weighed 138½ each time. One of his team, Dr. Armando Barak, had his license revoked for placing his foot under the scale in an attempt to turn the too-heavy Castillo into a lightweight. And Castillo himself lost \$120,000 (10% of his \$1.2 million purse) and his chance to compete for the WBC title by failing to make the 135-pound limit. Castillo blamed the 3½ pounds on a rib injury he suffered ten days earlier, which he says did not allow him to train. But the extra weight proved to be an advantage for Castillo as he overpowered Corrales, knocking him out with a big left hook 47 seconds into the fourth round.

Castillo's weight problems set the storyline for the rubber match, and set the conditions for the June 2 weigh-in. If Castillo did not make weight on his first attempt, he would be fined a minimum of 25% of his purse – \$225,000 out of \$900,000 – by the Nevada State Athletic Commission. An additional \$175,000 fine was written into his Showtime contract. Even the WBC got into the picture by undertaking to monitor Castillo's weight leading up to the fight. In the end, none of these measures worked. And Castillo's assurances that he would make weight deteriorated into a weak apology to the champion when he came in 4½ pounds over the lightweight limit.

The apology did nothing to erase Corrales' still fresh memory of a bigger, stronger Castillo dominating him in their second fight. Citing concern for his safety, Corrales made the reasonable decision not to fight.

The much-anticipated bout was canceled, and the ugly business of legal and disciplinary action began. Corrales and his promoter Gary Shaw filed a lawsuit against Castillo and his promoter, Top Rank. The suit seeks both compensatory and punitive damages. Corrales is demanding \$1.2 million, the amount of the purse he would have earned had he fought Castillo as scheduled, and an additional \$10 million in punitive damages. Shaw seeks \$750,000, his anticipated profit from the fight, and \$10 million in punitive damages. Punitive damages, as the name suggests, are meant to punish the wrongdoer, and are appropriate where the person being sued is guilty of malicious or willful misconduct. Given Castillo's failure to make weight in their second fight, and the fact that he did not come close to making the 135 pounds called for by the bout agreement, Corrales and Shaw may have a good argument that defendant Castillo deserves to be punished.

While lawsuits tend to languish in the courts, the Nevada State Athletic Commission moved quickly to discipline Castillo. The Commission fined Castillo \$250,000, the maximum allowed by its rules, and suspended the boxer for the remainder of 2006. When Castillo does return to the ring, at least a ring in Nevada, he will not be permitted to fight at less than 140 pounds – a measure of discipline that Castillo certainly welcomes.

The World Boxing Council, which had sanctioned the bout, weighed in with its own self-serving statement following the cancellation of the fight. The statement attempts to cast blame on the boxers, their camps, the promoters and the Nevada State Athletic Commission – in short, everybody else – in connection with Castillo coming in overweight, and to whitewash the actions of the WBC. WBC President Jose Sulaiman speaks about WBC Rule 4.6, a rule that calls for "safety weigh-ins" thirty days and seven days prior to the fight. The rule, instituted in 1997, is intended to address the safety concerns involved in a boxer losing too much weight in too short

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a period of time, certainly an admirable goal. However, it is unclear whether compliance with the rule is mandatory or simply recommended (“the WBC expects extra official weigh-ins to be held”). Moreover, the language of the rule is inexact – a boxer’s weight cannot exceed the weight limit for the fight by more than 10% either thirty days before the official weigh-in, which takes place the day before the bout, or four weeks (that’s 28 days) prior to the bout itself. The rule gives both time periods, which of course land three days apart.

A May 17, 2006 letter from Jose Sulaiman states that Castillo’s weight as of that date is 146 pounds, and ends as follows: “We are happy to announce that Jose Luis Castillo is within the parameters of the mandated weigh-ins to prevent dramatic weight loss in a short period of time.” Sulaiman should not have been so happy to make that announcement, as May 17 was sixteen days before the weigh-in and seventeen before the fight. As the WBC president well knew, Castillo was not within the parameters of the WBC rule. In fact, he acknowledges as much in his post-fight statement, a clear contradiction of his earlier happy announcement.

But Sulaiman has no qualms about double-talking. It is a privilege that goes well with the title “President-for-Life,” as he is often called. In discussing WBC flyweight champion Pongsaklek Wonjongkam’s failure to defend against his mandatory challengers during his five-year reign, for example, the WBC president stated: “I prefer to accept the fact that we have been weak with Pongsaklek and take full responsibility for it, rather than explain the unexplainable.” Unfortunately, too many of the actions of the WBC are unexplainable.

What is clear, and clearly explainable, is that WBC Rule 4.6 is rarely, if ever, enforced. There is tacit acknowledgment by Sulaiman that the rule was not followed for the second Castillo-Corrales fight, when Castillo came in overweight, and express acknowledgment that “there has been inconsistency in this rule.”

While it is difficult to stomach Sulaiman’s slippery statement, the primary responsibility for Castillo coming in at weight of course belonged to Castillo and his team. According to contract and according to the championship rules of the WBC, champion and challenger each had an obligation to weigh in at 135. Corrales sacrificed during training and met his obligations at the weigh-in. Castillo, very simply, did not do his job.

How much Corrales sacrificed in preparation for his scheduled June 3 rubber match against Castillo can be deduced from his own recent failure to make weight for his October 7 rubber match against Joel Casamayor. In an ironic turn of events, Corrales weighed in at 139½, precisely what Castillo weighed on June 2, and became the target of the same criticism he had leveled against Castillo four months earlier. Corrales, 139 pounds when he returned to the scale two hours after his first attempt, lost his title on the scales. He also lost a significant portion of his \$1.2 million purse to the Nevada State Athletic Commission, which fined the now ex-champion \$240,000, and to the 135-pound Casamayor, who accepted \$250,000 as compensation for agreeing to fight his larger opponent. Corrales then lost a split decision in the ring. After the fight, Corrales announced that he would no longer fight at lightweight.

Corrales, like Castillo before him, was trying to fight in a weight class where he no longer belonged. It is a common practice in boxing, where a fighter attempts to lose an unnatural

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amount of weight for the weigh-in and then puts the weight back on in time for the fight. In this way, the fighter gains for himself the advantage of being physically bigger than his opponent. It is not unusual for a fighter to gain ten or fifteen pounds, or more, between the time of the weigh-in and the time of the fight. Arturo Gatti and Miguel Cotto routinely gain large amounts of weight following the weigh-in. Jorge Barrios, a 130-pounder who lost his title on the scales when he could not get below 131½ pounds for his September 16 fight against Joan Guzman, has been known to come into a fight nineteen pounds heavier than he was at the weigh-in. He achieves this by hooking up to an IV in order to re-hydrate his body.

These massive weight gains between weigh-in and fight are possible because of the length of time between the two events. The WBC directs that “[t]he weigh-in ceremony shall be held from 24 to 30 hours prior to the start of the boxing event.” The WBA rule mandates that the weigh-in take place between 4 and 8 pm the day before the fight. The IBF states that “[t]he initial weigh-in shall be no less than twelve (12) nor more than twenty four (24) hours before the start of the bout,” but, in practice, it is routinely more than 24 hours; the IBF, however, does direct that a second weigh-in take place on the morning of the fight, at which the fighters can weigh no more than ten pounds above the weight limit. The WBO fails to set forth a time in their rules, but the practice is to hold the weigh-in ceremony the day before the fight. The rules of the sanctioning organizations apply only to championship fights, but most state commissions also hold day-before weigh-ins. In all cases, hours passed translate into pounds gained.

It wasn't always that way. In the past, weigh-ins took place on the day of the fight. That practice changed for the wrong reasons – reasons that have to do with the promotion of the fight, and not with the health and safety of the fighters. “Promoters use weigh-ins as a way of marketing their fighters,” explains Larry Merchant, expert analyst for HBO Boxing since 1978. Holding the weigh-in the day before the fight provides another opportunity for publicity and television exposure. It is part of the hype leading to the fight, hype which sells tickets and attracts television viewers. Promoters and television executives are not wrong to want this publicity, but finally it must take a back seat to the more important considerations of safety and fairness. It is those interests that state commissions and sanctioning organizations must protect.

Proponents of day-before weigh-ins argue that the practice promotes the health and safety of boxers, as it gives them sufficient time to become properly re-hydrated before entering the ring. But that assumes that they have become improperly dehydrated leading up to the weigh-in. Greg Sirb, director of the Pennsylvania State Athletic Commission since 1987 and a vocal advocate of day-of-the-fight weigh-ins, makes the logical argument: “If a fighter has to starve himself and dehydrate himself in order to make weight, that is a sign that the fighter should not be in that weight class.” Starvation and dehydration, needless to say, cannot be good for the body, yet that is exactly what is promoted by day-before weigh-ins.

“The scientific or medical argument for early weigh-ins has largely been discounted,” says Merchant. Since there is no scientific basis to support day-before weigh-ins, a return to day-of-the-fight weigh-ins seems in order. “If it doesn't make fighting safer,” argues Merchant, “then on an observational basis it makes boxing less safe.” That is because it allows a naturally bigger man to gain an unfair advantage in size and strength over a smaller opponent. Merchant illustrates his point: “Emmanuel Steward told me that Gerald McClellan used to wake up on the

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day of the weigh-in ten pounds over the weight limit. He would put on a rubber suit and go in and out of a steam room until he made weight." McClellan, a middleweight knockout artist, was almost always the bigger, stronger man in the ring.

Holding the weigh-in on the day of the fight, as Pennsylvania does, encourages fighters to make weight in the proper way, and to fight in their proper weight classes. "What's more important," asks Sirb, "what the kid weighs before the fight or what he weighs at competition?" And that, finally, is the point. The reason that weight classes exist at all is to ensure a fair fight. Fair and safe competition begins with the requirement that the two men facing each other are the same size. If that is the goal, as it must be, then the way to achieve that goal is by holding day-of-the-fight weigh-ins. That is the only way to encourage boxers to fight in their proper weight classes. "Pick on someone your own size" may be a schoolyard rebuke, but it is a call, at bottom, for fairness.

Any change from the present system of day-before weigh-ins is bound to meet with resistance from both promoters and fighters. But Merchant believes that a combination of creative and legal thinking can overcome this resistance. On the creative side, promoters need to find different ways to market their fights so that they do not have to depend on weigh-ins. Adjusting the times of press conferences, making fighters available to the press and holding public work-outs are among a number of suggestions offered by Merchant. Administratively, commissioners, particularly those in the major fight venues of Nevada and California in the west, and New York and New Jersey in the east, need to institute a policy of day-of-the-fight weigh-ins. "Ultimately what will happen is that fighters will start to fight at a weight that is more natural for them," says Merchant.

In his lead-in to the HBO-televised Barrios-Guzman fight, Merchant spoke on air about a movement to return to weigh-ins on the day of the fight in order to stop the practice of fighters trying to make weight in the wrong way. He was speaking about Jorge Barrios, but hovering behind his comments was the shadow of Jose Luis Castillo. Both fighters failed to make weight for title fights, and the only reason they tried to make a weight that was unnaturally low given the size of their bodies was that they knew they would have more than 24 hours to put weight back on. Early weigh-ins, says Merchant, "discourage some fighters from training as hard as they have to because they think they can finesse it." If Castillo knew that he would not have more than a day to replenish his body, he would not have pretended to be a lightweight. Safety and fairness matter – they matter more than publicity – and we will move one step closer to those goals by having fighters fight in their proper weight classes.