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The National Collegiate Athletic Association

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December 4, 1972

The Honorable Gerald R. Ford
Room H-230
Cannon House Office Building
Washington, D. C. 20515

Dear Congressman Ford:

The NCAA recently withdrew from the United States Olympic Committee, calling for a restructuring of a new Olympic organization under the mandate of a Federal charter.

We thought you might be interested in the enclosed history. The chronology focuses on several of the problems at issue.

We are forwarding the report to you so you may have readily available the information contained therein if Congress decides to take an active interest in this matter.

Best wishes.

Sincerely,



Earl M. Ramer

EMR:11
Enclosure

UNITED STATES OLYMPIC CRISIS



**THE PROBLEM
THAT WON'T
GO AWAY**



A HISTORICAL OVERVIEW

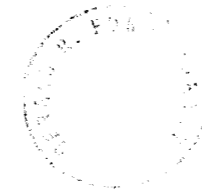
of

The United States Olympic Committee

by

**The National Collegiate Athletic Association's
International Relations Committee**

November 24, 1972
Kansas City, Missouri



PREFACE

The Council of the National Collegiate Athletic Association voted October 25, 1972, to withdraw as a member of the United States Olympic Committee, effective immediately. Its action was based upon the unanimous recommendation of the NCAA International Relations Committee.

This decision was the result of more than 10 years of intensive effort to obtain a reorganization of the U.S. Olympic apparatus because of the NCAA's conviction that the present U.S. Olympic organization does not serve the needs of the athlete, amateur sports or the national interest.

A similar proposal to withdraw was before the 1965-66 NCAA Council, but at that time the Council decided to continue to pursue negotiations within the U.S. Olympic framework in seeking appropriate restructuring and reorganization. Such negotiations not only have proved fruitless; the interests of the NCAA and the school-college community have been further subjugated to the point that recent USOC legislation, in effect, has been an invitation for the NCAA not to participate further in USOC proceedings.

This pointed USOC rejection of the colleges' interests is difficult to understand, but the issue is clear and we will not accept membership in the USOC as it is now constituted. As an organization, the NCAA will not contribute to or support the program of the USOC. Each member of the NCAA and the staff members and student-athletes of each member, of course, are free to determine their own policies and positions in light of the record of the United States Olympic organization.

In measuring the wisdom of the NCAA's position, and in determining their own future policies in these matters, NCAA members, other institutions and organizations, former and current amateur athletes and other concerned individuals generally are invited to review this record.

History is important for purposes of making a valid assessment, of measuring progress or retardation. It seems appropriate at this time to appraise the past, consider current developments and determine anew the course of action which is most desirable in advancing the worthwhile and legitimate interests of the student-athlete, ama-

teur sports and our nation.

A surprising amount of information on this general subject has been written by a multitude of qualified experts in the field of sports. Only a brief summary can be useful in this assessment, but a substantial bibliography is available to confirm the statements contained herein.

Through all the information, patterns of action and the positions of the various parties clearly emerge. These should be carefully considered in determining the future methods of obtaining the valid and necessary goals we seek.

The following fundamental truths serve as the basis of our goals:

1. We believe that participation in sports competition to attain and inspire excellence in human skill and performance is highly beneficial to individuals and society.

2. Olympic competition represents a worthwhile opportunity in certain sports to create a peak of achievement, good both for individual and for national incentives.

3. Each citizen should be willing to assist the United States in attaining the best possible Olympic showing and performance, within the rules.

4. Organizations and individuals in the United States should subordinate their jurisdictional ambitions and personal self-interests to the overall interest of our national Olympic movement. They should be willing to contribute at all appropriate levels available, for the overall benefit of the United States achievement.

5. Persons with policy-making and administrative responsibilities in amateur sports should fulfill their obligation to obtain for the United States the best possible organization to produce competitors who will properly represent our country in a manner befitting United States prestige.

6. None of these aims should be sought by unethical or unsportsmanlike conduct and all should be attained in accordance with the fairest moral principles of our democracy and sports traditions.

NCAA COUNCIL

Earl M. Ramer
Earl M. Ramer, *President*

November 24, 1972

A HISTORICAL OVERVIEW

It is impractical to record herein the entire history of sport in the United States. Dr. A. W. Flath did an excellent job in his doctoral dissertation, backed by extensive research. His work can be referred to as a primary source for the early history. Parts are summarized to give background for the present evaluation.

Early History of Amateur Athletics (to 1869)

In the struggle for survival and statehood, there was little opportunity for sport when our nation was being settled. In the early 1800s, public education was extended from elementary and secondary education to the establishment of state universities by federal assistance of grants of land. However, private institutions provided the first trace of athletics. Forms of football, basketball, boat racing and footracing appeared on campuses, with the first intercollegiate boat race between Yale and Harvard in 1852.

The development of amateur athletics took place rapidly following the Civil War with the organization of many athletic clubs. Purses and betting soon evolved. The clubs defined "amateurs" and tried to control their contests by establishing rules to restrict professionals from their competition. The date of April 22, 1879, marked the origin of the National Association of Amateur Athletics of America and the collapse of the National Athletic Association following the defection of the New York Athletic Club. (Kowgaard, "A History of the Amateur Athletic Union of the United States," unpublished dissertation. Teachers College, Columbia.) A college Rowing Association was formed in 1870 and the Intercollegiate Association of Amateur Athletes of America was formed in 1875 by 10 colleges to conduct a track and field meet. "The beginning of amateur athletic control had been established." (Ibid.)

The Establishment of the Amateur Athletic Union (1888)

The New York Athletic Club withdrew its support of the NAAAA in 1886 and joined other clubs to form the Amateur Athletic Union of the United States on January 21, 1888. A struggle for control ensued, marked by "the AAU Board of Governors passing a resolution that barred any amateur athlete from competition in any games under the rules of the AAU if they competed in open games in the United States not governed by the rules of the AAU. These actions by the AAU were designed to create a boycott of the NAAAA and other organizations by the athletes who had to choose between competition under AAU or under 'outlaw' rules." (Ibid.)

"Early in 1889 the Amateur Athletic Union declared athletes under their control would not take

part in games open to amateurs sponsored by the University of Pennsylvania under NAAAA rules, charging that the colleges should control their own athletics, but when they planned to hold open meets, these should be held under the rules of those who control other than the colleges." (Ibid.)

The ICAAAA resigned from the NAAAA and joined the AAU. Ineligible athletes' penalties were remitted, and by the summer of 1889, being stripped of its power and support, the NAAAA disbanded.

On March 19, 1891, a reorganization changed the AAU from a union of individual clubs to a union of district associations. The AAU claimed jurisdiction over 23 sports.

During its early years, the AAU claimed jurisdiction over all college sports, but by 1899 it had dropped claim to jurisdiction over football, soccer, basketball and rowing while retaining control over track and field, lacrosse and basketball. This list of sports has changed many times through the years, but track and field has remained the flagship of AAU activities.

Expansion of College Sports (1894)

Collegiate sports changed rapidly from interclass rivalries and challenge games to intercollege competition. Following student control, alumni came prominently into positions of sponsorship and control. Abuses developed so faculty and administrations took interest, resulting in institutional and conference controls being applied.

The Southern Intercollegiate Athletic Conference started in 1894; the Intercollegiate Conference (Big Ten) in 1895. New emphasis was placed on identifying and defining amateurism.

The Revival of the Olympic Games (1896)

To counteract the professionalism and commercialism that threatened to dominate athletic competition, Baron Coubertin was able to organize the revival of the Olympic games for Athens, Greece, in 1896.

The first United States Olympic team of 1896 was organized largely through the efforts of Professor William B. Sloane, a Princeton historian; James E. Sullivan of the AAU, and Arthur Burnham of the Boston Athletic Association. The team was made up of athletic club and collegiate athletes. The BAA sent five participants, four Princeton athletes led by Robert Garrett financed their own trip and the Suffolk Athletic Club sent one athlete, James B. Connelly. The U.S. was successful in track and field.

In 1900 at Paris, the 55-member U.S. team that won was mostly from colleges, with a few un-

attached athletes. The winning team at St. Louis in 1904 was composed of athletic club members, mostly from New York, Chicago and Milwaukee. The first team selected by the American Olympic Committee was in 1906 and financed by its solicitations. The 35 members were concentrated in the track and field competition where they were successful, but the U.S. was not diversified in the other sports, and France won the most medals. The AAU had been the only athletic body in existence to play the major part in planning and conducting United States participation.

The Formation of the National Collegiate Athletic Association (1905)

The necessity for change in the football rules recognized by President Theodore Roosevelt in 1905 brought about a meeting of interested colleges, and 38 colleges and universities initially ratified the constitution of the Intercollegiate Athletic Association, whose name was changed to the National Collegiate Athletic Association in 1910. Faculty control was emphasized, and the first President, Palmer E. Pierce of the U.S. Military Academy, stated at the first convention, December 28, 1907:

"The purpose of this association is, as set forth in its constitution, the regulation and supervision of college athletics throughout the United States, in order that the athletic activities in the colleges and universities may be maintained on an ethical plane in keeping with the dignity and the high purpose of education. All institutions enrolled as members agree to take control of student athletic sport so far as may be necessary to maintain in them a high standard of personal honor, eligibility and fair play, and to remedy whatever abuses may exist." (NCAA Proceedings, January, 1909)

Early Attempts at a Federation for Amateur Athletics (1906-1920)

After formation in 1906, the Intercollegiate Athletic Association soon had problems in basketball and baseball where the AAU claimed jurisdiction.

Dissatisfaction with the AAU's handling of the registration requirement led the colleges to publish their own basketball rules independent of AAU control.

In 1907 and subsequent years, representatives of various organizations met and formed the Athletic Research Society to discuss problems in athletic administration, difficulties encountered in inter-institutional competition and such changes in athletic control as might seem desirable.

In 1911, this group (composed principally of colleges, public high schools, elementary schools, normal schools, private secondary schools, play-

ground management, YMCAs, Boy's Clubs, Turnvereins, Rural Boy Scouts, Foundations in Play) formed the National Federated Committee to implement the solutions of the Research Society.

H. F. Kallenberg, in the American Physical Education Review of June 1912, summarized the feelings of those who formed the new federation. He felt there was need for cooperation among the various sports bodies but that this cooperation could not be brought about under the leadership of the Amateur Athletic Union:

"First, the Amateur Athletic Union insists it is the only national controlling body for athletics in this country in spite of the fact it has a membership of only 538 clubs and a registration of only 18,861 individuals (the Federation in Chicago, Philadelphia, and North Eastern Pennsylvania alone have between 400 and 500 units representing more than 20,000 individuals). The Amateur Athletic Union therefore declares that every 'open' meet (one in which a college and a YMCA or turner, etc., compete) must be sanctioned by the Union, otherwise every athlete who takes part will lose his amateur standing

"This unfortunate autocratic position of the Amateur Athletic Union will never bring the athletic forces together under its banner. While the Union's system of registrations and sanctions may do for the unattached athletes and athletic clubs, clubs organized primarily for some one branch of athletics, it is a system which will not be accepted by permanent organizations . . . which conduct athletics as one of many other activities. It must be remembered that the Amateur Athletic Union's system was developed to meet the problems presented by athletic clubs and unattached athletes.

"Second, we do know that the average athletic club does little or nothing in the way of promoting the educational view of athletics. The prime object of these clubs seems to be to corral all the 'star' athletes in order to beat some other club, win a meet and furnish a spectacle.

"This viewpoint of the Amateur Athletic Union . . . is wholly at variance with the trend in educational institutions, turners, Young Men's Christian Associations, playgrounds, etc., which is toward a scheme of athletics which will not serve expert performers, but will also interest and stimulate every man and boy of athletic age to take part in wholesome competition.

"Third, during the past 15 years thousands of individuals who have come in touch with amateur sports in universities, colleges, nor-

mal schools, high schools, turners, Young Men's Christian Associations, etc., have gone throughout . . . the land carrying with them the principles of amateurism and clean sports Furthermore, these organizations are grappling with problems in the administration of athletics, working out their own salvation and setting up new and high standards without any help from the Amateur Athletic Union. Therefore, when these organizations are requested to become members of, or affiliated with, the Union, they naturally ask, 'Why should we become members or register with the Amateur Athletic Union?'

"Fourth, practically 85 per cent of the gymnasiums, athletic fields and swimming pools are controlled by the organizations that are independent of the Amateur Athletic Union. With these same organizations are many trained physical directors and teachers, giving much time and thought to educational athletics. The large bulk of men and boys of athletic age are also connected with organizations outside the Amateur Athletic Union."

Kallenberg concluded his summation by saying that "for the colleges, turners, playgrounds, etc., to accept the Amateur Athletic Union as the national controlling body would mean the adoption of a viewpoint wholly out of sympathy with the general policy and objectives of these organizations."

The Cook County Amateur Athletic Federation was formed in 1911 allowing various organizations to have representation for mutual administration but responsible for its own athletics. The AAU referred to the Cook County Federation members as "outlaws" (Henry Kallenberg, "Who is to Contract Athletes," American Physical Education Review, 1912), and threatened to suspend any individual who participated in a Federation meet as an official or as an athlete.

In his presidential address before the Athletic Research Society in 1914, W. P. Bowen said:

"A new organization for the control of sport is made necessary by its enormous growth in new fields. In addition to the athletic clubs, which were the only promoters of sport when the AAU was formed, it is now being fostered and encouraged everywhere . . . and since unity is important in such a field there is need for a democratic organization in which all the interests will be represented. Cooperation by all is essential; any attempt on the part of one interest to dictate to all the others or to monopolize control, is like all other schemes in the interest of one class, distinctive of best results, and in the end suicidal for the group attempting it. The study thus far points to some form of federation as a kind of organization suited to American ideals of government and to the need of the situation." (Bower, "Proceedings

of Athletic Research Society," 1914)

The AAU and the NCAA agreed on a definition of an amateur, but the opposition of the AAU curtailed the forming of a National Federation, and World War I stopped consideration of it.

AAU Control of U.S. Olympic Committees (1908-1922)

The 1908 Olympic games were marked by bitter disputes between the AAU and the British Olympic officials, causing Baron de Coubertin to make a special plea for efficient administration of the 1912 games in Sweden. The 1912 games were successful in this respect except for the AAU officials' mistake in permitting Jim Thorpe to be eligible.

"On December 12, 1918, a meeting was held of the former members of the Olympic Committee, whose members had originally been appointed to membership and offices entirely at the discretion of James E. Sullivan, who served as Secretary until his death in 1914. They had operated with no constitution, by-laws or rules of procedure." (Dr. Flath, "History of Relations Between NCAA and AAU, 1905-1963")

At this meeting, it was decided to form a continuing committee representative of the various organizations interested in Olympic games, and invitations were tendered to chosen groups. The 1920 U.S. Olympic team was nominated and selected by the same few men appointed by this organization.

Charges and complaints concerning the management and arrangements for the 1920 games were so damaging that a "complete reorganization" was called for, and the NCAA, on December 29, 1920, adopted "a resolution favoring the organization of an Olympic Association, to be made up of bodies like this that have to do with participation in the Olympic games," and requested President Pierce to use his influence to carry this resolution through. (Proceedings of the 15th annual NCAA Convention)

General Pierce conscientiously followed this directive.

On February 5, 1921, the American Olympic Committee accepted a report of its Reorganization Committee, drawn up in the home of President Gustavus Kirby, giving a preponderance of votes to the AAU.

"At a meeting of the Reorganization Committee on May 4, 1921, a majority of the committee decided to reduce the number of invited delegates of the NCAA to three from 16, over the protest of General Pierce that such action was beyond the power of the Reorganization Committee." (Dr. Flath, "History of Relations Between NCAA and AAU, 1905-1963")

Excerpts from a letter General Pierce sent to President Kirby of the American Olympic Com-

mittee appeared in the New York Times on May 24, 1921:

"The whole effort seems to bind all the organizations concerned to a constitution and by-laws formulated for them by this subcommittee, instead of calling together a conference and simply furnishing it with a basis for work, the conference itself, after a full and free discussion, to come to a conclusion as to the best organization of an Olympic Association.

"The attitude of the Committee on Reorganization, and the steps it has taken are such that the National Collegiate Athletic Association feels that it is for the best interests of amateur sport in the United States, and especially for the best interests of intercollegiate sport, that it withdraw from the present movement to organize an American Olympic Association . . . If the National Collegiate Athletic Association, the undergraduates of the members of which number 350,000, is prevented from exerting an influence in the selection of the contestants for the Olympic games, their managers and trainers, and the conduct and control of the contests, and influence commensurate with its position in amateur sport, it is much better that it should remain independent."

Pierce added that he hoped for one of two solutions to the problem:

"First, the organization of an American Olympic Association that would be really representative of all interests concerned, or second, the taking over of the entire responsibility for the proper conducting of the Olympic Games by the Amateur Athletic Union."

Of the two solutions suggested, Pierce felt the first was the more desirable, but, if that couldn't be accomplished, then the Amateur Athletic Union should be given charge of the American Olympic effort.

General Pierce made strenuous attempts to broaden the scope of the U.S. Olympic Committee, but Secretary Rubien of the AAU opposed and refused to attend a meeting. Subsequently, Secretary of War John Weeks proposed a National Federation, which was first applauded by Olympic President Kirby, but later was defeated at a meeting of the Olympic Association, attributed to the voting *en masse* of the AAU opposing it. (New York Times, Nov. 26, 1921)

The NCAA at its 16th annual meeting, December 1921, passed the following resolution proposed in General Pierce's report:

"First, that the National Collegiate Athletic Association does not accept the invitation to join the American Olympic Association under its present

form of management. Second, that this Association favors the idea of the organization of a National Amateur Athletic Federation." (Dr. Flath, "History of Relations Between the NCAA and AAU, 1905-1963")

The Army, Navy and YMCA also did not join the American Olympic Association.

The National Amateur Athletic Federation was formed in 1922 (New York Times, Sept. 1, 1922) and expressed a willingness to join the Olympic Association, believing the Federation should have equal voting power with the Amateur Athletic Union and the principle of jurisdiction, which the AAU claimed over sports in the United States, should be removed.

In answering the NAAF, President William Prout of the Amateur Athletic Union replied that "the NAAF proposals not only would eliminate the Amateur Athletic Union as a sports governing body, but would kill practically every similar organization in the country."

At this point, the respected Colonel Robert Thompson, then president of the American Olympic Association, approved voting changes which allowed the NCAA, Army, Navy and YMCA to withdraw their resignations and be represented with more appropriate share.

More Differences (1924-26)

Soon Charles Paddock, competing in University games conducted by the YMCA in Paris without approval of the AAU, was declared ineligible with other competitors for the tryouts for the U.S. Olympic team in 1924.

The NCAA stated the case involved "whether or not the colleges have to request authority of any super-organization to enter the intercollegiate athletic competition in this or any other country" and "whether or not all amateur athletes of good character who are citizens of the United States and have never represented another country are eligible to enter our Olympic tryouts." (Dr. Flath, "History of Relations Between the NCAA and AAU, 1905-1963")

At the December 28, 1923, NCAA meeting, the NCAA stated its policy "that American colleges and universities reserve the right to determine the eligibility of their students to compete in the intercollegiate athletic meets in this country and elsewhere. The NCAA recognizes the American Olympic Association as having complete jurisdiction over all matters pertaining to representatives of the United States in the Olympic Games." (Proceedings of NCAA Convention, January 1924)

At the subsequent American Olympic Association meeting, the NCAA and NAAF failed in an effort to have certification of the amateur and citizenship status of all athletes taken from the hands of the various governing bodies and placed in the hands of the Olympic Committee. Bloc vot-

ing and opposition came from the AAU delegates since they felt the power of the AAU as governing body would thus be curbed.

On January 26, 1924, President Pierce of the NCAA renewed the charge that the AAU was trying to use the Olympic Games as a means for the arbitrary control of sports under its jurisdiction, and that the AAU was making an effort to gain absolute control of all matters connected with American participation in the Olympic Games. (New York Times, Jan. 27, 1924)

He brought out that the AAU engaged in fostering an international sports federation, which enunciated a rule that "no amateur athlete can compete in any foreign country without a certificate from the sports-governing body of his own country of that particular sport in which he wishes to engage." (Proceedings of 1925 NCAA Convention)

Under Colonel Thompson, the handling of the 1924 Olympic Games was smooth and satisfactory. Major John L. Griffith, who became well known as Big Ten Conference commissioner, pointed out that 94 per cent of the points scored by the U.S. Olympic team were scored by athletes trained and developed by the colleges.

There was a slight lull in the dispute in 1925, but the struggle flared again in 1926, harder than ever. The AAU refused to stop the athletic clubs from approaching undergraduates during the college semesters to join their athletic teams, showing little, if any, regard for the educational program. At the 1926 quadrennial meeting of the American Olympic Association, the AAU bloc voting dominated the issues and elected the former President of the AAU, William Prout.

The New York Times said, "The AAU is right back in the saddle where it was years ago when the late James E. Sullivan ruled it (U.S. Olympic organization) with a firm hand." (Dr. Flath, "History of Relations Between NCAA and AAU, 1905-1963")

The NAAF, the Navy, YMCA, and the NCAA withdrew from the American Olympic Association.

General Pierce said, in part:

"I agree with the expressed opinion that the only participants in Olympic games of which the United States has reason to feel proud were those of 1912 and 1924, both under the fine leadership of Colonel Robert M. Thompson. Now that the AAU has assumed complete responsibility again, the outlook is far from promising. Since the NCAA is in such a helpless minority, it seems to me the part of wisdom to withdraw entirely from administrative participation. Whether or not it should assume anything more than a 'watchful waiting' attitude depends upon developments

"It is my belief that the AAU cannot succeed in its efforts to perpetuate its system of control upon amateur sports. It is un-American and out-of-date. It places responsibility for amateurism on the individual instead of on the organization he may represent. The athletics of the United States have become too well and completely organized to make it necessary or desirable that every athlete should be required by the order of a foreign organization (the IAAF) to sign a registration card and pay a fee to the AAU before he can compete for the Olympic games

"It is recommended that the National Collegiate Athletic Association resign from the American Olympic Association, that a statement be prepared and published as to the reasons for doing so, that a copy be forwarded to the Amateur Athletic Union and that this latter organization be informed that the colleges of this country once again deny its authority in any way to control the participation of their undergraduates in intercollegiate athletics, here or abroad."

Major Griffith presented the reasons for withdrawal as follows:

"1. Because the constitution of the Olympic Association was so changed at the meeting in Washington last month as to deprive the national organization that composed the federation of any influence in relation to America's part in the Olympic games and place the control in the hands of one member of the Olympic Association, the Amateur Athletic Union.

"2. Because the centralization of control in the hands of the A.A.U. restored an unsatisfactory situation that the American Olympic Association was organized to correct.

"3. Because the constitutional changes engineered by the A.A.U. representatives changed the basis of participation upon which the colleges, the Y.M.C.A. and the Army and Navy joined the Olympic Association in 1921." (Presented at 1926 NCAA Convention)

General MacArthur (1928)

The situation changed after the death of President Prout in 1927. General MacArthur was elected President of the American Olympic Association. He was able to get the defected organizations to rejoin in the interest of unity and amity for the 1928 Olympic games.

On April 16, 1928, Big Ten Commissioner Griffith suggested that a representative American Olympic Association be organized to take control of America's Olympic effort "and end the domination of the Amateur Athletic Union over American amateur athletics." (Dr. Flath, "History of Relations Between NCAA and AAU, 1905-1963," p. 156)

Commissioner Griffith went on to charge the AAU with being an organization of "cheap politicians" who had gained control "over the best elements of our athletic public by intimidation." The "intimidation" Griffith claimed was the threat of disbarment of athletes competing in an amateur event not under an AAU sanction. He also characterized Olympic managers, officials and committeemen as "henchmen of the AAU."

Following the 1928 Olympic Games, where General MacArthur put down all complaints, he stated in his report:

"The complicated chancelleries of American sport—I may even say international sports as well—are even more intricate perhaps than political chancelleries. To abstain from the conflicting interests of various sports bodies and yet to demand of all support for the Olympic movement has been a problem which at times appeared insurmountable. It is my most earnest recommendation that within a few months an athletic congress be called, under the auspice of the American Olympic Association, of all amateur sports associations in the United States, attended by the leading athletic figures of America, wherein the various athletic problems that have been agitating the nation during the immediate past shall be thoroughly discussed without crimination or recrimination and policies and standards fixed so definitely as to thoroughly chart the course of American athletics for the immediate future." (Dr. Flath, "History of Relations Between NCAA and AAU, 1905-1963")

President Pierce of the NCAA pointed out that the selection of competitors, coaches and managers of the 1928 Olympic team was not conducted in accordance with Article 2 of the American Olympic Association constitution. He said the Olympic Track and Field team had been selected as a part of the National Championship of the AAU conducted by the AAU Track and Field Committee. He also pointed out AAU discrepancies in registration.

Quiet Period Before the Storm (1929-1954)

President Avery Brundage of the AAU was successful, following the 1928 Olympics, in amending registration procedures to the general satisfaction of both the NCAA and the AAU. Also, the American Olympic Association was reorganized in 1930 with votes assigned to organizations within five classifications. An executive committee and games committees with more equal representation brought peace for a time. It was culminated in an Alliance agreement being signed between the NCAA and the AAU.

Following the 1936 Olympic Games, John L. Griffith, then president of the NCAA, advocated

and obtained an equal number of games committee members for the NCAA and AAU in the sports of men's track, men's swimming, boxing, wrestling, men's gymnastics, basketball, ice hockey and field handball, with an extra member appointed by the President of the U.S. Olympic Association. (New York Times, Nov. 18, 1937)

After World War II, at the January 1946 convention, NCAA President Wilbur C. Smith reported:

"The relations of the NCAA and the Olympics have evolved through a curious history resulting in a situation which saw the NCAA in the sports under its cognizance, providing U.S. Olympic personnel to as high as 90 per cent as well as financial support to a large degree, but with scarcely more than nominal representation on the Olympic Association which governs American Olympic affairs." (NCAA Yearbook, 1945)

As a result of this agitation, Kenneth L. (Tug) Wilson, successor to Major Griffith as Big Ten commissioner, was appointed Vice-President and Asa S. Bushnell, commissioner of the Eastern College Athletic Conference, was appointed Secretary of the U.S. Olympic Association.

In the 1948 Olympic Games, the U.S. was successful and relationships fairly harmonious except for Avery Brundage, former AAU president who had taken over as president of the U.S. Olympic Association, expressing his belief that "college athletes who receive scholarships because of their ability in sports become, in fact, professionals." (New York Times, Dec. 12, 1949)

The 1952 Olympic Games in Finland were the first in which the Soviet Union competed. The Russians showed immediately that they would challenge U.S. domination.

Willis O. Hunter, athletic director of the University of Southern California and chairman of the NCAA Olympic Committee, told the 1956 NCAA convention:

"A large majority of participants of the U.S. Olympic teams in the various sports schedules are either undergraduates or graduates training under their former collegiate coaches. A majority of the U.S. Olympic team coaches are also NCAA personnel. Therefore, it is only fitting that the NCAA member institutions assume a large share in raising funds to finance our Olympic teams.

"Bearing these facts in mind, the NCAA Olympic Committee feels that for future Olympiads an important function of the NCAA Olympic Committee will be the furtherance of NCAA interest in the U.S. Olympic Games Committees and administrative staff, consistent with NCAA policy. It is our thought that there should be rotation, and a

geographical spread in reference to assignment." (NCAA Yearbook, 1955-56)

At Melbourne, Australia, in 1956, the USSR won more medals than the U.S.

Accumulated Grievances (1954-1960)

Although not publicized, a number of incidents and an accumulation of complaints were growing during the 1950s against the AAU's administration of amateur sports and its cavalier attitude in domineering Olympic matters.

In the frustrating sessions of the USOC Executive Board in 1958-59, the NCAA strongly advocated rotation of Board members and members of Games Committees to obtain new ideas and possibly relieve the situation of personal animosities. The only way rotation could be approved in 1958 was by making an agreement that the rule would not be retroactive, so that the incumbent AAU members would not rotate off for another eight years. Seeing that this was the only way the objective could be attained, the NCAA members accepted this AAU provision, and agreement was made. (USOC Minutes, 1958) This rule was subsequently rescinded by an AAU-led clique before it could affect any of the incumbents.

The NCAA also proposed a development program, and it was authorized under the Chairmanship of Thomas J. Hamilton, with equal membership from AAU and the NCAA, and one other member, General O'Donnell of the Air Force. The program made progress, but was kept under constant harassment, delays and opposition from AAU personnel.

Basic grievances as compiled by the NCAA included:

1. The major point of dissension is the dictatorial attitude of the AAU with reference to established policy in sports in which it is the international representative. The AAU appears to disregard the suggestion of others without considering the sport itself; its decisions too often have been based upon self-interests of the organization or the individuals involved.

2. Complaints registered with the AAU are not investigated, whether they be justified or unjustified. Requests by athletes for hearings have been ignored; institutional requests for hearings on suspensions have gone unanswered.

3. Athletes and coaches have been denied foreign trips when such denial would better suit the purpose of the AAU. Invitations to athletes have been withheld when foreign participation would have prevented the same athletes from competing in an AAU event.

4. The AAU has neglected the vital area of research.

5. The AAU has even failed to correspond

with certain countries regarding proposed international meets and has failed to develop exchange programs between the U.S. and other countries.

6. AAU track meets often are poorly managed and many times incompetent officials are used.

7. Poor planning has been exhibited by the AAU in preparing teams for foreign competition. Practice sites and schedules as well as travel accommodations are open to criticism.

8. The AAU has shown no special regard for the welfare and treatment of foreign athletes visiting the United States.

9. The AAU has failed to coordinate and process efficiently applications for U.S. and world records.

In January, 1960 the NCAA amended its definition of an amateur to emphasize that scholarship-aid granted to students, who were also athletes, would not be misunderstood by Avery Brundage or his AAU colleagues. (NCAA Yearbook, 1959-60)

The AAU wrecked the tour of the Swedish National Basketball team by threatening suspension of eligibility in the winter of 1959-60 if it played a number of college teams. (AAU Magazine, Vol. 30, January 1960) This imposition of monopolistic control over college activities was unacceptable.

Further, the need for improvement of the Olympic organization was felt keenly, so the NCAA took action. At the 1959 NCAA Convention, a resolution was passed and transmitted to the Olympic Association President that the NCAA recommended and would support efforts to attain improved Olympic teams.

The NCAA cancelled the Articles of Agreement with the AAU in April 1960 and announced it would not honor any suspensions imposed on college students by the AAU. (New York Times, April 27, 1960)

New Negotiations (1960-1961)

The NCAA Executive Committee made a formal request to the President of the U.S. Olympic Committee to undertake a complete review of the organization and operations. The NCAA asked the USOC to correct several weaknesses that were damaging to the Olympic movement and a deterrent to the U.S. fielding its best teams.

A special committee for AAU and Olympic relations was appointed with Wilbur C. Johns, athletic director of UCLA, as chairman.

The Committee was organized to meet with a similar committee of the AAU to resolve differences and negotiate a new Articles of Alliance. The Committee met with the AAU group on June 4-5, 1960, and it was agreed the NCAA should

write and transmit its proposals. This was done.

Unrest among the gymnastics and basketball coaches was prevalent. With urging from the National Association of Basketball Coaches, the National Basketball Committee of the United States (primarily a rules-making body) met and decided to seek recognition as the U.S. governing body in basketball, supplanting the AAU. Edward Steitz, of Springfield College, NBC representative, made the presentation at Rome, but was preemptorily dismissed by Bill Greim, AAU representative, who was president of FIBA, the international governing body for basketball.

At this time, the AAU paid the Swedish Amateur Basketball Federation \$7,000, and arranged another tour in 1961-62 of eight to 10 games to alleviate its past error. FIBA appointed Lou Wilkie, AAU, to convene a meeting of all basketball interests in the U.S. to solve the internal dispute.

Track, basketball and gymnastics coaches became aroused and requested separate Federations be formed in their respective sports.

Wilbur Johns' Committee on AAU and Olympics met with the officers of the USOC and the AAU Committee on December 15-16, 1960. Proposals for Articles of Alliance and changes in Olympic organization were discussed. The AAU promised to submit its suggestions in writing to the NCAA Committee.

The AAU did not submit its suggestions as promised on February 3, 1961, and was requested again to do this by letter.

Johns' Committee on AAU-Olympic matters met again on May 23-24, 1961, and stated its beliefs and recommendations:

"In essence our Committee believes the following:

"(a) That the AAU of the United States, which claims to have been designated the governing body in nineteen (19) different sports (although their official publication lists only 14 for which they hold membership in an International Federation) is no longer truly representative of all interests in certain sports, and is certainly not the best representative group for NCAA interests in specific sports.

"(b) That in these specific sports, basketball, track and field, gymnastics and swimming, new organizations are needed as International Federation representatives, if the best interests of these sports are to be furthered at home and abroad.

"(c) That the organizations which contribute most in the development and support of any sport in the United States should be the officially recognized representative to the International Federations, or should have at

least equal representation in the organization so designated. (Development and support, as used in this context, means specifically: teaching, coaching, acquiring facilities, arranging competition schedules, recruiting candidates, stimulating interest of participants and spectators, promoting National and International competition.)

"(d) That definite steps must be taken to break the 'strangle hold' of the AAU, if the NCAA is to acquire its rightful place in International representation, particularly in those Olympic sports which are completely dominated by NCAA athletes.

"(e) That the AAU has shamefully neglected to explore and foster International competition in many Olympic sports, and as a result of this neglect, our Olympic team representatives are at a great disadvantage.

"(f) That one of the primary problems is the self-serving interests of the AAU leadership and their unwillingness to evaluate the merits of any suggested changes.

"(g) That positive steps must be taken by the NCAA if we expect to bring about these desired changes which we believe will result in general improvement of our competitive strength in International and Olympic competition.

"(h) That the U.S. Olympic Association organization is completely outmoded and should be reorganized so as to create a vital continuing structure. (Reorganization would include Constitution and Olympic Executive Board Games Committees, and Coaches' selection.)

"(i) That Constitutional provision should be made to insure a strong and continuing development program.

"During the February 3 meeting with the AAU officers and after lengthy and detailed discussion of the most urgent problems, it became evident that the AAU people were not inclined to agree to anything unless we were willing to 'deal.' They set forth certain possibilities of conceding certain changes in the area of International representation, but only on the basis that the NCAA would immediately withdraw support of the National Basketball Committee's effort to be recognized as the United States membership in FIBA, the international governing body for basketball. As chairman of your Committee, I told Mr. Barack that we were not in any position to make such a 'deal.'" (Report of Special NCAA Committee, May 21, 1961)

Action taken at the May 1961 meeting of the

Special NCAA Committee was as follows:

"The NCAA Executive Committee be informed that (1) negotiations with the AAU representatives are discontinued, (2) the Articles of Alliance between NCAA and AAU have been dissolved and no new articles have been approved, (3) we recommend to the NCAA Executive Committee that the NCAA lend all its effort to bring about the formation of new organizations to represent the U.S. in basketball and gymnastics to the International Federations, (4) the Committee believes the new organizations must be truly representative of the amateur sports interests of the U.S. (historically these have been high schools, colleges, armed services, YMCA and AAU), (5) the position of the NCAA is that we need different representation in certain other sports in the International Federations, and we recommend a committee be appointed to study and determine those sports needing a revision of representation, and (6) we recommend that this committee be discharged."

On a separate front, in mid-August 1961, the U.S. Handball Association terminated its five-year agreement with the AAU. (U.S. Handball Association Bulletin, September 8, 1961)

Nonetheless, the NCAA Executive Committee voted for the Special Committee to meet on September 15, 1961, with Olympic and AAU representatives for a final effort to resolve the questions. This meeting ended in a stalemate with no progress.

Formation of Federations (1961-1962)

In Chicago on October 1, 1961, 88 representatives of many different organizations gathered to explore the desirability and feasibility of forming new Federations in several different sports. There was much interest and approval. Subsequently, separate Federations were formed in basketball, track and field, gymnastics, baseball and wrestling.

Lon Wilkie, long-time AAU official and FIBA convener, unsuccessfully attempted to get the basketball organizations to accept some new compromises.

The Olympic quadrennial meeting produced no changes, but track and field, basketball and gymnastics coaches were further disturbed by the frustrations of politics in games committees. The AAU voted down representation by the high schools in the Olympic organization. NCAA Executive Director Walter Byers wired the White House, in light of then-President John F. Kennedy's announced interest in promoting amateur sports, as follows:

"Background: The U.S. Olympic quadrennial meeting rejected three amendments to give the high schools a voice and vote in

Olympic administration and sports planning. This was accomplished by solid bloc voting of AAU for fear that the high schools would side with the colleges and give us a few more votes. Instead of getting into some of the political overtones concerning all three amendments, I think you should concentrate on the rejection of the amendment to give the high schools representation on the Olympic games committees. It was proposed to give the high schools one representative on 15 Olympic Games committees, which ranged in size from seven to 22 people, and to give the high schools two representatives on one committee (swimming) composed of 20 people.

"Statement: It seems tragic that the United States Olympic organization would reject the high schools' request to have token representation on 16 Olympic sports committees. This comes at an unfortunate time when President Kennedy's youth fitness program is appealing to our school system to stimulate and encourage sports participation. The Olympic movement, chartered by Act of Congress, supposedly stands for all elements of American amateur sports. Certainly the high schools are an integral part of our sports structure and have a vital part to play not only in the early training of potential Olympic athletes but furthering the basic objectives of the fitness movement. I fail to understand why the Olympic movement would reject, for example, the request that the high schools have one man on the 22-man track and field committee or one representative on the 20-man wrestling committee. This narrowness cannot move America forward in the area of athletics."

Another so-called summit meeting was held in February 1962, where the AAU again offered to place more school and college representatives on AAU Foreign Relations and Sports Committees, but all merely in a position of recommending to the AAU Executive Committee, which would maintain the same monopolistic control.

The AAU, on the other hand, was invited to attend a meeting of sports organizations to further consider formation of Federations on March 4-6, 1962, in Chicago. The AAU declined.

However, the Federations came into being with the strong support of the greatest participants in the various sports. The Basketball Federation was formed on July 1, 1962; Track and Field Federation on July 24, 1962, and the Gymnastics Federation on December 8, 1962.

It is significant that all the Federations urged the AAU to join and fulfill its role, and suggested the AAU perform most of the administrative functions for the Federations with adequate com-

pendent. Perhaps the AAU attitude was described best by Wilbur C. Johns, Chairman of the Special Committee at the 1962 NCAA Convention, when the Federation concept was approved:

"This was not the Council's intention in April 1960. It was not your Committee's intention in June 1960; but as time passed, it became evident to all those intimate with developments that a major reorganization was a necessity. In September 1961, during the fourth meeting, your representatives were advised that the AAU would never relinquish its exclusive and, in effect, monopolistic control of basketball or any other sport over which it held jurisdiction. This propelled the NCAA in the direction of seeking complete reorganization.

"It was felt that new controlling bodies should be organized in the sports of basketball, gymnastics and track and field—and we committed ourselves to the proposition that no one segment of amateur sports would have control of the policy determining organization in the United States." (NCAA Yearbook, 1961-62)

While dissenting with increasing feeling on the administration of the Olympics, the NCAA continued to fulfill the responsibility it felt for contributing as much as possible to the success of the United States athletic performance, and gave strong support to many activities.

Development work was undertaken by various conferences and regional NCAA members with junior college and high school cooperation. NCAA championships were established in soccer, water polo and volleyball. The Track and Field Rules Committee installed the steeplechase, intermediate hurdles, six-mile run, triple jump and decathlon into its events. Wrestling rules were adjusted for better liaison with international style, and the gymnastics rules were similarly altered. The number of rowing colleges had more than doubled even in this most expensive of sports. Canoeing and bicycling have grown on the campus, and new regions introduced fencing. The NCAA has given encouragement to responsible women's organizations to foster competitive opportunities for development of higher skilled female athletes.

In October 1962, since the AAU refused to recognize the Federations and threatened "to rule ineligible any athlete who competes in a federation event sponsored by a high school or college" (Dr. Flath, "History of Relations Between NCAA and AAU, 1905-1963"), the NCAA Council recommended:

"1. Member colleges withdraw from membership in the AAU until such time as that organization indicates a cooperative attitude toward federation members.

"2. Member colleges should not enter athletes or teams in AAU competition unless the event is sanctioned by the appropriate federation. In those AAU sports in which there is not an operating federation, member institutions desiring to enter such AAU events should enter their athletes unattached.

"3. Staff personnel of member institutions should withdraw promptly from AAU committees in the sports of basketball, gymnastics and track and field.

"4. Institutional facilities and equipment should be utilized to the maximum to further federation activities; the AAU may enjoy these same privileges and support by entering into cooperative arrangements with the new federation."

Federal Intervention (1962-1963)

At this time Attorney General Robert Kennedy expressed the Federal government's concern and called a meeting in Washington on October 26, 1962, with representatives of the USOC, AAU, NCAA, Federations, NAIA, YMCA and government officials. An agreement was made, but the AAU renounced the "Washington Alliance" prior to a November 12 meeting called to implement it. (Ann Arbor News, Nov. 8, 1962)

The impending AAU-arranged tour of the Russian National Basketball team also was discussed. The NCAA decided its athletes might participate if the Basketball Federation, to which it belonged, would approve. The AAU refused to request the sanction, so the players were not invited, and for the first time Russia won many of the games.

On November 12, 1962, without a "Washington Alliance" to implement, negotiations continued. The Attorney General made a late evening appearance after 13 hours of meeting had failed to produce agreement in New York City. The next day the so-called Olympic House Coalition was agreed to, and needed only ratification of the parent bodies to go into effect. Later in the month at the AAU convention in Detroit, this agreement was repudiated, although the U.S. Track and Field Federation approved it.

Louis Fisher, president of the AAU, and AAU Executive Director Colonel Hull vilified the NCAA and coaches in vicious press statements at the 1962 AAU Convention. The AAU ruled athletes ineligible who participated in Track and Field and Gymnastics Federation open meets.

President Kennedy, following AAU rejection of two consecutive negotiation agreements worked out by its own AAU negotiating committee, requested the sports leaders to submit their dispute to arbitration. General Douglas MacArthur accepted appointment as arbitrator. (Dr. Flath, "History of Relations Between NCAA and AAU, 1905-1963")

At its January 1963 convention, the NCAA resolved:

"1. The members of the Association reaffirm their full support of the amateur sports Federations.

"2. The members of the NCAA will support only those meets and tournaments which have obtained sanctions from the established sports federations in basketball, track and field, baseball and gymnastics.

"3. The member institutions of this association will contribute to and participate with absolute priority and to the fullest possible extent in the programs of the Federations and they will provide competition, coaching personnel and facilities for Federation meets and assist in the Federations' development programs." (NCAA Yearbook, 1962-63)

Whereupon Executive Director Hull of the AAU bitterly denounced the NCAA's policy program as "another in the series of the NCAA blackmail tactics to destroy the AAU." (Dr. Flath, "History of Relations Between NCAA and AAU, 1905-1963")

Although General MacArthur was not, in fact, accorded arbitration power, he did work out an agreement which he announced January 19, 1963, as follows:

"Our purpose here is to devise a means whereby the American people may be assured of a team composed of the finest amateur athletic talent in the country to represent the United States in the 1964 Olympic Games, and I am sure that every individual at this conference is equally dedicated to the achievement of that purpose. Time is of the essence. We must accomplish our purpose with a minimum of delay to assure our country's victory in 1964.

"To such end I propose the following sample plan:

"(a) That an immediate amnesty be granted to all athletes who have been disqualified from selection for reason other than those which are purely personal to the individual;

"(b) That any discrimination against the full use of available facilities and all athletes for scheduled athletic meets and tournaments be lifted.

"(c) That a board be formed to be known as the 'Olympic Eligibility Board' composed of six members, three to be designated by the Amateur Athletic Union, and three by the United States Track and Field Federation as the duly constituted agent of the National Collegiate Athletic Association and all other affiliated members. That such board shall meet at the call of either group under

rotating chairmanship and be empowered to pass upon the qualifications and eligibility of every candidate for the United States Olympic Team of 1964 and any matters directly related thereto. Any matter on which the board cannot reach an agreement shall be referred to me, as arbitrator, with a full statement of the divergent views, and my decision shall be final; and

"(d) That it be strongly recommended to the President of the United States that, if desired, following the Olympic Games of 1964, an athletic congress be called by him, composed of representatives of the athletic groups and associations, leading sportsmen and sportswomen of the country and such educators and writers as may be engaged in the field of sports, to devise a permanent plan under which all organizations dedicated to amateur athletics and all individual men and women aspiring to represent our country in international games be able to pool their resources so that by a united effort we may be able successfully to meet the challenge from any nation in the field of athletics and sport.

"Implementing Agreement:

"The members of the USTFF will restrict their activities to enrolled students and the organization will be classified as closed. This includes graduate students, students in the vacation period between terms, and students in the summer period between high schools, junior colleges, colleges or universities. Furthermore, on this basis an agreement will be developed by mutual consent between the AAU and the USTFF on a non-membership basis. An athlete not in the foregoing classification shall be required to have an AAU card to compete in USTFF open events sanctioned by the AAU and must in addition comply with any USTFF requirements to compete in such events." (Detroit Free Press, Jan. 20, 1963)

A moratorium was thus established until after the Olympic Games of 1964, although General MacArthur was called upon to make a straddling decision on sanctioning, which kept both sides "sullen but not mutinous."

A great portion of the NCAA Convention proceedings at the January 1963 meeting was devoted to the subjects of AAU and Olympic relations and the Federation concept, with full reports being made by various people responsible for different phases.

To sum up the situation at this point, it might be said the NCAA conducted serious negotiations for a period of three years to try to solve the prob-

lems. Rebuffed by delays, broken commitments and a refusal to face the issues by the AAU in its desire to maintain the status quo, there was no alternative but to proceed with new organizations in the form of Federations which offered the best potential for improving the nation's athletic posture.

The new Federations made rapid progress in setting up programs and operating meets, clinics and other events. Local and regional track meets were conducted with mutual sanction by the AAU and the USTFF, but the AAU National Championships became a sore point when the AAU would not request a sanction from the USTFF. The AAU contended that a boycott was being placed on their meet. Meanwhile, the gymnastics coaches were highly indignant that the trials for the selection of the Pan American team had been scheduled to discriminate against a number of college gymnasts.

At the Pan American games in Rio de Janeiro in 1963, FIBA, the International Basketball Federation, authorized the Basketball Federation of the USA as well as the AAU to sanction and schedule foreign competition. This caused an increase of about 600 foreign exchanges in the next three years by the action of BFUSA.

Richard C. Larkins, Ohio State University, then chairman of the USOC Development Committee, reported the Olympic treasurer did not charge much of the Olympic Winter Games training costs against the Development Fund for this Olympics as he had done in the previous Olympiad.

The minutes of the USOC Board of Directors meeting on September 17-18, 1963, stated that the motion to approve the U. S. Baseball Federation as a Class E member was tabled until the December meeting of the entire organization. A motion to have the Baseball Federation succeed the USOC as Governing Body of Baseball in the United States passed 17-11. The AAU objected to the Baseball Federation even though it did not recognize the sport, and even though the USOC was seeking an organization to assume this nation's international responsibilities. J. Lyman Bingham, then executive director of the USOC, wrote that the chances of the Baseball Federation being recognized would sit better with the AAU if the baseball group did not use the name "Federation."

In considering proposed amendments, the AAU initiated a motion which passed to eliminate a representative of the National High School Federation as a member of the USOC Executive Committee.

Roy Dath, soccer coach at Trinity College, protested that college players were eliminated from trying out for the Olympic soccer team when the trials were scheduled in St. Louis on October 12, 1963.

President Kennedy, by Executive Order, established an Interagency Committee on International Athletics, chaired by the Department of State Representative, on August 13, 1963. The Special Assistant for Athletic Programs of the State Department was charged with collecting and dispensing information on the subject.

The NCAA Yearbook, covering 1963, reported that "The NCAA Executive Committee, April 26, 1963, approved a request submitted by Richard C. Larkins, chairman of the Olympic Development Committee, to jointly sponsor with the Division for Girl's and Women's Sports of the American Association for Health, Physical Education and Recreation and the Women's Board of Olympic Development a national institute for girl's sports, scheduled to take place at the University of Oklahoma in October 1963, and appropriated \$9,500 to underwrite the costs of that institute." (NCAA Yearbook, 1963-64, p. 144)

The NCAA Executive Committee, August 25, 1963, named Mr. Larkins chairman of a special committee for liaison on women's competition.

The Basketball, Baseball and Track and Field Federations reported progress, but the Gymnastics Federation provided information about the circumstances of the AAU's actions which prohibited three U.S. Gymnastics Federation trampolinists from performing in an exhibition in Germany.

Storm Clouds Gather (1963-1965)

The biennial meeting of the United States Olympic Committee was held November 10-11, 1963. The motions to seat the U. S. Baseball Federation as governing body or even to be admitted to USOC membership in Group E were defeated in a disgraceful performance by the AAU representatives. They denied membership to a qualified organization, which was requested to be formed by the USOC itself.

At this meeting, the independent international franchise holders were granted 40 votes each, giving this group with the AAU a majority of votes in the USOC; as a matter of fact, 62 per cent at that time. The National Junior College Association was admitted to Group B, and the National Federation of State High School Athletic Associations changed from Group E (with one vote) to Group B (with 10 votes.) An amendment which would have allowed them each 50 votes and five delegates was defeated by the AAU voting in a bloc. Thus, two of the greatest contributors to the benefit of the Olympic program were denied their appropriate position, and their representation on the various Olympic Games committees was inadequate. In another voting action, a resolution to restore the eligibility of more than 500 gymnasts suspended by the AAU was defeated, showing the

complete dominance of U. S. Olympic Committee voting by the AAU. However, subsequently, the U. S. Olympic Committee restored the eligibility of five standout Midwest gymnasts for the Pan American Games, and made meaningless the convention action and AAU threats.

Persons attending the biennial meeting came away with a feeling of revulsion and disgust that an operation so related to their nation's international standing could be operated so much for personal interests. Typical of this reaction was a telegram sent to USOC President K. L. (Tug) Wilson the day following the meeting, which said: "Please accept my resignation as Chairman of the Olympic Development Committee. The continued domination of the U.S. Olympic Committee by the AAU makes it distasteful to fulfill responsibilities of this position. I see no hope for our country in future international competition under this monopoly." (Signed) Richard C. Larkins.

Statements and letters from Gordon H. Chalmers, Wiles Hallock, Clifford B. Fagan and Don B. Canham* further indicate the frustration of how an organization which should enjoy the enthusiasm and devotion of almost any person, is so controlled by men obsessed with retention of their own positions that it quenches this enthusiasm. Clarence L. (Biggie) Munn, then athletic director, Michigan State University, wrote, "I think it would be un-American to stay with a situation that is impossible; therefore, it is my feeling that the NCAA representation should resign from the Olympic Board after the 1964 Olympics."

At this point in time, temporary enthusiasm was felt for a plan that would form a National Sports Foundation. It would be a private organization with a top, impartial Board of Trustees, and would raise money from private sectors to build a comprehensive and efficient program to develop sports and fitness activities as a general crusade for excellence at home and internationally. Many organizations wished to play the lead role in this act, but the USOC was so concerned that it would interfere with its own fund raising, the idea never got off the ground.

The NCAA Convention in January 1964 devoted much attention to these subjects. The president and executive director of the AAU met with the Executive Committee and Council the day before the convention, and NCAA President Henry Hardt reported to the Convention:

"Now keep this point in mind because it is important—in the discussions yesterday with

*Mr. Chalmers is now athletic director, Indiana State University; Mr. Hallock is executive director, Pacific-8 Conference; Mr. Fagan is executive secretary, National Federation of State High School Associations; Mr. Canham is athletic director, University of Michigan.

President Mahoney and Executive Director Hull, the matter of sanctions was carefully reviewed. At that time, these officials did state that there is no international rule which governs sanctioning policies within a country for domestic competition. Thus, under international rules, it is permissible for cooperative sanctioning. However, the AAU's own rule specifically prohibits sanctioning by any other body but the AAU, and this rule was put into the AAU's book in the first part of December 1962. Thus, gentlemen, the AAU's persistent denial of the colleges' right to sanction outside competition does not come from any international rule—which so often has been implied and reported to the press—rather it stems from the AAU's own handbook, which was revised approximately a year ago for this specific purpose.

"I would call your attention to the very excellent report that Reverend W. H. Crowley has made on track and field. As he observes, the right of educational institutions to sanction outside competition put on by private promoters has been a cornerstone of intercollegiate athletic regulations for years and is accepted throughout the sports world. Specifically, that is what we do in such matters as baseball and football, for example, at the present time. In track and field, the AAU merely states that the nation's colleges have no rights." (NCAA Yearbook, 1963-64)

The track and field report, stated that the USTFF constituency provides track and field competition for 682,926 boys and girls throughout the year, employs 27,353 coaches, spends \$31,653,784 a year to support track, and, since World War II, 130 United States athletes have finished sixth or better in Olympic competition—129 of whom attended and competed for NCAA colleges.

Mrs. Jernigan, Women's Olympic Advisory Board, and Miss Marguerite Clifton, director of Physical Education at Purdue, spoke of the emancipation of women in sports following World War II and made excellent recommendations for cooperation and guidance regarding increasing opportunities for higher skilled girl's athletic competition and regulation. Dr. Mason Gross, president of Rutgers University, spoke in part as follows:

"It seems to me that just as we have operated with football and basketball, so with track and field affairs; that the college organizations are the proper ones to police the entire program. There is going to be resentment at any change but I think we have to assert our concern for the programs in which our students take part." (NCAA Yearbook, 1963-64)

Robert Kendler, president of the U.S. Handball Association, said:

"I certainly can understand why any sport would want to be free of AAU domination. The suspension of my national championship handball team, the persecution of my national championship swimming team, the slander of my club and the threats to me personally constitute one of the blackest pages in AAU history.

"Our entire controversy with the AAU revolved around one basic point—freedom. Freedom for the game and freedom for the player. I made a tremendous effort to obtain this freedom. A fortune in money and 14 years in time have been required to give players the right to play with anyone they chose and in any place they chose. In a nutshell, this tells you the story of handball's war for independence. It stems from the inability of the AAU to be a 'Jack of all Trades and Master of None.' The slow decay that cost the AAU one sport after another is not good for them, nor is it good for us. I would like to see the AAU do a good job in handball. We have no fear of good clean competition. History will prove that the USHA and the NCAA took the human footsteps necessary to right a great wrong and thereby restore the dignity of the athlete. No longer need he fear suspension without trial. No longer need one sport suffer a secondary boycott because of controversy in another sport." (NCAA Yearbook, 1963-64)

Through the years, Mr. Kendler said, it became apparent that most important to the AAU were the clubs and not the players; the money they could take in, not put out.

Everett D. Barnes, then athletic director of Colgate University and later to become president of the NCAA, reported to the 1964 NCAA Convention for the Baseball Federation:

"I knew that the AAU did not sponsor baseball, they had no interest in baseball, they had no facilities, no equipment, no personnel, no coaches. So in the development work of the Federation we were requested by the United States Olympic Committee to make application to represent the United States on the International Baseball Federation. Many of you will remember the Washington USOC meeting. I think this was one of the darkest moments for amateur sports in that the Baseball Federation had to become the political football for all the Federation movement . . . for this one reason: If one Federation was recognized, they had nothing to do but recognize the remaining Federations. It had nothing to do with athletics. This was discouraging for

the moment, but not discouraging enough to prevent us from keeping on working." (NCAA Yearbook, 1963-64)

Wilbur C. Johns reported the Basketball Federation is representative of more than 85 per cent of the organized basketball played in the United States, and plans to sanction foreign competition for the next three years.

Reverend Crowley, reporting for the Track and Field Federation, said:

"One is forced to the inescapable conclusion that if there is any illegality about the Federation movement or any restriction of competition among our athletes, or any threat of ineligibility for Olympic or international competition, it stems from a monopolistic regulation which rejects co-sanctioning for domestic open meets. The officers of the Federation recognize the right of the AAU to take a stand as a splinter group, if it so pleases, but they cannot recognize its claims to interfere in the legitimate interest of the major sports groups in this country." (NCAA Yearbook, 1963-64)

"Biggie" Munn, chairman of the NCAA Olympic Committee, criticized the USOC voting structure:

"Consequently, the National High School Federation, representing more than 20,000 high schools, many thousands of coaches and hundreds of thousands of athletes, has a staggering total of only 10 votes, or one-half of one per cent of the total votes of the United States Olympic Committee." (NCAA Yearbook, 1963-64)

The USOC Board of Directors, at its May 1964 meeting, authorized Arthur D. Little, Inc., management consultants, to conduct a study of the Olympic Committee and its operations. Plans for the 1964 Tokyo games were made.

The Olympic Games at Tokyo, Japan, were well-managed and conducted by the Japanese. The United States had many superb performances from its athletes, but again did not win as many medals as the Soviet Union. President Johnson did a splendid thing on the athletes' return by entertaining them at dinner at the White House.

An uneasy feeling grew in many sectors of the college community on the limited number of contacts and questions asked by the Arthur D. Little investigators, which indicated that a superficial report would be the result.

The NCAA Convention at Chicago in January 1965 again reaffirmed its support of the new Federations, and allotted a large segment of time to having speakers report to the membership on the issues involved. Professor Earl M. Ramer, University of Tennessee, gave an excellent history of the

dispute with the AAU; Dean Ernest B. McCoy, Pennsylvania State University, explained very clearly the topic of sanctioning, and Federation spokesmen outlined the growth of their activities and membership, which moved rapidly.

Dean McCoy's conclusion is worthy of quotation:

"Sanctioning authority is for one purpose alone; to encourage well-managed competition, not to inhibit it; to provide a broad base of wholesome and constructive competitive opportunity within the legitimate programs of all organizations, and that this authority does not preclude sanctioning of meets and tournaments by other amateur sports bodies having a legitimate interest therein."

A motion passed which directed the NCAA to participate in direct negotiations with the AAU to again try to solve their differences, and to obtain cooperative sanctioning.

Correspondence between Asa S. Bushnell and Max Ritter, USOC secretary and treasurer, respectively, brought out the fact that large sums of money were expended for training of Olympic Winter Games teams and charged to the Development Fund. Mr. Bushnell was insistent that a means be found to differentiate the two purposes.

The USOC Board of Directors met March 22, 1965. Arthur D. Little, Inc., had been paid \$136,000 to that date. Some of its recommendations were prepared for legislation, although the Olympic Board did not have a copy of the report as yet.

It seemed to many that the material submitted by the Little company reflected a desire by this management firm to please the voting majority of the organization which had authorized the survey, and sustained the suspicion that the people interviewed did not embrace the full horizon of competent people who could present the complete picture.

The NCAA offered amendments for the USOC Constitution, which would make officers and Board members ineligible for the same office after two Olympiads (eight years), and to have the games committees appointed in numbers according to each group's contribution to the sport.

On April 8, 1965, Myron Roderick, wrestling coach at Oklahoma State University, appeared before the NCAA Executive Committee stating that the Wrestling Coaches and Officials Association had voted 60-4 to join a proposed U.S. Wrestling Federation. He stressed that the USWF was not intended to oppose the AAU, but that the AAU and other organizations interested in wrestling were urged to join to aid the sport of wrestling. He stated that the main reasons for the formation of the USWF were (1) to provide leadership in promoting one of the country's fastest growing sports, and (2) the necessity of unifying and co-

ordinating the efforts of all organizations interested in amateur wrestling to improve America's international record. (NCAA Yearbook, 1965-66)

The AAU steamroller was very much in evidence at the USOC Board of Directors meeting and the Special USOC meeting on May 8-9 and June 12-13, respectively, augmented by the bloc vote of the independent international franchise holders who caucused with the AAU. Some of the non-controversial legislation suggested by Arthur Little, Inc., was passed. The Baseball Federation was admitted as a Group E member, while the other Federations' applications were tabled.

An assessment of the meetings was supplied by an NCAA delegate:

"Unfortunately, as far as improving the United States Olympic effort is concerned, the USOC took a giant step backward. It turned back the hands of time some 35 to 40 years. In short, the international franchise holders have enslaved the school-college system as far as the Olympics are concerned."

"Gentlemen, what our predecessors fought for so determinedly has been cancelled and taken away. The era of equal representation on Olympic Games Committees has passed. The nation's high schools and colleges, always a minority voice in over-all Olympic policy, now have lost their last vestige of equity.

"At the recent meeting of the United States Olympic Committee in Chicago, the AAU, together with the 17 other sports governing bodies, relegated the high schools and colleges to a completely subservient role. The NCAA is no longer in the minority but now becomes a segment of the minority.

"An amendment (Sulger) was adopted which provides that the majority of votes on all Olympic Games Committees must be reserved for the governing body of that sport.

"Example: The AAU has 23 votes of the 45-man basketball committee and the track and field committee. Regardless of contribution to the sport or what all other organizations believe is right for this country's Olympic teams in those sports, the AAU now is in a position to dictate try-out arrangements, name the Olympic coach and manager and determine how the athletes will be selected.

"Why the change in games committee structure after 35 years? Probably because the international franchise holders are just plain scared. Why are they afraid? The answer in the case of the AAU, and probably some of the others as well, is that they have not performed in a manner equal to their responsibilities in administering sports. They have banded together in a self-protective

union to blunt the strong position of the colleges and high schools.

"It is ironical that the sports governing bodies should take such action at this time when Arthur Little, Inc., calls for greater co-operation between the educational community and the franchise holders. They have definitely injured this country's Olympic efforts.

"It is worthy of note that the President of the USOC excused himself from the chair to speak in opposition to the amendment, and that the Armed Services, the YMCA, and the American Association of Health, Physical Education and Recreation voted with the NCAA and the National Federation of State High School Associations.

"When an AAU spokesman claimed that such a games committee change was necessary under International Olympic Committee rules, the USOC counsellor stated that this was a fallacious argument. The USOC counsel quoted Rule 24 of the existing IOC rules that international franchise holders are not entitled to majority vote on the games committees or on the Board of Directors."

NCAA Withdrawal? (1966)

In 1958, the NCAA had been successful in amending the USOC Constitution to limit the terms of Board members to two Olympiads. Such legislation would provide for the infusion of new blood and ideas to hopefully stimulate Olympic progress. The first rotation would become operative for the first time in the fall of 1965. What happened? The majority of the Board members—who represented the AAU and other international franchise holders—decided they did not want to relinquish their positions on the Board. As a result of another Constitutional amendment, the rotation system was removed. The then Board members could stay on in perpetuity (although the NCAA kept its promise and rotated its delegates). The Olympic movement still was devoid of new ideas and outlooks.

The May-June 1965 meetings were a disaster for progress and a triumph for the fumbling USOC oligarchy.

The NCAA sponsored an amendment for increased representation for junior colleges and high schools. The result? Another defeat.

The NCAA supported a 66-year age limit recommended by the Little company report. It was also defeated.

Geographical representation on the Board was suggested, but to no avail.

Regardless of merit, suggestions were summarily dismissed by the USOC unless they proved beneficial to the international franchise holders. In brief, the Chicago action of the AAU and other

international franchise holders was an emasculation of the democratic process in the Olympic movement.

In a post-meeting autopsy, NCAA delegates listed three alternatives: One, remain in the Olympic movement and adjust to a subservient role; two, withdraw from the Olympic Committee and continue to provide the best possible athletic program for America; three, the high schools and colleges present a united front and carry the battle to higher authority.

A majority of NCAA delegates offered the following:

1. The NCAA and its allied and affiliated members should withdraw from the USOC.
2. Federations should be established in other sports.
3. Federal supervision of amateur sports could be a possibility.
4. The Association should investigate the possibility of appealing for Federally-directed reorganization of the USOC. The Association and its allied and affiliated members could withdraw from the USOC and ask Congress to investigate the present Olympic structure since the USOC holds a Federal charter.

5. The NCAA should refrain from making any appointments to the various Olympic games committees.

The National Federation of State High School Athletic Associations at its annual meeting passed a resolution, which it sent to members of Congress, which said in part:

"Whereas, there are 20,200 high schools in the United States of America that are making significant contributions to the Olympic effort through their broad competitive sports programs, and

"Whereas, these schools are not equitably represented on the United States Olympic Committee and their repeated requests for fair and proportionate representation consistently have been denied by the Committee;

"Therefore be it resolved, that the Council of the National Federation of State High School Athletic Associations respectfully requests that the Congress of the United States make a reappraisal of the public law which charters the United States Olympic Committee and examine its plan of operation to the end that all areas of the United States and all amateur sports programs now being conducted be justly and equitably represented in the Olympic Committee so that a united effort may be made to further insure and increase the prestige of the United States of America in international athletic competition." (National Federation of State High

School Athletic Associations, Minutes of June 30, 1965)

NCAA delegates to the U.S. Olympic organization and members of the NCAA Olympic Committee, including the chairman, Mr. Munn of Michigan State University, recommended to the NCAA Council, at its meeting in conjunction with the 1966 NCAA Convention, that the NCAA withdraw from the Olympic organization. NCAA President Barnes and William R. Reed, then commissioner of the Big Ten Conference and incoming chairman of the NCAA Olympic Committee, argued against the recommendation. They contended low-key, friendly negotiations within the USOC, particularly with the groups other than the AAU which held international franchises, would result in the USOC accepting the views and recommendations of the schools and colleges. The NCAA Council approved the Barnes-Reed line of reasoning, which subsequently was proved invalid. It also was a major tactical error. Mr. Reed, shortly before his untimely death in 1971, publicized his reluctant conclusions that total reorganization of the USOC was necessary and that external intervention was the only means of accomplishing the necessary change; i.e., it could not be realized within the USOC framework. (NCAA NEWS, May 15, 1971)

Dr. Jerome H. Holland, then president of Hampton Institute and a member of the NCAA Council, reporting for the Council at the 1966 Convention, said:

"As stated earlier, the NCAA has long been on record favoring revisions designed to improve the United States Olympic Committee. Through the years there has been a general disregard for ideas advanced by the NCAA. In 1965, the nation's schools and colleges suffered a serious setback when the USOC adopted an amendment which provides that the international franchise holder must have a majority vote on the Olympic Games Committees. This situation obviously is inequitable and cannot be justified by any arguments or facts. It is the result of some type of misunderstanding, or perhaps we might say political manipulation. Our dissatisfaction must not be misunderstood. We continue to encourage our members to provide the finest athletic programs possible so that the Olympic Committee can reap the fruits of our harvest every four years." (NCAA Yearbook, 1965-66)

The NCAA appointed a new group to the USOC Board, under the chairmanship of Big Ten Commissioner Reed. At the outset, Reed said, "As you may know, I have, in a manner of speaking, imposed myself upon the NCAA Olympic Committee. I have done so in good conscience for what I think are sufficient reasons, to express a viewpoint re-

garding our Olympic relations somewhat at odds with the feelings of other NCAA people. I am gratified that these views not only have been heard by the policy councils of the NCAA but have been endorsed, as symbolized by my appointment as chairman of the NCAA Olympic Committee." (Letter from Reed, February 9, 1966)

His communications and dealings carried out his intentions of attempting by logic, friendliness and persuasive discussion to obtain better results for the NCAA and sports in the U. S. throughout his term.

The Secretary of the USOC, Robert J. Kane, wrote to the USTFF that their application for membership could not be considered until the biennial meeting in February 1967.

Bill Reed and Jay-Ehret Mahoney of the AAU worked with great zeal on redistributing the votes in the USOC to accommodate the new Constitution. It is interesting to note that with the reorganized USOC Board, the distribution had not materially changed in that New York and Maryland had 23 members, 18 states had 50 and 32 states had no members.

The USOC Board meeting held in Washington, D. C., was preceded by a two-day conference on Olympic Development, which was very useful. Barnes and Edward S. Steitz, athletic director at Springfield College and an NCAA delegate to the USOC, spoke on "Bright Spots in Olympic Development." Excellent charts of present rating of various sports were produced.

Reed discovered that some gymnasts had not been invited to a training camp on the basis of their affiliation. Correspondence confirmed this same tactic had deprived college gymnasts of trying for the Pan American team in 1963. The problems were worked out satisfactorily.

A. E. Simonson, president of the National Fencing Coaches Association, revealed in his letters that the Amateur Fencing League of America as Governing Body had convened a committee of AFLA representatives of the New York City area, which presented and had approved a plan for development without informing the other members of the Olympic Fencing Committee. They planned to accept money and run a program in high schools and colleges, unbeknownst to the national coaching association. Also, the AFLA instructed its members to resign from the coaches association. This is a good example of the authority assumed by the governing body by its majority in a Games Committee, and their lack of ability to get the working teachers united in the program.

The Olympic Committee balance sheet on Dec. 31, 1966, showed assets of \$4,849,869, and allocations for development of \$296,724.

Sports Arbitration Board (1966-1968)

NCAA President Barnes reported to the NCAA

Convention in January 1967 on the work of the so-called Sports Arbitration Board, which had been appointed by Vice-President Humphrey as a result of action by the U.S. Senate following hearings by the Senate Commerce Committee under the chairmanship of Senator Warren G. Magnuson. Barnes said:

"Two basic issues in the dispute remain unsolved—sanctioning and jurisdiction. About a week ago, the AAU notified Chairman Kheel (Theodore Kheel, New York City lawyer and labor negotiator) that it was unable to meet in January and requested a postponement of the meeting until mid-March.

"We have met 12 times in the last 13 months and what concerns me personally, having been associated with this problem for so many years, is a repetition of history. If future negotiations are delayed two or three months, we are going to be faced immediately with the Pan American Games. Immediately following are the Winter Games and the Olympic Games in the summer of 1968. We find ourselves repeating the position in which we found ourselves in 1963 and 1964—'Please don't tip the applecart and don't rock the boat during the Olympic year.'" (NCAA Convention Proceedings, January 1967)

[Editor's Note: Although named the Sports Arbitration Board, the Board was never given arbitration authority.]

Bill Reed's report of the NCAA Olympic Committee reveals what that group was experiencing, viz:

"The present NCAA Olympic Committee had reasoned that the U.S. Olympic Committee was not necessarily subject to the domination by the AAU, contrary to our predecessors. . . . The biennial meeting of the USOC, February 26, 1967, confirmed that there does exist a political coalition between the AAU and the independents which constitutes control of the U.S. Olympic Committee, and which operates to serve the interests of the AAU.

"The test issues before the USOC were the applications for membership by the U.S. Track and Field Federation, the Basketball Federation and the U.S. Gymnastics Federation, supported by the NCAA as a constituent member of each and vigorously opposed by AAU.

"It is ironic to note that the classification for membership in the USOC being sought called for one vote for each Federation, among a total USOC voting strength of approximately 3,000. It is essential to record the constitutional requirements for the classification being sought, since there can be no possible

doubt of the constitutional qualifications of the applicants. . . .

"In the words of the AAU president, taking evident satisfaction in the fact, the membership applications of the Federation were 'resoundingly rejected.' The AAU has also stated that all the independents joined with it in this rejection, but this was incorrect for three independents. . . .

"It is a fair conclusion that, echoing the experience of our predecessors, a sense of futility and frustration prevails within the NCAA Olympic Committee in its approach to the affairs of the United States Olympic Committee." (NCAA Annual Reports, 1966-67)

Charles M. Neinas, assistant NCAA executive director and an NCAA delegate to the USOC, expressed concern that since no master plan for development had been presented, much of the \$400,000 allocated for Olympic development would be wasted.

In its letter of April 27, 1967, the NCAA told USOC Executive Director Art Lentz:

"Since Mr. Hull (AAU executive director) is telling the Olympic Games Committees what they can and cannot do, I think you should have a copy of his March 10 Bulletin and I am enclosing same.

"The point is that the AAU is imposing its own myriad requirements on top of the IAAF and Olympic rules, and stating that if an athlete does not obey all the conflicting rules, interpretations and restraining orders of the AAU, he sacrifices his right to compete for the United States in the Olympic games. For example, the AAU has ruled five Penn State gymnasts ineligible for the Pan American Olympic games. Why? Because they competed against the University of Cologne in an intercollegiate meet (at Penn State) not sanctioned by the AAU."

Counsellor Sullivan of the USOC ruled that athletes trying out for the Pan American team were not required to join the AAU to be eligible for the U.S. team, only after selected they would have to be certified by the governing body.

The minutes of the U.S. Olympic Gymnastic Games Committee of May 6, 1967, illustrate the improper dominance of the AAU in that body, through the imposition of AAU rulings for those that Committee should make, including false statements made to uphold the AAU position.

The trials for the 10,000 meter track team of the U.S. Pan American team were removed from the regular tryouts, and selections made from the AAU championships by a postcard decision of the 45-man track and field committee of the USOC by memo of June 5, 1967.

Clifford B. Fagan, executive secretary of the

National Federation of State High School Athletic Associations, wrote Lentz as follows:

"It is commonplace, rather than unusual, for a person who is introduced to Olympic Committee work for the first time to come away totally amazed and ask not only himself but everyone else, 'Is this the way Olympic business is conducted?' People who are dedicated to the Olympic movement, and who are looking for opportunity to serve the United States in this effort, more often than not are not concerned with the differences of the organizations that work within the Olympic structure. However, they find if they are not of the AAU membership they are not given an opportunity to participate. They are made to feel all too frequently that they are intruders. The person who is taking part in Olympic Committee work for the first time finds it extremely difficult to differentiate between the AAU and the Olympic Committee. He is led to believe that it is the AAU that is establishing the policy and procedures rather than the Olympic Committee. Since there isn't any question but what the AAU is in control, it is difficult for us to understand why it is necessary for that organization to flaunt its power to the extent that it is harmful to the United States Olympic Committee's image and its work." (Letter from Fagan, June 14, 1967)

At a 1967 meeting of the USOC Board of Directors, Clifford Buck of the AAU brought up a motion which passed that the Olympic Basketball Committee be given the assignment of trying to solve the basketball dispute between the AAU and the Basketball Federation of the USA. Buck knew FIBA, the governing body of international basketball, had cancelled the Basketball Federation's right to sanction foreign games and had told the AAU to settle the domestic question prior to the 1968 Olympic Games. This move was interpreted to take the AAU off the hook, using the Olympic Committee again in an unconstitutional manner. The Olympic Basketball Committee chairman refused the assignment, stating that it was not the Committee's job, and that it could not possibly reach a fair decision since the Basketball Federation was not represented on the Committee. He was redirected to undertake the task, which graphically shows how the U.S. Olympic Committee is used to do the bidding of the AAU.

Letters from members of the Olympic Track and Field Committee reveal their disgust and frustration at the meeting of that group where, for the first time, no coach or manager was selected from the NCAA coaches' nominations for 1968 Olympic duty.

A flurry of correspondence including Don Canham's resignation from the Olympic Track and

Field Committee is pretty well summed up by a letter from William R. Reed to Oregon track coach William J. Bowerman, with this quote:

"I am greatly concerned by the operations of the majority of the USOC Track and Field Committee. It may be significant that in most Games Committees, partisanship has not been asserted so blatantly, but that in our most important Olympic sport, track and field, it evidently is. The whole thing is a result of that action of the USOC which gave governing bodies absolute control over Games Committees, and authority which is always a potential source of abuse.

"The situation is symptomatic of a sickness within the USOC, which should be solely concerned with the advancement of our Olympic effort and should be making every effort to keep the disputes which do exist for good reason outside its affairs." (Letter from Reed, October 20, 1967)

Clarence L. (Biggie) Munn wrote on December 6, 1967, wondering if it was proper for colleges such as his to pay expenses of his coaches and himself to all the Olympic meetings without credit or reimbursement when the USOC rejected the cooperation and ignored the services rendered by the college group. Neinas answered:

"We agree that the nation's colleges and universities have been shortchanged in more ways than one and are still expected to contribute to the Olympic movement. You will be interested to know that the current NCAA Olympic Committee is rapidly coming to the same conclusions voiced by the previous Committee of which you were the chairman. It appears that you and your colleagues were right while the new Committee, including the writer, was wrong."

Ed Steitz's letter of December 29, 1967, brings out more detail of the action of Cliff Buck, past president of the AAU, in sending the basketball dispute back to the Olympic Basketball Committee in spite of the possible damage to the USOC visualized by Dr. Harold Frierhood of the YMCA and Asa S. Bushnell.

At the NCAA Convention, January 1968, President Marcus L. Plant reported:

"We have worked very earnestly during the past year with the Sports Arbitration Board, which was appointed by Vice-President Humphrey. As you may recall, some time ago we offered to arbitrate all issues if the other side would submit all issues to arbitration. Our offer was refused. We have observed the moratorium meticulously in the face, I might say, of repeated violations by the other side. The AAU, as far as we can see, holds that no one can put on a track meet without

its permission. This is and will continue to be totally unacceptable to us." (NCAA Convention Proceedings, January 1968)

The NCAA waived the provisions of Bylaw 7B to conform to the moratorium request; however, Plant said:

"There was a track meet at Albuquerque in June, at which another example of capricious declaration of ineligibility appeared. The meet was not sanctioned by the AAU, but the AAU picked out seven high school girls and declared them ineligible, allowing quite a few other important athletes whom they have use for in international competition to retain their eligibility. So it is a pretty clear case of selectivity.

"The NCAA Council now has decided that it will resume the enforcement of Bylaw 7B starting in November 1968, and, in doing this, the NCAA is simply reaffirming the colleges' traditional position that through their selected agency they must satisfy themselves of the conditions of competition.

"At no time in the course of the dispute was the NCAA obliged to refrain from enforcing this rule. The rule is not a restraint upon competition. It does not prevent a student from participating in any proper competition consistent with his educational program. In fact, it is a reasonable rule and a rule which is necessary to the internal operation of the NCAA and its member institutions' programs. This rule stands in sharp contrast to a rule such as the AAU General Rule, which is an out-and-out boycott rule, which prevents any meet operator from sanctioning or accepting a sanction of any organization other than the AAU. That AAU rule, in our opinion, is illegal because it constitutes a boycott and because boycotts are a per se violation of antitrust laws." (NCAA Convention Proceedings, January 1968)

On February 1, 1968, the NCAA, as well as other parties, heard the Sports Arbitration Board decision announced publicly. Both the NCAA and the USTFF submitted a list of questions requesting clarification and pointed out certain errors. The answers received were most disappointing. Most of the key issues involved in the dispute were not settled but referred to a coordinating committee which was proposed.

President Plant discussed the matter with a large number of track coaches and the NCAA Council and Executive Committee. It was voted that the Association reject the Sports Arbitration Board's decision; further, that the Congress be urged to adopt appropriate legislation creating a democratically structured single-purpose organi-

zation to be responsible for governing the sport of track and field in the United States.

Senator Magnuson indicated he was anxious to have the SAB's decision put into law, but Senator James B. Pearson proposed a bill to accomplish the above chartered track organization, and the matter reverted to the Judiciary Committee where it languished.

The Olympic Basketball Committee experienced many problems in attempting to operate with a 45-man membership but was able to field an Olympic team that won, although probably the weakest U.S. team up to that point. The NCAA Council waived rules in order that student-athletes might tour with the prospective team as requested by the AAU.

The U.S. Wrestling Federation was formed August 1, 1968. In Mexico City at the FILA Congress, it was passed that FILA (international governing body for wrestling) would recognize only single-purpose national governing bodies. The USWF was authorized to sanction meets and foreign competition and combine with the AAU in selection of national and junior teams.

Also at the Olympic Games in Mexico City, the International Gymnastic Federation, FIG, through its president, persuaded the AAU and the U.S. Gymnastics Federation to sign an agreement for an equal commission to be the gymnastics governing body in the United States. The AAU rejected the plan, but the AAU Convention approved it.

William R. Reed's report as chairman of the NCAA Olympic Committee at the 1969 NCAA Convention included these observations:

"The spectacular success of the United States team in the Olympic Games at Mexico City was a source of gratification to all Americans, but especially to the NCAA Olympic Committee. Never has there been such a graphic demonstration of the role of the school-college athletic system in providing the underpinning for international competition as there was in the host of medal winners who are currently students or who are the products of that system.

"The team successes were a further gratification to the Committee in dispelling any concerns that the controversies over amateur sports administration in the United States, to which the NCAA is a party, might adversely affect the Olympic effort.

"NCAA cooperation in the Olympic effort was extended (as it always has been) freely, notwithstanding the serious concerns of the NCAA regarding the Association's role with the U.S. Olympic Committee apparatus. There is concern that maximum contributions of NCAA members and their personnel are debarred by the U.S. Olympic Committee itself;

for example, by restrictions upon the composition of the Games Committees. There is concern that the role of the NCAA in the USOC may be anomalous because of the capacity of the international sports federation members (the multi-sport AAU and the so-called independents) to combine politically to dominate the USOC and exclude the NCAA from a position of responsibility and influence." (NCAA Annual Reports, 1967-68)

There was concern expressed also by many when the U.S. Olympic Committee officers, without executive committee approval, endorsed an indoor track meet in New York City, and allowed it to be called the U.S. Olympic Invitational Meet. The meet seemed to benefit private promoters and did not fall within the USOC's chartered purposes.

At the USOC Executive Committee meeting on December 1, 1968, a minute item reads:

"Mr. Buck touched on the subject of the USOC 'standing up and being counted' regarding its proprietary rights in the duties and responsibilities of governing bodies and their relationship with international sports governing organizations." (USOC Executive Committee Meetings, December 1, 1968)

This represented an early move by the AAU, which ultimately was successful, in persuading the USOC to bail out the AAU in its continuing fight to hang on to its international franchises, particularly in the sports of basketball, gymnastics, wrestling and track and field.

Everett D. Barnes, who substituted for the ailing Art Lentz as Olympic executive director at Mexico City, submitted an excellent report. In part, he said:

"Other problems that plagued us in the United States migrated with the team to Mexico City. . . . Although many athletes were involved in the early phases of Olympic training, the poor relationship that existed in this country between coaches and teams carried over into Mexico and resulted in lack of proper discipline and control of team members and their behavior. . . . The USOC was accused of lack of action in investigating monetary payments to athletes for the wearing of certain athletic equipment, which should have reverted to the AAU."

His list of recommendations should have been followed before leaving for Munich.

The NCAA, despite its dissatisfaction with the administration of the U.S. Olympic Committee, continued to take measures to build strength for our nation's Olympic teams. The NCAA gave a push to three sports, water polo, volleyball and soccer, by establishing national championships; and added decathlon to the track championships,

and gave support to the burgeoning programs building in the Track and Field, Basketball, Gymnastics, Baseball and Wrestling Federations. More colleges continued to add rowing to their programs. An active interest and participation in the World University Games movement was maintained; however, the general dissatisfaction showed in lesser financial support from the colleges for the Olympic quota.

John Sayre, Olympic Gold Medalist, sports editor of *Pace* magazine wrote, "The Olympic games are in grave danger. Heavily publicized charges of payola, drugging, racialism, fossilized leadership and double standards of eligibility are often all too true. . . . Concerned athletes want to help save the games." (*Pace Magazine*, February 1969)

He published a nine-point program by the Board of Consultants to rejuvenate U.S. athletics at the Olympic level. His thoughts had merit, but the past 50 years' experience indicates one or two individuals with fresh ideas will be ineffective unless the USOC is uprooted and placed on a new basis.

Carl Cooper, executive director of the USTFF, wrote a letter to Art Lentz, Olympic Committee executive director, objecting to the technical ruling again barring the USTFF from membership in the USOC. Cooper was track coach on the Pan American team in 1967 and worked five weeks at the high-altitude camp, as well as serving on the USOC Track Committee. He noted the extensive indoor track meets scheduled by the USTFF and wondered why the U.S. Olympic Committee failed to recognize them as an asset. The reason, of course, was never admitted. The AAU saw the USTFF as a major threat to its precarious position as the so-called "governing body" for track and field and was able to deny USOC acceptance to a qualified applicant.

The International Basketball Federation, FIBA, after sending a commission to the United States, obtained an agreement that a board be established to conduct international basketball, with 10 members each from the AAU and the Basketball Federation and with Ben Carnevale, then athletic director at New York University and now in the same position at Wake Forest University, as chairman. This compromise was to remain in effect until the 1972 Olympic Games.

The NCAA, cooperating with the federal government, established the National Summer Youth Sports Program, whereby the NCAA institutions in the large population centers contribute their staff and facilities to operate an extensive sports program for underprivileged youths, having long-range basic potential for the fitness and well-being of our young.

The USOC quadrennial meeting in Denver on February 19, 1969, rejected the application of the U.S. Wrestling Federation and tabled the appli-

cation of the U.S. Track and Field Federation until the biennial meeting in 1971. The application of the Women's Basketball Association was objected to by the AAU, so this was also tabled. Additions to the Board of Directors and Executive Committee were approved, including at-large appointments to athletes and former officials chosen by the Board of Directors, and by adding women representatives. The NCAA motion to include athletes in a ratio of one to 15 committee members was approved, but the proposal to change the composition of the Games Committees by deleting the provision for a majority membership for the internationally recognized sports governing body was defeated. The AAU, in an audacious move to secure Olympic-contributed funds for its own purposes, proposed the USOC authorize the sharing of Olympic funds with national athletic organizations which participated in the raising of the funds. This would have allowed the AAU to use the Olympic cause for its own purposes to a greater extent than it already was doing. The motion was defeated.

Beginning of the End (1969-1972)

Bill Reed invited new USOC President Franklin Orth to a meeting of the NCAA Olympic Committee at the NCAA track meet in June 1969 and unburdened himself of some of his doubts in a letter dated May 7. Chairman Reed urged the NCAA Olympic Committee not to consider withdrawing from the USOC.

To illustrate the feeling toward the structure of the U.S. Olympic Committee, the following is quoted from a letter sent by Clifford B. Fagan, of the National High School Federation, to USOC Executive Director Lentz:

"A recent edition of the USOC Newsletter failed to include the National Federation of State High School Athletic Associations on the list. We cannot but conclude that this is an overt act. . . . We accepted it as further evidence of the influence of the AAU on the USOC. . . . The organizations that have the largest regularized competitive program in the United States, and which administer athletics for over one and one-half million boys and an increasing number of girls, are not represented in the development program of the nation's Olympic Committee. This is, of course, ridiculous on its face. The school people know the reason why." (Fagan letter, September 14, 1969)

George Killian, executive director, National Junior College Athletic Association, called to USOC President Orth's attention the fact that no junior college representative was on the Olympic Development Committee.

The U.S. Olympic Basketball Committee, at its meeting October 5, 1969, voted to establish train-

ing development camps each summer to train young men in the Olympic international style. A selected team from this source would engage in foreign trips following the session. Of course, this move cut into the idea of other U.S. teams engaging in foreign schedules, and provided the AAU, who had no top-level teams of its own, with a representative to keep its European correspondents happy. Results to date show the program has not developed a better basketball team for the U.S.

President Orth of the USOC died suddenly, and in January 1970 a long-time AAU worker, Clifford Buck of Denver, Colorado, was elected president.

There was disappointment that the Pan American swimming team trials were conducted at the AAU indoor championships, even though the Olympic Swimming Committee expressed a desire to name the two NCAA College and University championships as pre-qualifying meets.

R. E. Durland, Olympic Shooting Games Committee, stated:

"I am very much aware also of the sometimes cold climate that exists at the college level when shooting sports are mentioned. It is this climate that I would like to see warmed up to the point where colleges are producing the majority of the team potential right from the schools rather than the students having to enter the service to get the kind of training and recognition they deserve. The next few years are going to see many of the finest shooters retire from active military service. Many of them are or could become the coaches we need so badly at this level." (Durland letter, February 10, 1970)

This is representative of traditional USOC double standards—seek the colleges' help in maintaining and advancing a program, but continually reject their influence in the policy-making process.

The USOC Board of Directors, meeting February 14, 1970, elected Buck president and set a goal of \$10,000,000 for the 1972 Olympiad.

An April 7, 1970, letter by Chairman Summers of the Olympic basketball team is an illustration of the use of the Olympic training squad to represent the AAU on foreign tour and give the AAU some semblance of having a basketball program to their foreign colleagues.

Meanwhile, NCAA Olympic Committee Chairman Reed was becoming increasingly disillusioned. He wrote:

"I am somewhat disenchanted with the independent federations and accordingly have less confidence in our original strategy than I did. The problem is that the independents represent pretty provincial points of view, limited to the circle of their own activities and mainly concerned with protecting the

status quo within those circles except for such assistance that Olympic recognition or Olympic money can give to them. Looking back I think there is great significance in the fact that the Sulger Amendment (control of Games Committees), which is the thorn in our side constantly, originated with and is in fact an expression of the political thinking of independents, perhaps even more so than the AAU."

Reed, in his NCAA Olympic Committee report, said:

"It is amusing now, however, to hear and to anticipate some of the arguments against forms of USOC reorganization called for as a result of developments within international federations.

"The United States cannot accept dictation on domestic matters from foreign bodies, it is said.

"The cry is reminiscent, although exactly the opposite, of the protests of 'international obligations' which have been used to suppress the emergence of the U.S. sports federations, which were the supposed rationale of the Sulger Amendment, and, indeed, which are the heart of the anomalous character of the USOC as it is built along organizational lines (federations) rather than functional lines reflecting actual participation in and contributions to the U.S. Olympic effort.

"In final analysis the situation is not in fact amusing. There is involved the effectiveness of the USOC to discharge its responsibility for furtherance of the U.S. Olympic effort.

"The root problem is historic. It is inherent in the virtual uniqueness of the United States sports structure, where so much is centered in the educational system. This is unlike the prevailing circumstances in most other nations, where sports activity is centered in a state supported and regulated system or under the aegis of organizations which identify so completely with domestic programs they lend themselves to the conduct of international relations."

"It remains a truism that the maximum effectiveness of the USOC cannot be realized until the vast potential of the school-college community is fully, responsibly and equitably integrated in the constitution and functions of the USOC." (NCAA Annual Reports, 1969-70)

Reed questioned President Buck concerning the authorization of the Olympic basketball tour to pay off AAU debts to its international friends. He noted such a tour was not proposed when the development camp was authorized.

NCAA executive Charles M. Neinas' letter to USOC basketball coach Henry Iba, August 11, 1970, stated:

"The AAU took care of its own in connection with the trip to Europe and, as you may have noticed, the USOC received second billing or none at all in the publicity surrounding the tour."

The FILA Congress at Edmonton, Canada, in July 1970, disaffiliated the AAU as the governing body for wrestling in the United States since it did not conform to the FILA requirement that the governing body should be a single purpose body. President Coulon of FILA asked that a commission be formed. The Board of Directors meeting of the USOC held a discussion on this matter, and Counselor Sullivan suggested the USOC serve as the interim member. Wally Johnson, president of U.S. Wrestling Federation, supplied a revealing memo on the make-up of the U.S. Olympic Wrestling Committee, which is also typical of the AAU appointments to the Track and Field and Basketball Olympic Committees. He noted "of the officers elected by the Olympic Wrestling Committee, all were from the AAU. The AAU had six active coaches out of 22 (controlling majority) appointed on the Olympic Wrestling Committee; all eight NCAA members were *active* coaches."

FILA's decision to disaffiliate the AAU in wrestling prompted the AAU to persist in having the USOC intervene in its behalf.

Bill Reed's letter of December 1 answered the USOC doubletalk on this point:

"I am bothered by an implication that the USOC must initiate affiliation with the international member. I read nothing in the USOC Constitution that this is a USOC function or within its authority. As I see it, the USOC is passive in its relations with an international federation until the latter acts either to affiliate or disaffiliate its own member. The USOC then must act in accordance with its constitutional qualifications for membership."

On December 22, 1970, the U.S. Gymnastics Federation, now the international franchise holder, filed the necessary material and was recognized as the Group A member and governing body in gymnastics in the United States.

The U.S. Wrestling Federation applied as a Group B member. The AAU influence in the USOC showed at the January 20, 1971, Board meeting in Denver. The officers of the USOC proposed an amendment to the Constitution to give themselves the authority to approve or deny an organization's application to become this country's representative in an international sports governing body. The Board also voted to establish the USOC as the interim governing body for wrestling.

Dr. de Ferrari, FILA vice-president, called a meeting of the commission involving the Wrestling Federation and the AAU as directed by FILA. This body sponsored two teams for the junior and senior world's championship. The AAU reneged on accepting its half share of the costs, which it had planned to get from the U.S. Olympic Development Fund.

The AAU sought and secured continuing help from two AAU stalwarts—USOC President Buck and International Olympic Committee President Avery Brundage—to persuade FILA to return the international wrestling franchise to the AAU even though it was not a single-purpose organization.

The biennial USOC meeting at Greenbrier, West Virginia, became known as the USOC "power grab." The USOC passed the amendment to the USOC Constitution that a majority of the Board of Directors of the USOC would have to give approval before any national organization in the United States could seek affiliation with an international federation as a national sports governing body; another amendment proposed without prior notice was adopted amending the required vote from a majority to two-thirds. Many questioned the legality of the action.

A great loss was suffered on the death of William R. Reed in 1971. His statement, distributed to many sports organizations on May 14, 1971, called for total USOC reorganization. The negotiator and peace-maker realized that his efforts had been futile.

Other observers experienced the same feelings. C. R. Gilstrap, NCAA Olympic Committee member, wrote:

"When I was first associated with the Olympic movement, I carried with me the idea that the controversy between the NCAA and the AAU was in all probability the result of personality differences, poor communication and perhaps a somewhat exaggerated presentation of the whole thing by the news media. . . .

"Since that time, I have had an opportunity to watch the USOC hierarchy function at the Denver meeting and at Greenbrier, and I am now convinced that I have been totally wrong. I have watched as these people manipulate the USOC Constitution to suit their convenience. I have seen them interpret the same IOC rule in diametrically opposite ways to support different positions. I heard them preach patriotism and national sovereignty merely to justify the USOC position in the FILA fight, and I have become convinced that they can't be dealt with. Parenthetically, I would also add that I have great difficulty distinguishing between our 'friends' in the AAU and some of the so-called independents.

I note that they fit quite well together." (Gilstrap letter, June 8, 1971)

Ed Steitz, athletic director at Springfield College and a veteran international authority, took over as chairman of the NCAA Olympic Committee. Steitz summarized the year in his report, and parts are quoted:

"At Greenbrier at the USOC biennial meeting, a motion was passed whereby a sports body, such as a Federation, in order to be recognized by the USOC, must obtain a favorable vote of two-thirds

"This devisive legislation is interpreted by NCAA representatives as a means of doing all that is possible to prevent one of the Federations from being designated the governing body for that particular sport. In addition, before a sports body may apply to the international governing body for membership, it must have the approval and recognition of the USOC.

"This, in effect, places control of (all) international competition in the hands of the USOC Board of Directors which, in turn, is governed by the organizations which hold international franchises at the present time. Before any change can be made in membership, the change must be approved by two-thirds vote of the very people who hold present membership. Objections to their policies and procedures are passed upon by the same people who make policies and administer the procedures. At a time when due process is emphasized in the schools and in the courts of our land, this is a movement diametrically opposed to such a concept. If Ralph Nader believes General Motors is too much 'establishment,' he would be flabbergasted by the USOC's role in controlling international competition.

"Oddly enough, the legislation prohibiting a Federation from being recognized without approval of the USOC Board of Directors is a complete turnabout of the cry that we heard in former years. The previous argument was that the Board could not recognize a new sports governing body until the international federation had done so.

"In my view, the future membership of the NCAA within the USOC should be contingent upon repeal of three constitutional provisions: (1) the notorious Sulger Amendment which provides that international franchise holders must have majority representation on U.S. Olympic sports committees; (2) the provision that the USOC may recognize only one national governing body in a sport, which body must be a member of the international sports federation and that recognition may

come about only by a two-thirds majority, and (3) prior to acceptance of a Federation as the international franchise holder, the USOC must give its prior approval as recognition of that organization being the governing body.

"NCAA members of the Olympic Committee are gravely concerned; in fact, quite pessimistic, to the point that they feel a radical change must take place within the structure of the USOC itself before the school-college system will ever receive its due identity and respect; i.e., having a voice and vote commensurate with the contribution it makes in various sports." (NCAA Annual Reports, 1970-71)

It was agreed among many of the NCAA committee members and officers who considered the problem that the NCAA, as an organization, and the individuals who represented it should fulfill their responsibilities and assignments through the 1972 Olympic summer games at Munich, Germany. Serious and damaging mistakes in USOC management were evident previous to and during the Munich competition. On October 25, 1972, the NCAA Council—the Association's 18-member policy board—voted to withdraw from the U.S. Olympic Committee.

Summary

An attempt has been made to consolidate from files and other materials a narrative of what has happened in the NCAA in its relationships with the U. S. Olympic Committee, the AAU and the new Federations. Also the most pertinent letters from the various files have been sorted by subject matter to provide a ready reference and bibliography. Hopefully, they may be useful in giving some background for present assessment of the position of the NCAA and other organizations on these subjects currently.

The struggle going on in amateur sports today is the very same struggle that has gone on intermittently since 1889, flaring up when conditions became intolerable in 1921, 1926, 1928, 1936, and from 1960 to 1972 when the NCAA finally withdrew from the USOC.

The basic issue is the self-assumed and continued monopolistic control that the Amateur Athletic Union has claimed and tried to maintain over various amateur sports in the United States, mainly through the U.S. Olympic organization.

Perhaps in the first few Olympiads there was some reason for the athletic clubs to assume a leading role, although college athletes and Professor Sloan of Princeton were involved in almost equal numbers in the first Olympic Games, and were in a majority at the second.

With persistent political maneuvering, the

AAU has controlled the U.S. Olympic organization and insisted that it has the sole jurisdiction and registration rights in certain sports. Even though club athletic teams have long since ceased being supported by most of the private or publicly assisted clubs, the AAU has insisted on maintaining the status quo of its voting power and control in the Olympic organization. The situation has been magnified by collusion of the AAU with the independent franchise holders' voting bloc, which exists for the same defensive protection of the power position of these governing bodies as the AAU.

Several of these governing bodies (other than the AAU) are as inactive and decaying in their sports as is the AAU in several of the sports over which it claims control.

The rules have been manipulated or interpreted at the will of this bloc to put the school-college athletic system, which represents the greatest actual and potential source of United States athletic talent, in a servile and now exiled status—exiled by the self-serving Sulger and Greenbrier Amendments. The school-college community is most willing to serve, and for many years has contributed the greatest portion of the Olympic effort in many sports. But the AAU and its cronyism technique of maintaining control requires a new Olympic structure.

In 1921, General Pierce, NCAA president, said, "The attitude of the Committee on Reorganization, and the steps it has taken, are such that the NCAA feels that it is for the best interests of amateur sports in the United States that it withdraw from the present movement. . . ."

He offered two solutions: "First, the organization of an American Olympic Association that would be really representative of all interests concerned, or second, the taking over of the entire responsibility for the proper conducting of the Olympic Games by the Amateur Athletic Union."

In 1926 after the NAAF, the Navy, YMCA and NCAA withdrew from the Olympic Association, General Pierce said, "Now that the AAU has assumed complete responsibility again, the outlook is far from promising. Since the NCAA is in such a helpless minority, it seems to me the part of wisdom to withdraw entirely from administrative participation."

On April 16, 1928, Commissioner Griffith suggested that a representative American Olympic Association be organized to take control of America's Olympic effort "and end the domination of the Amateur Athletic Union over American amateur athletics."

Following the 1936 Olympic Games, President John Griffith of the NCAA advocated and obtained an equal number of games committee members for the NCAA and AAU in certain sports. The cur-

rent Olympic power bloc has repealed this 1936 compromise solution.

In 1961 and 1962, the NCAA made numerous attempts to get the Olympic Committee and the AAU to agree within the structure for a reorganization, to no avail. When it was obvious the AAU had no intention of modifying its position, the NCAA and other large athletic organizations adopted the Federation concept in some sports to provide a way to bring progress in those sports.

The late William R. Reed, chairman of NCAA Olympic Committee, wrote in May, 1971: "During my six years as a member of the USOC Board of Directors and Executive Committee, I have reached the conclusion that the USOC is a sick organization or one so anomalous in its composition that I seriously doubt that it can serve USOC interests adequately for the future, particularly considering the advances in the level of world competition." He suggested approaching Congress to review the charter, eliminating all organizations in the USOC but the Federations with some modifications, and possible withdrawal to support the World University Games.

Ed Steitz, his successor, said: "In my view, the future membership of the NCAA within the USOC should be contingent upon repeal of three constitutional provisions: (1) the notorious Sulger amendment; (2) recognition of only one national governing body by the USOC only by a two-

thirds vote, and (3) the USOC must give its approval before an organization is accepted by the international federation in a sport."

All will agree that Bill Reed and his colleagues made as good an attempt as can be made to solve the problem by winning over the other members of the USOC. When they arrive at the same conclusion as all the other NCAA delegates have previously over the long span of years, it rules out for good the option of internal USOC restructuring.

The recent gross errors of USOC mismanagement at the 1972 Summer Olympics in Munich have focused public attention upon the problem.

History has repeated itself many times. Men in good faith have tried to obtain a suitable Olympic organization which coincides with American ideals. They have accepted compromises hopefully, but these have soon changed back to greater monopolies. Action must be taken now, while the last Olympics is still fresh in our minds and before the next one approaches.

THE SOLUTION: A new Olympic structure which abandons the present concept of organizational control—with its power bloc voting structure and jurisdictional disputes—and returns the United States Olympic movement to the American people on a state basis.

The problem that won't go away can be solved!

INTERNATIONAL RELATIONS COMMITTEE National Collegiate Athletic Association

Edward S. Steitz, director of athletics at Springfield (Massachusetts) College, has actively promoted U.S. international competition as much as anyone in intercollegiate athletics. He is president of the Basketball Federation of the U.S.A. and has been its official representative at the last four Olympiads. Last year he represented the U.S. State Department in India. He served on the executive committee of the USOC's board of directors and the USOC's drug abuse and administrative committees at the 1972 Olympiad.

Samuel E. Barnes, professor of physical education at District of Columbia Teachers College, was a member of the USOC board of directors for the last Olympiad. He also was on the USOC's administrative committee for the 1971 Pan American Games and the 1972 Olympiad. A former athlete and college coach, he has teaching, coaching and administrative experience.

Carl Maddox, director of athletics at Louisiana State University, has led that institution's intercollegiate athletic program in an expansion from six to eleven sports and a 50 per cent increase in number of participants in the past four and a half years. He was a highly successful football and track coach and has been on the LSU staff since 1954.

Donald B. Canham, director of athletics at the University of Michigan, has coached six different foreign teams in Scandinavia, Africa and Europe. He was the first Olympic team coach of Kenya, Uganda and Tanganyika in 1956 and has conducted clinics and coaching schools throughout Europe. He was a member of the Olympic Track and Field Committee until 1968, when he resigned. A former NCAA high jump champion, he coached Michigan's track and field teams to twelve Big Ten Conference championships.

Charles M. Neinas, commissioner of the Big Eight Conference, was recently elected chairman of the NCAA's International Relations Committee. He has been active in international administration in several capacities. The former NCAA assistant executive director was a member of the USOC board of directors for the last two Olympiads. He was instrumental in the organization of the United

States Collegiate Sports Council and serves on its executive committee.

Claude R. Gilstrap, director of athletics at the University of Texas, Arlington, was an NCAA representative to the USOC from 1968 until the NCAA's withdrawal and was in attendance at the 1968 Olympic Games in Mexico City. A highly successful high school and college football coach for 26 years, he won six "Coach of the Year" awards and is also the recipient of a Distinguished Service Award from the Texas High School Coaches Association.

Stan Bates, commissioner of the Western Athletic Conference, was a member of the NCAA's Olympic Committee for six years. He served 17 years at Washington State University, part of that time as director of athletics. He has also coached football and basketball at the high school level and is a former president of both the state high school principals association and the state high school coaches association in Washington.

Jesse T. Hill, commissioner of the Pacific Coast Athletic Association, served on the USOC Board from 1964 through 1968. During his 15 years as director of athletics at the University of Southern California, USC teams won 29 national championships and nearly twice as many conference championships. A cum laude graduate and top athlete at USC, he was highly successful as head coach in football and track at his alma mater.

CONSULTANT

Admiral T. J. Hamilton, USN, Ret., has served as research consultant for the International Relations Committee. Now living in La Jolla, California, Admiral Hamilton is one of the most knowledgeable men in the nation on the history of the Olympic movement. He served on the USOC board of directors and executive committee, including a stint as chairman of the Development Committee. He has been head football coach at the U.S. Naval Academy, director of athletics at the Naval Academy and the University of Pittsburgh and executive director of the Pacific-8 Conference.





THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
1221 Baltimore Avenue Phone 816/474-4600
Kansas City, Missouri 64105

COPY

AMATEUR ATHLETIC UNION OF U.S.

December 1, 1972

Representative Gerald R. Ford
Capitol Building, H-230
Washington, DC 20515

Dear Representative Ford:

With some justification a call has recently gone out for an investigation by Congress into certain aspects of amateur athletics. To the end that such a probe is constructive and makes effective and cogent recommendations for change, I concur with it. However, it seems to me that such scrutiny by Congress falls somewhat short when it fails to view the activities of this country's most powerful collegiate organization -- the National Collegiate Association.

It has become something of a cliché to discuss the NCAA and the AAU in one breath. Nevertheless, the differences between these two organizations are at root cause of many of the problems that presently plague amateur athletics. We turn, therefore, to you and the rest of Congress for implementations of a solution to these problems.

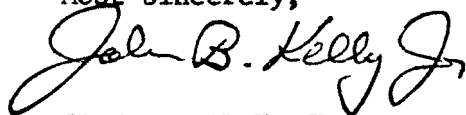
And, such a pattern for resolution of this conflict exists: It is the binding solution that the Congressionally-appointed Kheel Commission handed down in 1968. However, in open contempt of Congress, the NCAA National office notified the Nation that it refused to accept the decision of this official arbitration body.

Moreover, as outlined in the attachments, the already arbitrary power of the NCAA national office increases daily to the detriment of amateur sports, the college community and our Nation's image internationally.

Therefore, I ask that Congress take action to compel the NCAA to abide by previous Congressional directives. Further, I ask that a commission be formed to investigate the workings of the NCAA, most particularly the workings of its national offices.

The AAU stands ready and willing to abide by Congressional fiat and to assist in implementing Congressional will.

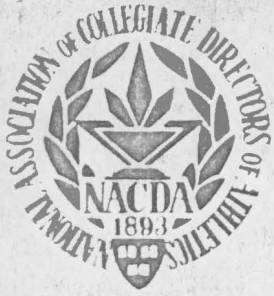
Most sincerely,



JOHN B. KELLY, JR.
President

JBKJR/kr

cc: Frank Meyer, Administrative Assistant



November 9, 1972



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Tennessee State University

Congressman Gerald R. Ford
House of Representatives
Washington, D. C. 20515

Dear Congressman Ford:

Earlier this week I directed a telegram, which was followed by a letter, to President Nixon requesting consideration for a White House Congress on Amateur Athletics. The telegram, as well as the letter, was sent in the name of the National Association of Collegiate Directors of Athletics, an organization of over 1,000 collegiate athletic directors in this country. We have specifically requested the use of White House offices for a congress of the leaders of all amateur sports bodies which are in any way related to . . . or responsible for . . . international competition. Our concern is not only for the present image of U. S. athletics internationally, but also for the welfare of the competitors and, therefore, we deem it mandatory that all bodies involved sit down together and discuss mutual areas of concern.

For as long as any of us can remember the United States Olympic Committee has been embroiled in various controversies with other organizations such as the National Collegiate Athletic Association (N.C.A.A.) and the Amateur Athletic Union (A.A.U.). We firmly believe that only through a White House Congress on Amateur Athletics, where there is free and open dialogue between the heads of these and all sports bodies having international competition, can the differences which have existed for so many years be settled. From this meeting, we would hope that a new super-structure could emerge to coordinate all international competition, including our Olympic program.

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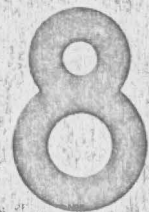
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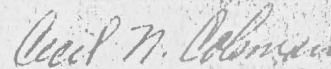
November 9, 1972

It is our firm belief that within this super-structure, equitable representation from all sports whose constituencies are affected would be mandatory. Going back to our basic assumption that all parties are deeply interested in what is best for the participant and our country, we have not been encouraged by reports that other organizations are planning to request Congressional investigations. We believe that the White House Congress on Amateur Athletics would be more efficient . . . more objective . . . and more expedient, thus getting to the heart of the matter quicker than possible legislative action could accomplish.

Should you be in agreement with this proposal, we urge you to make this known to President Nixon. We are prepared to assist in any way which would serve the best interest of our country.

We thank you in advance for your consideration and send our best wishes for your continued success in all areas.

Sincerely,



Cecil N. Coleman
President

CNC:lc

cc: M. J. Cleary
A. W. Twitchell

University of Illinois
Athletic Association
Office of the Director
112 Assembly Hall
Champaign, Illinois 61820





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November 15, 1971

The Honorable Warren G. Magnuson
Chairman, Committee on Commerce
United States Senate
Washington, DC 20510

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P.O. Box 427, Royal Oak, Michigan 48067

Dear Senator Magnuson:

AAU president Jack Kelly has referred your letter of October 22, 1971 to our respective offices for reply. We are sure that Mr. Kelly explained that because of the function of our committee as a virtually autonomous body within the AAU, it might be more relevant for us to review the successes and failures with regard to the implementation of the Sports Arbitration Board's report to the United States Senate Commerce Committee. We think it pertinent, in this regard, to briefly trace the history of the dispute between the Amateur Athletic Union (AAU) of the United States and the other sports bodies to which you referred.

In the early and mid-1960's, the feuding between the bodies involved in the conduct of the sport of track and field in this country became so bitter as to threaten the very survival of that sport. At the specific request of the National Collegiate Athletic Association and the United States Track and Field Federation, the Senate of the United States appointed an Arbitration Panel known as the Sports Arbitration Board and chaired by the eminent Mr. Theodore H. Kheel.

Following twenty-five (25) months deliberation, the Sports Arbitration Board arrived at a settlement which Mr. Kheel felt was more than generous to the NCAA and its track group. He was quoted as having said at the time that he was fearful "the AAU would object to the extent to which we had permitted the NCAA to force its way into the domain the AAU had governed for the better part of the century." (New York Times, Friday, November 8, 1968).

We did object; we did feel that it "constituted a signal victory for the NCAA and arbitrarily stripped the AAU of many of its traditional and legal prerogatives." (Robert Giegengack, Re-statement of Position and Projection of Policy by the Men's Track and Field Committee of the Amateur Athletic Union of the U.S. vis-a-vis the NCAA). For some eighty-one (81) years, since its founding in 1888, the AAU had made as a requisite for any sanction the agreement that AAU sanction, and AAU sanction alone, would be used for athletic event. However, in order to implement the Kheel Agreement, the AAU for the first time agreed to permit dual sanctioning in order to facilitate cooperation between itself and the other groups interested in the sport of track and field. This policy decision has been in effect, without interruption, since February, 1968.

Senator Warren G. Magnuson

November 15, 1971

Page two

It was not the AAU that announced the demand for governmental intervention in this dispute; it was not the AAU that threatened the total disruption of our national athletic program; it was not the AAU that called upon the gentlemen of the Arbitration Panel to sacrifice twenty-five (25) months of deliberation.

It was the United States Track and Field Federation.

And, having made these demands and threats the federation has, to this date, refused to abide by the decision of the Sports Arbitration Board, despite the fact that Mr. Kheel stated upon the completion of the report, "This is a final decision in an arbitration matter which is final and binding . . ." (Sports Arbitration Board Report, Hearing Before the Committee on Commerce United States Senate 90th Congress Second Session on the opinion and decision of the Board of Arbitration on Track and Field)

And, you yourself stated, Senator, as the Chairman of the Senate Commerce Committee, when it became apparent that the USTFF was stalling in the acceptance of the report that, "It is the feeling of my committee, in light of all the circumstances involved, that we must consider the decision of the board to be in full force and effect . . ." (Associated Press story) While the nation's press and other interested parties to this dispute condemned the USTFF for its failure to accept the report, it does not change the fact that the solution upon which we had based our hopes for peace in this matter has fallen short of its promise, solely because the USTFF has steadfastly refused to accept any solution which does not give it complete control over track and field in this country.

We at the AAU charge that the real intent then, and now, behind this federation is to usurp the power and prerogatives of the AAU domestically and internationally. The USTFF was prepared then, and is obviously prepared now, to use any method possible to achieve this end. They have tried to use the athlete, the spectator, the Senate of the United States and the designated Sports Arbitration Board to achieve this end. They have been openly contemptuous of the findings of this Board, of the Board itself and of the Congress and Senate of the United States of America which authorized that some decision be made regarding this matter.

We do not wish now to restate our stand on the issues that confronted the Sports Arbitration Board. We felt that the make-up of the panel was such as to render a fair decision based upon the facts. The NCAA, too, was quite explicit about its satisfaction with the make-up of the Board. On the occasion of the appointment of this Board, the president of the NCAA, Mr. Everett Barnes, stated, "Our group had complete confidence that the vice-president would select a distinguished, unbiased and competent arbitration board. These selections confirm that confidence and completely satisfy us." (Stenographic Transcript, Press Conference of Vice-President Hubert H. Humphrey, Washington, DC, December 14, 1965)

The question remains, of course, why did the USTFF refuse to accept the binding decision of the Board?

Senator Warren G. Magnuson

November 15, 1971

Page three

We would like to review briefly the decisions of the Sports Arbitration Board. You will recall that one of the major areas of disagreement between the AAU and the federation was over the question of sanctioning. Your Board made the decision that in strictly "closed" competition, the USTFF would be allowed to conduct competition without AAU sanction; but that in meets declared "open", that is involving other than "students" as defined by the Sports Arbitration Board, the federation would be required to apply for sanction from the AAU, based upon the AAU's position as the governing body for the sport in the United States for international purposes. We did not agree entirely, but as we said at the time, "Neither pride nor selfish interest has prevented us from this generous solution", and we permitted dual sanctioning. (Robert Giegengack, op. cit.)

What has happened, as a result, is this: The USTFF has continued, in open defiance of the findings of the Board, to conduct "open" competitions without application for AAU sanction. Thus, not only have they exhibited contempt for the arbitration agreement, but they have placed in jeopardy the amateur standing of those "open" athletes competing in their illegal meets. Already they have been responsible for the possible loss of one world record for an athlete for whom they purported to speak. (Syndicated column by Red Smith, attached)

Additionally, rather than openly announce to athletes entering their meets that they were in conflict with international rules, the federation used subterfuge and deceit. Many athletes entered the federation meets under the belief, implicit in the entry blanks for the federation meets which ask for an AAU registration number or card as proof of amateur standing, that the meet was sanctioned by the IAAF representative (the AAU of the U.S.) and was therefore a legitimate meet. (See attached entry blank for 1971, USTFF meet). Subsequently, many wrote to the AAU expressing surprise that the sanctioning dispute had once again broken out, since they went under the impression that the decision of the Sports Arbitration Board had settled the issue in 1968. (See attached letter from Oklahoma athlete Darl Locke, September 1, 1971)

There are pertinent adjuncts to this question of sanctioning. Rarely in the course of its short existence has the USTFF applied to the AAU for sanction, even after they were formally bound to do so as a result of the decision of the Sports Arbitration Board. Therefore, all such meets involving "open" athletes -- including the many indoor, outdoor and cross country meets sponsored by the USTFF since the Sports Arbitration Board decision was handed down in 1968 -- are in violation of the spirit and law of the IAAF and as such, the AAU, as the member-representative in the United States, would be well within its legal bounds to suspend athletes involved in such meets.

Since the decision was passed down by the Sports Arbitration Board, we have refrained from any such action, feeling that it is the USTFF that deserves the criticism for its total disregard of the athletes welfare. We do not wish to become a party to the oft-used USTFF tactic of hiding behind the athlete and allowing him to take the blunt of the punishment.

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Another related point in sanctioning -- the AAU was never required to permit dual sanctioning of its meets by the USTFF. However, over the past two years we have applied and used the sanction of this federation to avoid further internal injuries to the nation's track and field program. We realize that, despite the inflated costs of the sanction, we would better preserve the peace by utilizing their arbitrary approval.

Additionally, with regard to the question of sanctioning, the USTFF is the only track group in this country that refuses to apply for AAU sanctioning of "open" meets or events. Even the NCAA, with whom this dispute originally started, complies with these provisions as they relate to AAU sanction. (See attached material on 1970 NCAA Indoor Meet, Detroit, Michigan)

The pervasive attitude of distrust that exists between the AAU and the USTFF is due, in part, to the latter's disregard of reality in its relations with us. In the December 1970 NCAA Newsletter, an article entitled "The Federation Movement" stated, "The USTFF sponsored three international tours to Latin America and the Caribbean without AAU sanction being applied." (NCAA Newsletter, December 1970)

Prime facie, of course, it is untrue, because no member-representative of the IAAF would allow a foreign team in its country which was not authorized by that team's home governing body. Notwithstanding that, the Executive Director of the federation, Carl Cooper, wrote on May 21, 1970 to the AAU saying, "Your office grants permission to the Brigham Young University track and field team to take a tour every other year to the Scandinavian countries. The tours outlined above (to the Caribbean and Central America) will be very similar in nature and we would like to have similar permission from your office." (Emphasis ours)

Following this, correspondence was received from the president of the federation, Wayne Cooley, complying with all the information needed before AAU permission could be granted to them for such a tour.

We might point out, parenthetically, that the AAU, were it intent upon diminishing or destroying this federation, might easily have refused permission for any tour. We did not, since we felt that such a move would not contribute to a resolution of this conflict.

Perhaps the most offensive disregard of reality with which the federation amuses itself is the myth that the USTFF "has" 90% of the athletes and "owns" 90% of the track and field facilities in this country. (For the Record . . . A Statement from the United States Track and Field Federation, page 7) At the outset, the federation can no more lay claim to an athlete than can our organization or any organization. The athlete belongs to no one but himself. He may compete under the auspices of the AAU one day, the NAIA (National Association of Inter-collegiate Athletics, a group of 537 colleges and universities which are allied with the AAU) another and the NCAA on a third, but surely he is not bound to any

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one organization. If the USTFF wishes to claim athletes as their property, they are free to make such a claim. But as for us, we relinquish any claim to the remaining 10% that the federation ceded to us. We do not wish to claim property rights to athletes, be it with USTFF blessing or not.

The claim to ownership by the federation of 90% of the track and field facilities in this country is incredible. The vast majority of these facilities obviously belong not to the USTFF, but to the taxpayers of the state, county or city where they are located. How audacious of this federation to usurp that ownership.

Throughout the period following the decision of the Sports Arbitration Board, the AAU has sought not only to abide by the Agreement, but to encourage the USTFF to abide by that agreement. Only recently the president of the AAU appealed to USTFF president Cooley, urging him to meet with members of the virtually autonomous national track and field committee of the AAU. Mr. Cooley coldly declined to do so, saying, "I will not be available as president of the USTFF for meetings with Messers. Cassell, Giegengack and/or Wright. It is pointless to pursue this any further . . ." In the most recent editorial of the AAU Newsletter, we asked that the USTFF join with the AAU by signing the Articles of Alliance in order to end this internecine strife (Amateur Athlete Newsletter, October 1971) We have received no response.

We have been supported in our position not only by the decision of the Sports Arbitration Board, but also by the United States Olympic Committee, which refuses to recognize the federation, by the International Amateur Athletic Federation (IAAF), by the member national governing track and field bodies throughout the world, who refuse uniformly to deal with the Federation (See attached letter from Arthur Gold of the British Amateur Athletic Association) and by the United States Department of State which recently informed the USTFF, "We require an authorized letter from the governing sports body (the AAU) before consideration can be given to co-sponsorship of any overseas tour." (See attached)

With respect to this federated organization, we are not out to destroy it. It may well be that the federation could make a contribution to domestic track and field in this country. Certainly the AAU would support any organization that strengthens the sport of track and field in the United States. What we will not support, cannot support and will not tolerate is an organization that is set upon a course of destruction with respect to the AAU, and without respect for any of the millions of others -- athletes, fans, volunteers and coaches -- who are being irreparably harmed by the federation's actions.

We think that, in the main, these are men of good will. We think that they are genuinely interested in furthering the sport. But we equally feel that there are those whose motives are dictated by the imperatives of raw power. In this respect, it is illucidating to refer to a recent incident regarding the submission of an application for world record for a young hurdler named Tom Hill. His pending

record was set at the USTFF Championships at Wichita, Kansas, June 1970. Despite the fact that the AAU urged the federation to apply for sanction, that such a sanction would not have been given immediately under the terms of the Sports Arbitration Board and that the AAU, after the fact, offered to issue a retro-active sanction for the meet "Without fanfare" so that this athlete would receive world recognition, the USTFF refused to make application.

In a letter from the track coach at Duke University (an institution affiliated with the NCAA), Al Buehler, is one of the AAU representatives to the USOC and president of the United States Track and Field Coaches Association, he stated, "Carl Cooper (Executive Director of the USTFF) said in effect . . . that he could not and would not request a 'retro-active' sanction from the Missouri Valley AAU . . . Carl said he had been given these instructions by his Executive Council composed of Cooley, Crowley, Byers, etc. and if 'he would request said Missouri Valley AAU sanction he would be fired tomorrow'."

In summary, we would like to reiterate briefly the areas in which the USTFF has failed to abide by the Sports Arbitration Board decision we have discussed:

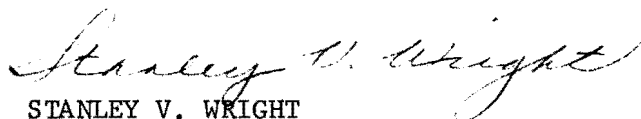
- (1) the USTFF has failed to accept the Sports Arbitration Board definition of "open" competition as that competition where other than students participate.
- (2) despite repeated AAU offers to supply immediate sanction for USTFF "open" events, that body has failed to apply to the AAU for sanction of its "open" meets as it is specifically bound to do under the Sports Arbitration Board agreement.
- (3) the USTFF has deliberately attempted to disguise the fact that its meets are unsanctioned and hence, under the terms of the Sports Arbitration Board, illegal, from various athletes who therefore unknowingly compete in these events.
- (4) the USTFF has, we feel, misrepresented the truth and subverted the best interests of the sport of track and field to its own ambitions.
- (5) finally, the USTFF has constantly and arbitrarily refused to meet with the AAU in order to discuss solutions to the problems that plague the sport of track and field in this country. They have done so, we contend, maliciously and without thought of the consequences to all parties involved in our sport.

We feel, and we cannot but hope that you will agree, that we have done more than our share to end this strife. We have done so in the interests of preserving the place of the United States at the pinnacle of track and field competition in the world, of providing proper developmental programs and of creating an atmosphere

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in which the sport can prosper in this country. We have done so at the cost of some of our traditional authority, but, we thought, the price for peace was not too great to pay. We have received neither response nor support from the USTFF. We do not wish to climb down the evolutionary scale and revert to the threats and intemperate statements that characterize their communications with us. But this cannot long continue. We ask, Senator Magnuson, that you make known your views on the subject so that we may clarify this situation to all concerned and bring some harmony to track and field in the United States.

Most sincerely,



STANLEY V. WRIGHT
Chairman,
National AAU Track and Field Committee



ROBERT GIEGENGACK
AAU Liaison to the
Sports Arbitration Board

cc: Theodore Kheel
Jack Kelly
Harry Hainsworth
Ollan Cassell
Rich Harkins
Rich McArthur

Remarks of AAU President John B. Kelly, Jr.

November 1, 1972
Philadelphia, PA

Last month the NCAA announced its intention of withdrawing from this nation's Olympic Movement. At that time I directed myself to what I supposed was the rationale behind this move: namely that the NCAA's Executive Director, Walter Byers, had been thwarted in his attempt to gain control of the USOC and had, in a characteristic fit of pique, decided to remove the organization he so tightly controls from further cooperation.

Let me say that I have not wavered in my belief that this is the primary impetus behind the move of the NCAA. But in the interim, such action raises far more ominous questions about the structure and conduct of the NCAA -- particularly as it concerns that body's national operation in Kansas City, Missouri.

Among these questions are:

By what authority does this one individual control the destinies of so many athletes, coaches, institutions and athletic programs?

If such authority exists, how and by what machinations did it accrue to this one individual?

If the NCAA (and we are talking here about an office in Kansas City and the individual who controls it) is charged with protection of the student-athlete, why is so much of that office's time spent in harassing, threatening and otherwise intimidating not only the athletes, but the institutions comprising the membership of the NCAA?

While Mr. Byers, through his lieutenants, calls for an investigation of the USOC's financial status (comprised of a quadrennial sum of \$10 million) who investigates the

financial status of the more than \$15 million per year that flows into NCAA coffers from television revenues?

What imperatives motivate Walter Byers, who at best is involved with a fraction of the male, college-level athletes in this country, to seek hegemony over all amateur sports in this country?

How has the NCAA, under Byers' leadership, been successful in an open contempt and disdain of a congressional decision?

I think that the answers to these and other questions regarding the NCAA and its Executive Director are justly asked and demand answers. At the root of them all is the question of the direction a portion of collegiate athletics in this country will take in the coming years.

During the past year, one Charles Neinas, now Commissioner of the Big-8 and for many years Mr. Byers' assistant, told a group of USOC officials, "I am going to recommend to the NCAA that it put all of its facilities 'off-limits' to AAU programs; and I will personally insure that this is done in the Big-8." By what unmitigated effrontery does this fellow usurp the publicly owned facilities in the six states represented in the Big-8? How, by any reasonable interpretation of law, does an individual in an office in Kansas City presume to control the facilities of tax-supported institutions throughout this country. How does an individual, neither duly elected nor residing in that sovereign state, wrest such control from its citizenry?

The answer, of course, is that he does not. But this cavalier disregard for the truth and these pompous pronouncements must not go unchallenged. For, in fact, by

such audacious assumptions they have successfully intimidated member-schools and denied use of these public facilities to the very persons who own them -- the taxpayers.

This, at the very least, borders on criminal collusion.

Last summer, under the auspices of the AAU, a dual track and field meet was scheduled between juniors (ie. athletes under 20 years of age) of the Soviet Union and the United States. One week before the meet was to take place, and nearly one month after the United States squad had been selected and publicly announced, Mr. Byers' office notified the schools and coaches of all athletes from NCAA institutions that unless the NCAA certified this meet these athletes would be liable to reprisals. We have yet to hear any conceivable explanation of how the welfare of student-athletes is affected by the opportunity to compete internationally. Moreover, such interference by the NCAA is forbidden by the terms of the Kheel Commission, a body called together by the Senate at the specific request of the NCAA. The NCAA, in open contempt of the United States Senate, has, since the report was issued in 1968, consistently refused to abide by the binding decision of the Kheel Commission.

Beyond all this, though, there is an intrinsic evil in the conduct of Mr. Byers and his lieutenants: it is the blatant intimidation and harrassment of these athletes and their schools that strikes at the very core of their personal freedoms. Not too long ago the track coach at Harvard University, Bill McCurdy, said, "The NCAA should realize that there is no greater right held by a college student in athletics than his right to compete. Nobody can abridge that right, and I don't care what rules they use. When rules and decisions stop kids from competing in legitimate competitions, then I have very, very little respect for the decision-makers."

I find that many coaches and athletic directors at NCAA institutions share that opinion.

What is most revealing about that statement, and the action taken by the NCAA last summer, is the sense of futility the coaches and athletes feel under the Kansas City office's pervasive domination. If the coach balks, he endangers his job; if the administration balks, the school faces probation; and if the athlete competes, Mr. Byers and crew take away his scholarship. And if none of this occurred last summer, it was only because the AAU refused to allow these athletes, coaches and institutions to be punished as a result of Walter's lust for more power.

I submit to you, and to all those involved, that it is a very, very unhealthy situation for sport when one man casually dictates the destinies of thousands of athletes and several hundred athletic departments.

Walter Byers has been called a petty tyrant. Tyrant? Yes. But when one man has the total allegiance of the commissioners of some of the largest athletic conferences, when he supervises annual television receipts of \$15 million and when he is the sole dispenser of his own perverse kind of justice to a large segment of this nation's college athletic community, then this is far from petty. Byers himself may be petty and venal; the power he wields is considerable and should be challenged.

There is, too, something ominous about the dual role the NCAA offices play. At the same time that they are making the critical decisions about which events will be televised -- a decision which can mean nearly \$100 thousands in revenues to an institution -- they are also making critical decisions about which institutions will be penalized for violations of NCAA rules. At the very least there looms the distinct possibility of a conflict of interest. In this regard, it is quite clear by events of recent occurrence that Mr. Byers has used the loss of television

receipts as a form of selective reprisal against an institution which has incurred his private and prolific enmity.

Mr. Byers has a virtually insatiable appetite for power. Not content with control of domestic amateur athletics, he's now branched out into the international field. With the creation of a series of federations founded and funded by the NCAA, he's attempted to usurp control of the legitimate sports governing bodies in the United States. Beyond the very legitimate objection that international amateur athletics is well beyond the scope of a domestic collegiate organization is the objection that the NCAA office has diverted funds intended for use in pursuit of domestic collegiate athletic goals for the furtherance of Walter's ambitions. He has, I contend, exceeded the scope of his organizations legitimate aspirations, deluded his membership as to his true intentions and sought to embarrass this country in the eyes of the international sporting community.

It is possible that this type of meglomania will eventually run its course and cease to exist because of itself. It is also possible that the member institutions of the NCAA will, as certain recent events suggest, realize that Byers and his lieutenants are paid servants of theirs and begin to give him some much needed direction in his activities.

However, too much is at stake to depend upon time or resolve for a solution to this intolerable situation. I have, therefore, sent letters to every member of the United States Senate, the House of Representatives and appropriate governmental and private citizens calling for a congressional investigation into the activities of the functions of the National Collegiate Athletic Association. I have asked that a special commission be formed to determine the legitimate scope of the NCAA's activities and that as an integral part of that investigation they examine the methods of

enforcement employed by the NCAA Executive Offices under Mr. Byers, that they examine the method of distribution of television receipts, that they examine the procedures for punishment of tax-supported institutions and that they clearly define the limits of the NCAA's legitimate goals and methods of implementing such goals.

Further, I have asked that such congressional action as is recommended be binding upon the NCAA and that the NCAA not be permitted to ignore Congress as they have in the past.

SPORTS ARBITRATION BOARD REPORT

HEARING
BEFORE THE
COMMITTEE ON COMMERCE
UNITED STATES SENATE
NINETIETH CONGRESS

SECOND SESSION
ON
OPINION AND DECISION OF THE BOARD OF ARBITRATION
ON TRACK AND FIELD

FEBRUARY 1, 1968

Serial No. 90-46

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SPORTS ARBITRATION BOARD REPORT

THURSDAY, FEBRUARY 1, 1968

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C.

The committee met at 3:55 p.m. in room S-207, Capitol Building, Hon. Warren G. Magnuson (chairman of the committee) presiding. Present: Senators Magnuson, Cotton, Cannon, Pearson, and Griffin, and Theodore W. Kheel, Chairman of the Sports Arbitration Panel, Archibald Cox, member, Ralph H. Metcalfe, member, and Thomas Vail, member; from the National Collegiate Athletic Association: Marcus L. Plant, president, Walter Byers, executive director, Charles Neinas, assistant executive director, and Philip Brown, attorney; from the Amateur Athletic Union: Col. Donald Hull, executive director, and Richard Kline, chairman of AAU junior olympic program; from the U.S. Track & Field Federation: Rev. Wilfred Crowley, president; from the National Athletic Inter-Collegiate Association: Al Buckingham, immediate past president.

OPENING STATEMENT OF THE CHAIRMAN

The CHAIRMAN. Ladies and gentlemen, the Vice President has been delayed in a meeting with the President himself at the White House. He thought at first it would end in sufficient time to come to this meeting, and we even waited, as you know, almost an hour. But it looks like it is not going to break up in time for the Vice President to be here.

The purpose of calling this meeting was that the Commission appointed by the Vice President under the law passed by Congress has completed its report on this longstanding matter, and the members are all here today to present this report, its conclusions, and recommendations.

I am sure if the Vice President were here, Mr. Kheel and members of the Panel, that he would join with me in commending the work of the Commission. It has been long, tedious work and a most sensitive and difficult problem on which to reach any conclusions and arrive at some decisions.

I am not going to comment until later on the report which has been submitted to us. Incidentally, it will be made into a Senate document, so there will be many copies available for people who are interested.¹

The Commission went ahead and did their own work of publishing, but they were a little short on the wherewithal to publish too many copies

But this is of great interest to everyone, every citizen interested in athletics—amateur athletics—in this country.

¹ The report appears on p. 15 of this hearing.

So without further ado, because it is getting late and many of you have been here a long time waiting—and we do appreciate that—I want to introduce the Chairman of the Commission, Mr. Theodore Kheel, who will give you a briefing, as I understand it, on the report itself.

If there are any questions about the report, I am sure Ted or other members of the Commission would be glad to answer them.

So if you will take over, we will appreciate it.

STATEMENT OF THEODORE W. KHEEL, CHAIRMAN, SPORTS ARBITRATION PANEL

Mr. KHEEL. Thank you very much, Senator Magnuson.

We can only surmise what it is the Vice President and the President are discussing which has delayed the Vice President, but if it is another dispute which has attracted worldwide attention, I can merely say that while that dispute may be more important, it is not any more difficult than the dispute we have been dealing with the last two and a half years.

We were appointed in December of 1965 by the Vice President pursuant to a resolution of the Senate, No. 147, that came through Senator Magnuson's committee, the Senate Committee on Commerce.

We consisted at that time of five members: myself as the Chairman, General Shoup, who subsequently resigned from our Board, and my colleagues who have persisted with me throughout and to this conclusion of our work.

I must say to the Vice President—to Julius Cahn to convey to him—that I could not have been more delighted with the quality and caliber of the colleagues with whom I was associated, and with the opportunity to work together with them. And I would like to present them to you:

On my far right is Prof. Archibald Cox of the Harvard Law School, the former Solicitor General of the United States—and I did observe to him that I thought that our report, whether or not you agree with it, at least was as good as any brief that had been submitted to the Supreme Court of the United States from the Solicitor General's Office.

Seated next to him is Ralph Metcalfe, a former great American Olympic star, whom I am sure all of you know.

Next to him is the publisher of the Cleveland Plain Dealer, one of America's leading publishers and a great public servant as well. Tom Vail.

The dispute that we were given in December of 1965 proved so very difficult because we were dealing with relationships of many organizations, not only the AAU and the NCAA, but also the United States Track & Field Federation, which was not formally a party to the proceedings at the outset but was made a party as we went along, and the NAIA, which is also an association, like NCAA, of colleges and universities.

We were dealing with a relationship, a very complex relationship, and with responsibilities that the organizations have that were not coextensive and not identical.

I must say that while we have been critical from time to time of the representatives of all of the organizations, I wish at this point to

say that it was a great pleasure to have been associated with them also. They are all very fine gentlemen. I have no doubt at all about the sincerity of their concern for track and field and amateur athletics, even though at various times we felt a little exasperated with our inability to bring them around to an agreed upon point of view.

We did set out to bring about an agreement, although we were acting pursuant to a Senate resolution which designated us as arbitrators empowered to make a final and binding decision. We felt—and we still feel—that the acquiescence of the parties to an arrangement, whatever that arrangement may be, is essential, and we do say that while our decision is final and it is not negotiable and not subject to change, and it is the end of the work of the Sports Arbitration Board in the area of track and field, that if the parties that are involved and covered by it set out deliberately—and I don't believe they will—to frustrate our decision, they probably will succeed.

But if they do, they will be doing a great disservice to the sport of track and field and to all athletes who wish to take part in amateur competition. But I would be very much surprised if this turns out to be the circumstance.

As we say in the report, we tried to bring about a single organization that would govern track and field in the United States. Efforts were made to establish such a single organization within the AAU or without—that is, outside of the AAU—but our efforts in this respect proved unavailing, and we concluded in the decision we have made today that it was not possible to direct the creation of an organization. You cannot create an organization in the field of private endeavor by an order. You would have to provide methods for financing it. You would have to provide people to run it. And we saw no way in which we could order the creation of a single organization in any shape, form, or manner.

We then had to decide on a modus operandi for the various organizations which we considered to be fair to them, which we considered to be in furtherance of their legitimate purposes and legitimate aspirations, and which would enable them to work together harmoniously.

We concluded that it was not possible to anticipate every single item of controversy that might possibly arise between now and when our award prescribes that there should be an end and a renegotiation; namely, in 5 years. So we specified that there should be a coordinating committee—and I might say this was discussed during our hearings and generally agreed upon by the parties—to act in the case of specific controversies, subject to a statement of principles which we laid down in this decision. And further that if in any instance the coordinating committee—which is to consist of equal representatives from both sides—if the coordinating committee could not resolve a particular dispute, that there should be an impartial chairman of this board or of this committee to be selected by agreement of the parties or named by the Vice President of the United States.

Now with regard to the decision itself—which is summarized in two and a half pages beginning on page 41 of our decision—what we have basically set out to do is to render unto each of these organizations the things that are "each's," if I may use that word, by specifying that the AAU is the sole sanctioning and governing authority for international competition, and indicating what additional responsibilities it should have in carrying out that function.

We have specified the responsibilities of the National Collegiate Athletic Association, which obviously is concerned with, and properly so, and confined to students who attend colleges or universities.

And we have spelled out what we think is the proper function and responsibilities of USTFF, an organization which came into being in 1962 for the purpose of conducting and promoting track and field.

The most important aspect, I suppose, or at least one of the most important aspects of this effort on our part to spell out the proper jurisdiction of the parties and how they should relate to each other is the portion having to do with what is closed competition and what is open competition. And we have said that domestic meets confined among full-time students whose athletic activities are based upon the coaching and facilities of a bona fide educational institution are to be considered closed competition. And we have defined "students" to include undergraduate students, graduate students, students between terms or on vacation or in the summer between school and college.

We have said that all other meets are open meets for which the sanction of the AAU is required.

We have said further that since the purpose of such a sanction is to enable the AAU to carry out its responsibilities over international competition, since it is evident and was evident to us that the USTFF is a bona fide organization running meets that are proper meets, that its sanction should be considered presumptive evidence that the meets it will conduct will be carried out in accordance with the requirements of international competition. This does not mean that a sanction is not required, but it does mean that upon being sought, it must be granted unless there is some indication or belief by the AAU that there is not compliance with the requirements of international competition, in which event the dispute can be taken to the coordinating committee and, if necessary, to the impartial chairman.

We have also said that the coordinating committee should seek to work out such sanctioning of USTFF meets on an annual basis, since for the most part the meets that USTFF will conduct are known in advance, and there can be an advance agreement with regard to such meets.

We have also dealt with NCAA's concern with the students and its responsibility for their welfare, and have spelled out a procedure with regard to its legitimate concerns in that area for the protection of the welfare of the students much the same as the procedures we have set forth for the AAU.

Now I have no doubt that there will be some bugs in this, some problems that we haven't anticipated. We have tried to cover the major matters that were brought to our attention during the last two and a half years, and we have provided a method whereby additional or new problems as they arise can be dealt with.

We think to the extent of our ability—and nobody can accuse us of undue haste—that we have set forth a way in which these organizations can live happily ever after—or at least for the next 5 years—to the benefit of the United States, our Olympic aspirations, and particularly the athletes who are participating in the games.

Thank you very much, Senator Magnuson.

The CHAIRMAN. Before I let you ask some questions of the Chairman of the Commission—who has had a distinguished record in dealing with disputes over the years, and I hope this one will be as successful—

I would ask for a few remarks from the other distinguished Americans who gave time and energies to this work, which has been long, tedious, and difficult.

I thought maybe Archibald Cox might give us a little brief description, possibly of some of the legal aspects of this, if you would.

STATEMENT OF ARCHIBALD COX, MEMBER, SPORTS ARBITRATION PANEL

Mr. Cox. Thank you, Senator Magnuson.

I would stress, I think, four points.

First, to the best of our judgment this decision secures to each of the organizations its central concerns; to the AAU its central concern for the international aspects of track and field; to the NCAA its central concerns both for the welfare of undergraduate athletes and for expanding its track and field meets and closed meets to include graduate students, students between terms, and in vacations, whose activities are based on college facilities and college coaching. And third, it secures to the United States Track & Field Federation and its affiliates the opportunity to conduct domestic meets without interference by the AAU, except where there is a question of the international implications.

The second point I would emphasize is that there are also in the decision provisions that would check any one of these organizations from abusing its power so as to attempt to use the jurisdiction it is given as a handle for expanding into somebody else's area; and any disputes of that kind could be taken to the coordinating committee.

The third point I would emphasize is that in our sincere judgment we have studied this carefully. There is nothing by way of legal obstacles, Senator, to all four of these organizations accepting this decision in the manner stated.

And finally I would emphasize the very great importance that Mr. Kheel has already mentioned to tens of thousands of young men and women, and also to the public and to the country of there being an end to this dispute.

Perhaps this isn't the only possible solution, but it is a solution. And it would seem really incumbent at this point to have an end to the warfare and a concentration on the important job of getting together and fielding the best teams we can and conducting competition under the best possible conditions for the young men and women who engage in it.

Thank you, Senator.

The CHAIRMAN. Another distinguished member of the Commission. Mr. Metcalfe—as mentioned here earlier today—was one of America's great athletes, and I would suspect he would know more about the feelings of amateur athletes who participate in these athletics than any other one man I know of.

Ralph, we would be glad if you had a statement to make here on your work in this Commission.

You call it a Board. I call it a Commission; but it is the same thing.

**STATEMENT OF RALPH METCALFE, MEMBER, SPORTS
ARBITRATION PANEL**

Mr. METCALFE. Thank you very much, Senator Magnuson.

I do feel as though my representation on the Board has been one of complete objectivity, because it would be extremely difficult for me to say out of my own experience whether or not I competed in more NCAA meets or more AAU competitions.

I have been and I am presently very interested in the youth, and I am concerned that we do not provide sufficient facilities, sufficient coaching and all that in order to field the best teams in the Olympics.

I welcomed the opportunity to work with this very distinguished group of men on this very important question.

You have already heard from two of our distinguished arbitrators. I simply would like to conclude my remarks by saying that we have had our own discussions, and this document that you have before you reflects the thoughts of each and every one of us, and we have had an opportunity on so many occasions to compare notes, and I think that our chairman has conducted these hearings in a very democratic manner. And certainly he has given cognizance to the contribution of each and every one of the members of the committee to this particular problem.

Thank you very much, Senator.

The CHAIRMAN. The other member of the Board is a man who has devoted a great deal of time and energy to many, many government and civic problems. And when you talk about objectivity, we in politics sometimes think it is impossible for a newspaper to be objective, but he surely has in all the work he has done, and as many times as he has been called to service in these jobs, he has been about as objective a person as I have encountered.

Thomas Vail is, as you know, the publisher of the Cleveland Plain-Dealer. Tom, I hope you might have something to add here.

**STATEMENT OF THOMAS VAIL, MEMBER, SPORTS ARBITRATION
PANEL**

Mr. VAIL. Thank you, Senator Magnuson.

I don't know—when you say that I was the most objective, I don't know if you mean I started knowing the least about this dispute—but I would only add this to what my distinguished colleagues have said: I think that we have exhausted the field thoroughly. And as the chairman said somewhat facetiously, we haven't come to this conclusion in a hurry.

I would add that from the public standpoint I get the feeling that we have come to the end of the road as far as further examination of the problem is concerned. I believe it is incumbent upon not just all of us and the parties involved, but I believe under public pressure, the time has come when something must be done, because the public is focusing on the well-being of the athletes rather than on the situation of the individual organizations, although we have tried to give the fairest possible hearing to both sides, and I hope that they feel that we have done this.

I would also underline, as Ralph Metcalfe has, my great pleasure in serving with Chairman Kheel. He has done his usual fair and marvel-

ous job on this matter, as have all the other members of this panel. I hope that we have done a complete job and that now we will get on with the task of implementing it.

Thank you, Senator, very much.

The CHAIRMAN. Before we get to some of the questions you may have, I think most of you know the Senate Commerce Committee spent a great deal of time on this dispute. We had long, lengthy hearings, in which many of you participated. We had sportswriters, athletes, educators, and pretty near everyone you could think of interested in this come and testify before us. They all came.

Of course, all came to the same conclusion—that something had to be done and should be done as soon as possible.

We attempted to resolve it in our own way, but finally had to resort to the passage of the legislation and establishment of this Board, hoping that they would come up with a fair and lasting decision, which it is, in the judgment of those of us who have read it, and I think we are pretty much in agreement, although I haven't spoken to every member of the Commerce Committee.

We have here Senator Griffin, from Michigan, who has taken a great interest in it, and Senator Cotton of New Hampshire. Senator Cannon and Senator Pearson had to leave for exactly the same reason that is keeping the Vice President from being here.

But I want to say in behalf of the committee—and I am sure Senator Cotton will join me—that we deeply appreciate the work you have done in this field and also the cooperation extended by the parties involved.

I know you want to ask the chairman some questions, and he is available for any answers you wish.

I have a short message from the Vice President which I will read after you are through.

Mr. KHEEL. Are there any questions?

Mr. BUCKINGHAM. A. W. Buckingham, representing the NAIA.

First I want to compliment the committee on this work. It really looks like an excellent job.

But I was wondering about the time—February 10. Our executive committee meets in March. Could that be extended until March 9, for instance?

Mr. KHEEL. The date of February 10 pertains only to the president of the organization. We recognize that the executive councils—or whatever they may be called—of the organizations might not be able to meet immediately.

We propose—it is on page 39—that the president of each organization indicate whether he accepts the statement to the extent of his power to do so and will recommend unconditional acceptance to the appropriate governing bodies of his organization. So that it will not be necessary for your organization as such to respond by February 10.

I might say that the responses are to go to the chairman of the Senate Committee on Commerce, from whom we originally derived our authority, and to whom we return this dispute at this time.

Question. Should this be rejected by the four presidents, or any one of the four presidents, what alternative course would there be?

Mr. KHEEL. I would refer the question to Senator Magnuson.

The CHAIRMAN. There are several pieces of legislation pending, and the Commerce Committee would be prone to take them up if they didn't agree.

Question. What would they do? What would the other bills do that you are considering?

The CHAIRMAN. The details of the bills are all different. I suggest that this report itself might be the basis for a bill.

Question. Senator, the report calls for an ideal solution, which would be to form a new single unit to govern athletics, a completely different unit from what we now have. Would this possibly be a legislative aim if this is rejected?

The CHAIRMAN. That would depend on what we decide in the committee—whether this is the method of getting at it, yes.

Question. Would you go for something ideal rather than something as a compromise?

The CHAIRMAN. We will do anything that will settle this thing and get it on the road. I don't think that the Japanese Diet, or the Politburo in Moscow or the French Parliament or the Parliament in Great Britain have any argument ahead of time before they field athletes for the Olympic teams, and we better get to it.

Mr. KHEEL. I may presume to say I do not believe that it is likely that the Senate or the Congress would seek to create a private organization to govern track and field. And I doubt very much whether they would create a public organization which would introduce government into what is essentially, and should be, a private sport.

Question. Do you have any idea what the responses of these groups might be? Do they know about the report?

Mr. KHEEL. We don't have any idea, and we hope they would not respond today. They received this report this morning at 10 o'clock. It is, we think, a deliberate document which took a long time in preparation, and we would hope that they would study it very carefully and not respond off the top of their heads, because this is very serious business for them. This is the end of the line.

Question. Why do you say it is the end of the line?

Question. Did you say this was binding upon them?

Mr. KHEEL. This is a final decision in an arbitration proceeding, which is final and binding—

Question. To whom—

Mr. KHEEL. Let me finish—according to the laws of arbitration.

I said in my opening remarks that if any of these organizations set out deliberately to frustrate the award which we have made, they would succeed. I will acknowledge that.

I also said that that would be a very sorry day for the athletes of this country. I do not anticipate—I would be very disappointed if what is and should be essentially a voluntary matter by private organizations, not run by government, not directed by government, could not make arrangements with and among each other whereby young men and women and boys and girls could run in track and field.

Question. Mr. Kheel, would you clarify the point about any rejection?

Mr. KHEEL. We have said, if you will turn to page 39, while we consider this to be a final decision, we have also said that we wish these organizations to indicate that they will comply with the decision, that they will accede and cooperate with the structure and the coordinating committee which we say should be brought into existence.

And we have provided time in which to do this. As I explained in answer to the question from the representative of the NAIA, we have provided time for them to have a meeting of their organizational bodies, so that they will tell us that they will cooperate with the decision.

Now this is not the simple sort of an arbitration award that Archie Cox or I might have made in a dispute where the union says, "We want a \$10 increase." And the employer says, "We won't give any increase." And our decision after deliberation is for a \$5 increase.

Now, that type of award can be enforced very easily and very readily. We are saying that lots of people in at least four organizations have to work together. And in the final analysis, their ability to live together under this formula will depend upon their good sense and the demands of the people of the United States as expressed by the Senate Commerce Committee—that they do conform to this decision; that they do make is possible notwithstanding their ancient rivalries for young athletes to engage in track and field.

Question. They meet in New York on February 9, and from the terms of this it would appear to me that no sanction by the AAU would be required since that would be largely or entirely including graduates, undergraduates, and people who are otherwise affected.

Mr. KHEEL. I do not wish to make a determination since I don't have all the facts, but if in fact it is confined exclusively to students as we have defined the term "students," whose athletic activities are based on the coaching and facilities of a bona fide university or educational institution, your statement is correct.

I do not know at this moment the full scope of the athletes that may participate in that meet, so I do not wish to make an interpretation of our decision as applied to that meet.

Incidentally, that is a good example of the type of thing that the coordinating committee and the impartial chairman would resolve in particular instances, in particular meets where there may be a dispute as to whether or not it is closed. The coordinating committee and the impartial chairman can resolve that dispute in accordance with the principles we have set forth here.

Question. Would you serve as the impartial chairman?

Mr. KHEEL. No, sir.

Question. Do you have any recommendations?

Mr. KHEEL. No, sir. We have provided that the parties should agree themselves, which is preferable, or that the Vice President should name the impartial chairman.

Question. Just one more. What would be the next step from here if by February 10 the four presidents involved give you assurance that they can live by this? Then would the Senator go into motion to set up this committee and start making appointments?

Mr. KHEEL. I think that we as a board, while we consider this to be the end of the responsibilities we were asked to perform pursuant to Senate Resolution 147, would be available in connection with the housekeeping details and the tying up of the loose ends.

What newspaper organization do you represent, Father Crowley?

Father CROWLEY. I guess you have seen me before.

What provisions have you set up for correcting the errors and the ambiguities in the report?

Mr. KHEEL. We believe the report contains the basic principles pursuant to which, Father Crowley, your organization as well as the others can live in harmony. And we also have provided, as I have said, a coordinating committee with an impartial chairman to resolve questions that may arise.

Obviously this document of 29 pages cannot cover the whole gamut of human relationships in track and field. This sort of thing is quite typical in other areas. I am most specifically familiar with labor-management contracts, which are a lot more complex than these today. The General Motors contract with the United Automobile Workers covers some 300 to 350 pages, with supplements, and they have an impartial chairman. And so-called ambiguities or matters of omission or, more particularly, disputes that arise in the administration of the contract, are covered by the impartial chairman in a manner that has proved satisfactory in this area of human relationships, and it has been a pretty extensive and successful experience.

Father CROWLEY. Where is the impartial chairman at this present moment?

Mr. KHEEL. He does not exist at the present moment. This decision came down today, and it doesn't suddenly create everything and spring it into existence. We are available to assist in this interim period.

Father CROWLEY. If we have to agree to something, we should understand what we are agreeing to.

Mr. KHEEL. You are agreeing to the creation of a coordinating committee whose representatives your side will designate to the extent of your representation, and you are going to try to agree on an impartial chairman, or to have the Vice President name him.

Father CROWLEY. That is an essential part of the report, so we can't agree to that unless we know and understand what the report says. It is a matter of interpretation. Many of the paragraphs I find unclear and needing clarification and explanation.

I don't think it is proper to go to a piece of machinery that is supposed to be set up by the Board that doesn't exist.

Mr. KHEEL. Father, we want to be very helpful and patient. We have been patient with you and your association and the other organizations for the last two and a half years.

Father CROWLEY. This I have admired, but not other things.

Mr. KHEEL. And we are not dropping this in the middle of the stream. We are prepared to assist in this changeover period. But we have set up, in our judgment, a structure pursuant to which you can live and conduct the work of your organization. And if there is any assistance you need in this interim period, we will be glad to supply it.

But I want to make this clear: We are not about to undertake to renegotiate this decision with you or anybody else.

Father CROWLEY. We are not asking this.

Mr. KHEEL. If there is a matter of clarification, we would be glad to supply it.

Mr. BYERS. Chairman Kheel, with reference to Father Crowley's earlier question and your response, it seems to me this takes on a bit different complexion when Senator Magnuson, if I understand him correctly, has said that this document will be printed as a Senate document. And Father Crowley's question was of procedure, taking the first part to insert corrections.

My organization is a bit sensitive to a sharp misstatement of fact, a complete misstatement of fact that reflects badly upon my organization.

And without debating the question, I would like to know what procedure we go to to have those errors corrected before the Senate prints the document.

Mr. KHEEL. First of all, I believe Senator Magnuson said it would be printed as a Senate document as a matter of courtesy and convenience in distribution.

The CHAIRMAN. We do print lots of documents for distribution, and there will be great numbers—hundreds of people—who want to look at this. It is just for distribution, merely the printing of it. It is an extension of the Senate Commerce Committee's business. (See p. 15.)

Mr. KHEEL. We would be very pleased to sit down with you and discuss any matter of that sort. If there is something that we have inadvertently said that might reflect unfairly on your organization, if we can correct that, we will correct it. What we won't do is to change the basic principles and conclusions we have reached. But we will be available for that purpose.

Thank you very much.

The CHAIRMAN. If I may, the Vice President did have a message for you which he would deliver were he here, and I quote:

This is a final report. It is not, I repeat not, presented for further negotiation.

He is talking about the guidelines.

I believe I interpret the temper of the American people correctly in stating to the disputants very emphatically: Gentlemen, America will not tolerate arbitrary destruction of the careers of our amateur athletes. The best interest of the athlete comes first. That is where the national interest lies, in our young men and women being able to compete at their peak performance. Our athletes must not be sacrificed in a cruel cross-fire. I earnestly request the cooperation of the disputants in accepting and implementing the report. I ask the assistance of this Arbitration Board in helping me, as pointed out by Mr. Kheel, follow through on that implementation.

Mr. KHEEL. Thank you very much, Senator Magnuson.

The CHAIRMAN. We all thank you for your patience, and we thank you for coming.

(Whereupon, at 4:40 p.m., the conference was adjourned.)

Calendar No. 738

89TH CONGRESS
1ST SESSION**S. RES. 147**

[Report No. 753]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16 (legislative day, SEPTEMBER 15), 1965

Mr. MAGNUSON, from the Committee on Commerce, reported the following resolution; which was ordered to be placed on the calendar

RESOLUTION

Whereas disputes have existed for many years between the Amateur Athletic Union of the United States, the National Collegiate Athletic Association, other amateur athletic organizations, and their affiliates or associates; and

Whereas these disputes have discouraged the full development of amateur athletics in the United States and the maximum performance by athletes representing the United States in international competition; and

Whereas the parties have not been able to resolve their differences through their own efforts or through previous arbitration efforts; and

Whereas it is necessary and desirable for the United States to maintain a vigorous amateur athletic program that will field the best possible teams in domestic and international competition, will protect and provide for the welfare of the

V

individual amateur athlete, will achieve the broadest possible participation by amateur athletes in competitive sports, and will maintain a harmonious and cooperative relationship among all amateur athletic organizations: and

Whereas it is essential that means be provided whereby such disputes can be equitably and finally resolved: Now, therefore, be it

1 *Resolved*, That the President of the Senate is hereby
2 authorized to appoint an independent board of arbitration
3 composed of five members, one of whom he shall designate
4 as Chairman, for the purpose of considering disputes relat-
5 ing to the conduct, development, and protection of amateur
6 athletics, which are submitted to it by the parties to such
7 disputes, and rendering decisions determining such disputes
8 which shall be consistent with the purposes of this resolution
9 and shall be final and binding on such parties.

10 SEC. 2. In the consideration of disputes submitted to
11 the Board appointed under this resolution the members of
12 such board should consider and determine all relevant facts
13 and issues necessary to the attainment of the goals set out
14 in the preamble to this resolution.

15 SEC. 3: Until such time as the Board appointed pur-
16 suant to this resolution renders its decision in the current
17 dispute between the Amateur Athletic Union of the United
18 States and the National Collegiate Athletic Association, the

1 interested and affected parties should be governed by the
2 following principles:

3 (a) An immediate and general amnesty shall be granted
4 to all individuals, institutions, and organizations affected by
5 this dispute in any amateur sport.

6 (b) Any disciplinary action proposed or pending against
7 individuals, institutions, and organizations for reasons related
8 to such dispute shall be vacated.

9 (c) Any discrimination against the full use of all avail-
10 able facilities for scheduled meets and tournaments shall be
11 discontinued.

12 (d) Any restraints against participation by any athlete
13 in scheduled meets and tournaments shall be discontinued.

14 SEC. 4. The Board appointed pursuant to this resolution
15 shall report to the Senate not later than February 15, 1966,
16 and from time to time thereafter as it may deem necessary,
17 with respect to its activities under this resolution.

BEFORE THE SPORTS ARBITRATION BOARD

IN THE MATTER
OF THE
ARBITRATION PROVIDING FOR THE SETTLEMENT
OF
DISPUTES INVOLVING AMATEUR ATHLETICS
Pursuant to Senate Resolution 147

OPINION AND DECISION OF THE BOARD OF ARBITRATION ON TRACK AND FIELD

This is a proceeding before the Board of Arbitration appointed by the Vice President of the United States pursuant to S. Res. 147, 89th Cong., 1st Sess., to determine "disputes relating to the conduct, development and protection of amateur athletics." The original members of the Board were Theodore W. Kheel, Chairman, Archibald Cox, Ralph H. Metcalfe, David M. Shoup and Thomas Vail. General Shoup retired on February 5, 1967, and was not replaced.

Formal hearings were held on January 18, February 28, March 1, May 2, 3 and 23, June 15 and 16, July 21 and 22, September 19 and 20, and November 15 and 16, 1966, and on May 1 and 2, and November 9 and 10, 1967. In addition, there were many conferences and informal meetings, and countless briefs, letters and memoranda were filed with the Board. The history of this proceeding is more fully described in a report this Board submitted to the Senate Committee on Commerce on August 17, 1967.

The Board of Arbitration concluded that it should first concentrate upon track and field sports because the establishment of peace in that area would furnish a basis for the adjustment of other disputes. The Board earnestly sought to induce the parties to reach the voluntary settlement so plainly required by the welfare of the athletes

and the national as well as their own interest. Although some minor concessions were offered, none of the parties were willing to subordinate self-interest to the general good to the extent necessary to compromise the issues. Accordingly, the Board must render a decision upon the track and field aspects of the controversy.

Upon the whole record, the Board of Arbitration makes the following findings of fact and decision for the settlement of the dispute:

A. THE PARTIES

Amateur Athletic Union of the United States (hereafter "AAU") was organized in 1888 as a union of athletic clubs promoting amateur sports. It claims "jurisdiction" over thirteen sports including basketball, gymnastics, swimming and track and field. For many years AAU was the plainly-dominant, if not the only, body asserting nationwide supervision over amateur track and field competition.

AAU conducts a number of open track and field meets, including the national AAU championships, and it sanctions meets conducted by other promoters. "Open" meets are those in which all amateurs in good standing may participate, as distinguished from "closed" meets, which are restricted to specific classes, such as collegiate athletes, members of the Armed Forces, or another particular group. The terms are defined more precisely in the context of this dispute in a subsequent portion of this decision.

AAU took an early part in the formation of International Amateur Athletic Federation (hereafter IAAF), which was founded to promote international track and field competition; to establish an authentic register of World and Olympic records; and to promulgate a universal code of rules and regulations and a common definition of "amateur." IAAF is composed of "national governing associations or federations of countries, in control of amateur track and field athletics * * *, which agree to abide by the rules and regulations of the IAAF." The IAAF Constitution states, "Only one member for each country can be affiliated," and the IAAF rules and regulations frequently describe the member as "the national governing body." Rule 10 stipulates that, "All international meetings must be sanctioned

by the I.A.A.F. or by a member of the Federation." Rule 11 provides that, "The I.A.A.F. alone shall have the right to organize or sanction World, European, Far East, Latin American and other area championships for track and field events." Rule 54 bans from IAAF competition any person who is ineligible "to compete in competitions under the jurisdiction of his national governing body." IAAF does, in fact, sponsor the major international competition, and it has generally been successful in asserting its jurisdictional claims.

National Collegiate Athletic Association is the largest athletic federation of colleges and universities in the United States. Its activities encompass all—or nearly all—intercollegiate sports. It promotes, sanctions, and conducts intercollegiate competition in track and field sports as well as other sports. Its rules cover virtually every aspect of competition, including eligibility and financial aid.

NCAA claims the right to sanction open track and field meets in which collegiate athletes participate. The claim is based upon NCAA's responsibility for the welfare of college athletes. The greatest proportion of athletes in major track and field competition today are students at colleges and universities.

National Association of Intercollegiate Athletics is also an association of colleges and universities engaged in the development of athletics as a sound part of the educational offering of member institutions. NAIA is geared primarily to the needs of institutions having enrollment of moderate size.

United States Track and Field Federation was chartered in 1962 at the same time as organizations claiming jurisdiction over basketball and gymnastics. The major impetus came from NCAA and college coaches at NCAA institutions, who had been engaged in running conflict with AAU. USTFF is primarily a federation of college, junior college and high school associations, but its membership includes the National Track and Field Association, an association of clubs engaged in conducting and promoting track and field sports. Although the Senate Resolution stated that NCAA established USTFF and that "for all practical purposes" they "may be regarded as the same organization", USTFF has been recognized in

these proceedings as an independent sports organization providing domestic track and field competition for male and female amateur athletes. It has promoted, conducted and sanctioned this open track and field competition, in some instances without sanction from AAU.

B. THE ISSUES

NCAA and AAU have been in intermittent disagreement for more than half a century. See Flath, *A History of Relations between the National Collegiate Athletic Association and the Amateur Athletic Union of the United States* (1964). The issues between them vary from time to time. Their differences have extended at one time or another to almost every aspect of track and field sports. Thus, during the hearing before us differences were aired over such diverse matters as the selection of coaches and competitors for international meets, travel permits, receipts from television rights, the scheduling of meets, expense allowances and prizes, and the definition of amateur.

The central issue, however is one of "jurisdiction" and "sanctioning." The basic contest is one for power, and "jurisdiction" and "sanctioning" are the boundaries and tools of power. Each side claims with evident sincerity that it would use the power more wisely than the other, but the protestations cannot be allowed to obscure the essential character of the contest. It is—we repeat—a struggle for power in which the athletes are being used by both sides as pawns so long as the contest continues.

The formal arguments are highly conceptual. One must understand the concepts, but it is important not to become enmeshed in them and thus lose sight of the underlying realities, including the practical interests that the concepts are being made to serve.

AAU claims to be the "sole governing body" for track and field sports in the United States. Its General Rule I-1-a provides that all track and field meets "must be sanctioned" by AAU. The term "sanction" means simply approval for AAU athletes to compete, but by accepting a sanction the promoter binds himself to a number of conditions, the acceptance of which makes the sanctioning procedure serve four main purposes:

(i) It requires promoters to maintain the standards established by AAU for the preservation of amateurism, the protection of athletes, and the proper conduct of competition;

(ii) It satisfies IAAF requirements for international competition and thus protects potential competitors in international competition;

(iii) It provides revenue for AAU; and

(iv) It is a method of enforcing AAU's claim to be the sole governing body for track and field sports.

In aid of the last objective the promoter who accepts an AAU sanction is required to agree that—

the AAU is the sole governing body in the sport for which sanction is applied * * *

that he—

will neither seek nor accept sanction from any other group or body claiming jurisdiction in such sport * * *

and that he will not—

permit athletes not eligible to compete under A.A.U. rules to compete in such sanctioned event.

To be eligible for AAU sanctioned meets, an athlete must be registered or certified with AAU and pay the required fee. Furthermore, AAU Rule VII stipulates that any athlete who participates in any meet not sanctioned by AAU shall be disqualified from further AAU competition; and also that any athlete who competes against a disqualified athlete forfeits his own qualification.

IAAF rules bar an athlete disqualified by AAU from international competition.

The literal and effective enforcement of these AAU and IAAF rules concerning membership, sanctioning and registration would require all U. S. track and field athletes in open competition to be AAU members. The rules would give AAU and its affiliated organi-

zations a monopoly of the administration of all track and field meets in the United States. This is undoubtedly one of their purposes, and also one of AAU's objections to USTFF.

In fact, this theoretical monopoly is subject to three significant groups of exceptions.

First, AAU itself excepts several categories of what it calls "closed competition." The most important category is competition confined to undergraduate students representing educational institutions. A second category is members of the Armed Forces competing among themselves. A third is playground competition.

Second, USTFF, NTFA and affiliated clubs, in fact, have conducted some major open track and field meets without AAU sanction.

Third, in parts of the country where AAU is not equipped to enforce its rules, there is probably a considerable amount of unsanctioned competition mostly involving athletes who have not achieved national or regional recognition.

NCAA's rules require an NCAA sanction for all meets in which college athletes compete, including open meets sanctioned by AAU. The promoter of a meet, in order to obtain an NCAA sanction, must meet NCAA rules pertaining to many matters which AAU undertakes to scrutinize. The NCAA rules also stipulate that a college athlete who participates in an open meet not sanctioned by NCAA shall forfeit his collegiate eligibility. Obviously, these rules can be—and they have sometimes been—used as a means of controlling undergraduate athletes for NCAA's purposes, and thus as a weapon for increasing NCAA's power.

USTFF also engages in sanctioning, but in this proceeding it has confined itself to the argument that the AAU sanctioning rules attempt to create an illegal and undesirable monopoly. USTFF's position is essentially that it and its affiliated organizations have the right to conduct and sanction domestic competition without AAU sanction and without endangering the eligibility of the participating athletes for subsequent competition in AAU-sponsored and international meets.

IMMEDIATE BACKGROUND

In 1962 the AAU-NCCA feuding became so bitter as to threaten the quality of U. S. representation in the 1964 Olympiad. President Kennedy induced the parties to accept arbitration before General Douglas MacArthur. General MacArthur's award called for an immediate amnesty, cessation of discrimination in the use of available facilities, and the establishment of an Olympic eligibility committee. The award included the following implementing agreement:

The members of the USTFF will restrict their activities to enrolled students and the organization will be classified as closed. This includes graduate students, students in vacation periods between terms and students in the summer periods between high schools, junior colleges, colleges or universities. * * * An athlete not in the foregoing classification shall be required to have an AAU card to compete in USTFF open meets sanctioned by the AAU and must in addition comply with any USTFF requirement to compete in such events.

The MacArthur plan preserved the necessary modicum of peace through the 1964 Olympiad. There was immediate dispute about its meaning, however, and after the Olympiad the parties returned to boycotts and counter-boycotts in pursuit of selfish advantage.

In 1965, for example, AAU refused to allow NCAA sanction for the San Diego tryouts for a U. S. team to compete in Russia. NCAA, in retaliation, banned student athletes from the meet, and threatened them with ineligibility for intercollegiate competition and loss of athletic scholarships. AAU, on its part, threatened athletes with ineligibility for AAU and international competition if they took part in USTFF meets without AAU sanction. The result of the action of both organizations was injury to the individual athletes they sought to use as pawns, and interference with the effort to field successful U. S. teams in international competition.

On September 4, 1965, Senator Magnuson, Chairman of the Senate Committee on Commerce arranged the following moratorium until the Board of Arbitration rendered a decision:

(a) An immediate and general amnesty shall be granted to all individuals, institutions, and organizations affected by this dispute in any amateur sport.

(b) Any disciplinary action proposed or pending against individuals, institutions, and organizations for reasons related to such dispute shall be suspended.

(c) Any discrimination against the full use of all available facilities and athletes for scheduled meets and tournaments shall be discontinued.

Unfortunately, the moratorium did not halt the aggression. NCAA, USTFF and AAU have each read the moratorium in the way that would promote its selfish interest. Each has acted upon its unilateral interpretation and then charged the other party with violating the moratorium by following a contrary view. Each party thus deliberately pursued a course which it knew constituted continuance of the warfare the moratorium was intended to stop. The Board of Arbitration sought to arrange a *modus vivendi* for meeting the problem of sanctioning pending a final decision: USTFF, without prejudice to its claim that no AAU sanctions are required, was to make a purely formal request for AAU sanction; AAU would be required, without prejudice to any claim of a right to supervision, to grant the sanction automatically without any conditions. USTFF persisted in proceeding unilaterally in deliberate disregard of the Board's request. As a result, AAU never had occasion to acknowledge whether a purely formal request for a sanction would be sufficient. Both sides often took unilateral action which they knew the other would regard as a violation of the moratorium without giving notice of the problem far enough in advance to solve it, and without trying to carry out the spirit of the moratorium by finding a temporary compromise accommodation.

NEED FOR A SINGLE ORGANIZATION

The members of the Sports Arbitration Board unanimously agree that the formation of a single organization for the government and promotion of track and field sports would be of immeasurable benefit to millions of young men and women. Its formation would also advance the national interest in the success of U. S. teams in international competition. We were all impressed by the fact that the opportunities for development of track and field sports are so great as to leave more than enough vital work for all interested persons and organizations, if they will stop fighting among themselves and turn to the job to be done.

Such an organization, combining warring factions, could be established in a number of ways. AAU could serve the purpose, if it were reorganized to give NCAA and other collegiate organizations a much larger voice in the government of AAU—merited by their major contribution of athletes and facilities—and if provisions were made for the representation of NFTA clubs. USTFF could be reconstituted as the vehicle. An entirely new federation could be established, either as an independent organization or as an affiliate of AAU with guaranteed autonomy.

The Sports Arbitration Board explored some of these alternatives with the parties, but the effort to work out such an agreement was invariably blocked by either AAU or NCAA and USTFF. AAU would not consider any organization outside AAU on any terms. NCAA and USTFF would not consider any solution within AAU on any terms. In consequence of this organizational pride, millions of athletes are the losers.

It is impossible to set up a new organization by decision of this Board—or by legislation—unless the parties are willing to cooperate in making the organization a success. Cooperation is indispensable in setting up the organization because the arrangements must reach down to the regional and local level throughout the nation. No board could work out all the local details without the active assistance of all parties. That kind of cooperation cannot be commanded. Nor could this board provide a method of financing such an organization. With-

out money obviously it could not operate. Furthermore, whatever blueprints were drawn, any of the major parties could easily prevent them from operating successfully.

Until the parties change their attitude, therefore, an interim method of accommodation must be found.

DECISION

We find that a fair and equitable framework would have three parts:

- A statement of fundamental principles defining the jurisdiction of each of the major parties and imposing safeguards against abuse.
- Machinery for final and binding decisions upon all questions concerning the interpretation, application, or alleged violation of the principles, in advance of reprisals.
- A forum for discussing and resolving by agreement between the organizations other matters of mutual concern.

A. STATEMENT OF PRINCIPLES

1. International Competition

There is clear need for U. S. interests to speak with one voice in the international aspects of track and field competition. None of the rival U. S. organizations really questions the need. International bodies and foreign organizations on their part naturally look to a single U. S. organization to handle our part in all international competition, and also to be ultimately responsible for matters of actual or potential international significance in the conduct of U. S. competition.

AAU is presently the sole sanctioning and governing body for the international aspects of U. S. track and field sports, under the rules of the IAAF. Its status, as such, is not in dispute in this proceeding, although the scope of its legitimate international concern was debated. AAU is a member of the U. S. Olympic Committee. AAU is plainly

the appropriate U. S. governing body, therefore, for all international purposes.

There is no difficulty in identifying what is international whenever athletes from two or more countries are involved. Plainly, any entry of U. S. athletes in foreign meets is international. So is any U. S. meet in which one or more foreign athletes participates, unless he is representing a U. S. college at which he is a student, subject also to the existing practice under which a single event may be sanctioned instead of the entire meet.

These considerations require acceptance of the following principles:

- (a) *AAU is the sole sanctioning and governing authority for international competition.*
- (b) *AAU sanction is therefore required for meets in which athletes from other countries participate.*
- (c) *U. S. athletes participating in such meets must therefore be registered or certified under AAU rules.*

2. Open Domestic Competition

There are aspects of domestic competition in which AAU, as the sole governing authority for international competition, has a legitimate interest. Practically every athlete at the least aspires to be and, if still young, may well become an international competitor. The conditions under which any athlete runs and the competitors against whom he runs in meets long prior to becoming an international competitor may have important bearing upon his eligibility, especially his amateur status. Practically every meet, therefore, contains some competitor of potential international status; and this makes it necessary, with respect to the entire meet, to have assurance that international requirements for protecting eligibility are satisfied. There is also need for a continuous central record showing that the conditions under which open meets were conducted, were checked at the time and actually did satisfy international requirements. Only thus, if a question is raised later, can satisfactory assurances be made.

Since AAU is the governing body for these international purposes, it must also have the responsibility for validating world records set

in domestic meets. This function also entitles AAU to assurance about the conditions under which the claimed record was set. In addition, it is obviously desirable to have a single organization serve as the "keeper" of standards and records for domestic as well as international competition. Since AAU must perform these functions for international purposes, it should also perform them for domestic records.

AAU is not entitled for this reason to be, or to claim to be, the sole governing body for domestic competition. No law grants AAU that authority. Neither IAAF nor any other international body could confer it, even if one tried.

From a purely domestic standpoint, no organization is entitled, legally or morally, to a monopoly of track and field athletes, of their dues, or of the conduct of the administration of track and field meets. Congress has granted no monopoly. Monopoly is against the spirit of our institutions. There is more to be done in promoting track and field competition than all the organizations now active are able to accomplish. The opportunities are vividly illustrated by the rapid growth of track and field clubs not affiliated with AAU and based upon academic facilities.

For AAU to attempt to use its international position in order to boost its control over purely domestic aspects of competition would, therefore, be an abuse of power.

AAU is not required, in carrying out its international functions, to run or supervise every track and field meet in the United States. Indeed, AAU has recognized this for years. It permits closed meets to be run without any sanction because presumably it is satisfied that the organization that will run or supervise the meet will make sure that the appropriate standards of international competition will be maintained. In effect, AAU thereby delegates to such organization its responsibility for maintaining international standards of competition subject, of course, to its right to review any action it believes improper.

Delegation, with appropriate safeguards, is entirely practicable, therefore, in the case of open domestic meets; and it would reduce any risk of AAU's undertaking to supervise the total conduct of domestic meets.

Accordingly, the resolution of the controversy requires drawing a workable line between the international and "record-keeping" functions of AAU, on the one hand, and the domestic freedom of NCAA, USTFF and other organizations, on the other hand. Next, there must be a workable delegation enabling AAU to assure itself on the standards essential to its limited responsibilities but also giving other domestic organizations dignity and freedom of operation. The exact boundary between what has potential significance for international purposes and what is purely domestic may have to be worked out by the process of case by case decision by the Coordinating Committee described below, but the essential points are clear:

(1) Matters pertaining to amateurism have international significance in the case not only of athletes who are already of international stature but of athletes who may rise to that level.

(2) Matters pertaining to qualification as a world record have international significance.

(3) The restrictions on the use of the word "Olympic" serve international purposes.

(4) The existing AAU requirement that the promoter recognize AAU as the "sole governing body" goes beyond any legitimate international purpose unless qualified by the words "for international purposes," as does the requirement against accepting any other sanction, because those conditions might be taken to apply to purely domestic matters.

(5) Acceptance of an AAU sanction for international and record-keeping purposes should not bind the promoter to confine a domestic meet to AAU members.

(6) Although athletes participating in international meets (or international events) may be required to join AAU as heretofore, and to subject themselves to AAU discipline for international purposes, the necessity of applying for, or acceptance of, membership, would not bar membership in other domestic organizations.

(7) No fee may be charged for the sanction required for international and record-keeping purposes beyond that necessary to cover the cost.

The foregoing considerations lead to the principles stated immediately below and to part of the delegation of functions described in section 4.

(a) *USTFF may supervise and conduct purely domestic open track and field meets without interference, except as AAU sanction is required to protect the interests of the U. S. and its athletes in present and future eligibility for international competition and to validate international and domestic records.*

(b) *Athletes shall not be declared ineligible for AAU membership or AAU competition by reason of membership in a USTFF affiliated organization or participation in USTFF meets conducted in accordance with this Statement of Principles.*

(c) *Athletes shall not be declared ineligible for membership in a USTFF affiliated organization or for USTFF competition by reason of AAU membership or participation in AAU meets conducted in accordance with this Statement of Principles.*

(d) *The interests of U. S. athletes and the United States require general recognition of the ultimate responsibility of AAU for all those aspects of domestic competition which have substantial international significance, either actual or potential.*

(e) *An AAU sanction for international purposes and to provide for the validation of records is required for all open meets.*

(f) *The AAU sanction required for international purposes shall be granted, without conditions other than the pay of a fee covering cost, for any domestic meet conducted by a responsible organization, including USTFF, if the meet satisfies the requirements necessary to validate records and protect the eligibility of the participants for future international competition.*

3. Undergraduate Athletes in Open Meets

The demand for student athletes to participate in open track and field competition could easily overwhelm their educational welfare. Although the problem would seem to be primarily one of the number of

meets in which an undergraduate competes, his educational welfare may also be affected by some of the conditions of competition. So may his future eligibility for intercollegiate competition.

Many colleges and universities have established NCAA to exercise this function on their behalf. The need is far from clear, since the individual college and coach must always approve a student's participation; and surely they know much more about an individual student's situation than NCAA officials. Still, if the colleges and universities desire this further check, we see no reason why their wish should not be respected, provided that NCAA sincerely confines itself to educational functions.

What NCAA has occasion to approve is not the open meet, which may be held without students, but the participation of undergraduate athletes. This was the ruling of General MacArthur. We find it eminently sound. For this reason, and also because it promotes confusion, the use of the term "sanction" is to be avoided.

NCAA's function in this respect is roughly parallel to the function of AAU in respect to the international aspects of domestic competition: it is valuable within its sphere, but it must be confined to its sphere and not be used as a weapon for enhancing NCAA's power or the power of other organizations outside the educational area. Here, too, the line between the aspects of meets with which NCAA has a justifiable educational concern and the aspects outside its proper purview must be left to case by case decision by the Coordinating Committee.

Accordingly, we lay down the following principles:

(a) *The interest of colleges and universities in the educational welfare of students and their eligibility for intercollegiate sports requires recognition of the responsibility of NCAA to its members for assuring them that the open domestic meets in which their students participate are conducted under conditions consistent with their educational welfare and the protection of eligibility for intercollegiate sports.*

(b) *NCAA may require a meet promoter to obtain its approval of the participation of undergraduate athletes before permitting any such athletes to participate therein.*

(c) *The use of the power to withhold approval as a lever for exercising supervision over other aspects of meets, or as a means of reprisal against any organization, is prohibited.*

4. Mutual Delegation of Operating Responsibility

Under the IAAF rules AAU is responsible for the international aspects of track and field competition in the United States. We do not believe that IAAF would wish to dictate the manner in which AAU carries out the responsibility—against the wishes of AAU and other U. S. organizations—provided that AAU retains the final responsibility. The present practice of defining some meets as “closed” even though athletes of international calibre compete therein—intercollegiate meets, for example—is actually a form of delegation of operative responsibility. Accordingly, we see no reason why AAU may not delegate to a reliable organization the power to act for it with respect to the international aspects of domestic meets, provided that AAU retains the ultimate responsibility.

The ability of USTFF to conduct track and field meets in accordance with all requirements necessary to protect the eligibility of competitors for future international competition and to qualify performances for world and U. S. records cannot be seriously questioned once the idea is abandoned that no one can be eligible who takes part in any open domestic meet, held under USTFF sanction, with some competitors who are not members of AAU. USTFF is equally able to hold up to international standards the promoters of any domestic meets it undertakes to sanction.

Accordingly, we conclude that a USTFF request for AAU to sanction a domestic meet for international purposes would import USTFF's promise to see that all international requirements are met, including protection of the amateur status of the athletes and also all standards necessary to validate a record if approval of a record may be sought. AAU should grant its sanction upon such a request from USTFF unless it has specific reason to believe that the international or “record-keeping” requirements will be violated. If AAU has reason for such a belief, it should take the matter up with the Coordinating Committee as provided below.

It is also appropriate for AAU to request full reports concerning the conduct of meets for which its sanction for international purposes is obtained, in substantially the form in which AAU-sanctioned meets presently report. This would enable AAU to verify the manner in which USTFF was performing its operative duties.

The situation of NCAA and AAU in relation to the educational welfare of undergraduate students is similar to that of AAU and USTFF in respect to the international aspects of domestic meets. AAU has presumptive capability to see that any meets which it holds or to which it gives a general sanction, are properly conducted from the standpoint of undergraduates' educational welfare and intercollegiate eligibility, if undergraduates are to compete. Accordingly, AAU should be understood to undertake this operative responsibility, whenever it requests NCAA to grant its approval for undergraduates to compete; and NCAA should grant the approval immediately unless it has specific reason to believe that educational requirements will not be met. In the latter event it should take the matter up with the Coordinating Committee as provided below.

It is appropriate for NCAA to request relevant reports concerning the conduct of meets for which its educational approval has been obtained.

In making these two related determinations we are not unmindful that AAU has argued that it could not trust the capacity and reliability of USTFF to see that IAAF standards were maintained, just as NCAA has said that it could not in good conscience rely upon the competence of AAU to protect the educational welfare of students. Each side has gone too far to be persuasive in casting aspersions upon the other, while protesting its own absolute innocence and altruism. The procedure we establish allows both NCAA and AAU to take the matter up in the Coordinating Committee if either has specific reason to believe that any meet may not satisfy the appropriate standards. The failure of USTFF or AAU to carry out its obligations in respect to any meet would also be an appropriate subject for action of the Coordinating Committee. The reports that are required would provide a further check. These safeguards give both AAU and NCAA ample assurance that the requirements they are respectively charged with policing will actually be observed.

The Coordinating Committee should also consider whether arrangements cannot be worked out for granting USTFF national meets the AAU sanctions on an annual basis, and AAU national meets annual NCAA approval of student participation.

Thus, we arrive at the following additional principles:

(a) *AAU, while retaining ultimate responsibility, should recognize the presumptive competence of USTFF to ensure that any open domestic meets USTFF conducts, or sanctions for domestic purposes, will be conducted in such a manner as to satisfy any requirements of international significance including those relevant to amateur status and other requirements of eligibility or the validation of records, if approval of a record may be sought. In such cases, AAU should promptly either grant its sanction upon request or else take the matter up with the Coordinating Committee.*

(b) *NCAA, while retaining ultimate responsibility, should recognize the presumptive competence of AAU to ensure that any meet AAU conducts, or sanctions for domestic as well as international purposes, will be conducted in such a manner as to safeguard the educational interests of undergraduates with which NCAA is charged and to protect their eligibility for intercollegiate competition. In such cases, NCAA should promptly either grant its approval for the participation of undergraduates or else take the matter up with the Coordinating Committee.*

5. Closed Competition

The principle of treating certain kinds of competition as "closed" (i.e. as not requiring AAU sanction), is well established. Competition confined to the Armed Forces is one example. Undergraduate intercollegiate competition is another.

The willingness of AAU to treat intercollegiate competition as closed very properly acknowledges the ability of the coaches and athletic directors to conduct competition in accordance with the high standards set by AAU.

Today, an increasing number of undergraduate athletes go on to graduate school. There, they continue to look to university or college coaches and facilities for continuing their athletic activities. An increasing proportion of the facilities available for training and competition are educational. Under these circumstances it is reasonable to extend the "closed" concept to the fringe groups mentioned below, when they are training and competing under substantially the same conditions and supervision as prior to graduation and during the school year. If the coaches and athletic directors can be trusted to act responsibly in relation to undergraduate competition, they can be expected to be equally responsible in relation to graduate students.

The MacArthur ruling is direct precedent for this conclusion.

We have carefully considered whether this extension of the category of closed meets should be limited to students at educational institutions which certify their willingness to assume responsibility for the amateurism and conduct of graduate students and students in the summer or between terms. At this stage the requirement seems likely to produce a volume of paper-work and confusion quite disproportionate to its value. Should evidence of carelessness or deliberate abuse should develop, the Coordinating Committee can impose the condition as a method of applying the requirement that the meets, in order to be closed, must be "conducted in accordance with the rules of amateurism and other proper standards."

In refusing to expand the definition of closed competition to include all USTFF meets we are influenced by two considerations: First, USTFF opens its meets to all amateurs without regard to class or category. Second, as a leading college coach and executive of the U. S. Track Coaches Association wrote the Arbitration Board, "it seems logical" that there should be "some method of restriction of out-of-school athletes." Although he proposed that "when a boy graduates from an institution he be allowed to run with the Federation [USTFF] for one more year", we believe it more logical to draw the line in terms of full time study and athletic activities based on the coaching and facilities of a bona fide educational institution.

We express these points in the following principles:

(a) *Domestic meets confined to "students" whose athletic activities are based upon the coaching and facilities of a bona*

vide educational institution, when conducted in accordance with the rules of amateurism and other proper standards shall be treated as "closed" meets in accordance with present AAU rules and practices.

(b) The term "students" means full-time undergraduate students, full-time graduate students, full-time students between terms and in vacation or summer recess, and full-time students in the summer between high school and college, regardless of whether the student is representing the institution.

B. COORDINATING COMMITTEE

Honest adherence to the Statement of Principles should be enough to avoid any major conflicts between the parties, but minor differences are bound to arise involving questions of interpretation and application, alleged violations, and details of implementation. Such disputes, if left unresolved, could easily produce a new outbreak of controversy.

The first requirement, therefore, is that such differences be taken up promptly between the organizations affected in advance of action.

There should be a regular forum and procedure for the settlement of such disputes. We propose the establishment of a Coordinating Committee for this purpose, with equal representation of AAU and NAIA, on one side, and NCAA and USTFF, on the other. In fact, the parties agreed to this during the hearings. The membership ought to be as constant as possible in order to preserve continuity of understanding but recognizing the difficulties of ensuring regular attendance we provide that members may be changed from time to time by designation of the organizations.

Decisions would be taken by majority vote, but since the partisan members may be evenly divided, there should be a neutral chairman with power to cast the deciding vote on all questions concerning the interpretation, application, or alleged violation of the Statement of Principles. The neutral chairman should be permanent so that he may gain familiarity with the problems of track and field sports organization; and also so that he may be quickly available whenever a difference arises. Preferrably he would be chosen by agreement of the

partisan members. If they disagree, the Vice President of the United States would be requested to make the designation.

The expenses should be divided evenly between the two sides.

The use of grievance and arbitration machinery such as we propose is a thoroughly-tested method of resolving differences between rival organizations as they arise under on-going agreements. Notable examples are the "no raiding" agreement between international labor organizations and also the construction industry's National Joint Board for the Settlement of Jurisdictional Disputes. Experience shows that a very high percentage of the problems that arise between organizations operating in the same areas can be amicably settled between the parties' own representatives if they commit themselves to a rational discussion without unilateral action or reprisals. The problems of third party decision are no more difficult here than under countless successful arbitration agreements.

There can be no serious doubt of the power of any of the organizations to enter into an arbitration agreement covering only disputes concerning the interpretation, application, or alleged violation of basic principles which it has already accepted. Under such circumstances, the agreement to arbitrate merely substitutes a prompter, more flexible and less formal remedy for the cumbersome process of enforcement by litigation in the courts. If there is any impediment in IAAF rules, we have not the slightest doubt that it would be waived upon the earnest request of AAU accompanied by the explanation that the arrangement was necessary to terminate damaging warfare between sports organizations in the United States.

These arrangements should be incorporated in the following rules:

1. *Any difference or dispute between the parties involving the interpretation, application, or violation of the foregoing Statement of Principles shall be referred to a Coordinating Committee for a final and binding decision.*

2. (a) *The Coordinating Committee shall consist of eight partisan members and an impartial permanent chairman.*

- (b) *The partisan members may be changed from time to time. Four shall be designated by AAU and NAIA. Four shall be designated by NCAA and USTFF.*

(c) *The permanent chairman shall be named by a majority of the eight partisan members or, if there is no majority, by the Vice President of the United States.*

3. *Decisions of the Coordinating Committee shall be taken by a majority of the partisan members present and voting but, if the partisan members are evenly divided, the permanent chairman shall render the decision.*

4. *A decision of the Coordinating Committee shall be final and binding, and enforceable by judicial action to the fullest extent permitted by law.*

5. *There shall be no resort to unilateral action or other self-help against alleged violations of obligations under the Statement of Principles without prior sanction of the Coordinating Committee.*

C. OTHER DISPUTES

Although the Statement of Principles covers the critical issues on which the parties focussed the discussion before the Board of Arbitration, there are many other differences: for example, the scheduling of meets, the selection of coaches for U. S. teams, the issuance of invitations to participate in international competition, the promotion of medical studies, etc. Such matters cannot be resolved by a single determination, nor can general principles be found to govern their decision.

Such problems have festered in the past because of the basic lack of cooperation between the organizations, and also because the lack of a regular forum in which to discuss and resolve operating differences. Acceptance of the principles stated above will limit the jurisdictional warfare. The Coordinating Committee would provide a continuing forum for the discussion and resolution of differences upon any matter pertaining to track and field sports which any of the parties wishes to discuss with the others. Most of the differences can be resolved, as they arise, by a sincere effort to find mutually acceptable accommodations.

The permanent chairman should preside and participate in the discussions but should not have power to decide disputes unless they involve the interpretation, application, or alleged violation of the Statement of Principles—or unless the parties agree, in the particular instance, to be bound by his decision. It would be unfair, now, to give the permanent chairman the power legally to bind any party over some unknown future dispute whose character is uncertain and for which no governing standards like those in the Statement of Principles can be established in advance.

There is no serious risk to any party, however, in giving the permanent chairman power to break a tie vote upon any question concerning the committee's own procedure. Indeed, this is necessary to obviate the risk that the partisan members may become so deadlocked upon their own procedure as never to get to the merits.

In addition, the permanent chairman should be authorized to participate in the discussion and make recommendations for the disposition of any matter upon which the partisan members are equally divided. This procedure has several advantages. It puts pressure on the parties to support their positions by fact and reason. It brings a fresh mind, and possibly constructive suggestions, to the disposition of the matter. It provides a focus for public opinion, which may then force settlement of a controversy injurious to individual athletes and the national interest. At the same time, the parties would retain the protection against egregious error in a legally-binding disposition of their rights.

Accordingly, there should be acceptance of the following commitments:

1. *The organizations will make an earnest effort to adjust any other difference or disagreement of any character in the Coordinating Committee without aggression or reprisals.*
2. *The Coordinating Committee may render a final and binding decision by vote of a majority of the partisan members.*
3. *The permanent chairman may preside at such meetings, participate in the discussion, and vote on questions concerning procedure in the Committee. The permanent chairman, in his*

discretion, may make public recommendations on substantive questions but, unless they arise under the Statement of Principles, he may not vote.

D. DURATION

Our decision supplies a *modus vivendi* designed to enable rival organizations to operate in peace. Circumstances may change. One may hope that, after a period of peace, the parties will join into an unified organization needed for the fullest development of track and field competition. Accordingly, these determinations should not be binding into the indefinite future.

At the same time, the track and field athletes of the United States must be given relief against the early renewal of this dispute and the principles and disputes machinery should be followed long enough to test their validity. An Olympic year is just beginning. A five year period would carry through the next Olympiad in 1972. Accordingly, the principles and disputes machinery are made binding through December 31, 1972, and from year to year thereafter, unless notice of a desire to terminate is given prior to November 1.

Accordingly, we decide that:

1. *The foregoing Statement of Principles and disputes procedure are to be effective immediately upon notification by AAU, NCAA, USTFF and NAIA to the Chairman of the Committee on Commerce of the United States Senate, and shall continue in force through December 31, 1972, and from year to year thereafter unless one of the four organizations gives notice prior to November 1 of a desire to terminate at the end of that calendar year.*

E. AMNESTY

1. *Complete amnesty shall be granted individuals affected by this dispute.*

2. *The Coordinating Committee, with the permanent chairman voting to break any tie, shall have power to resolve disputes over amnesty.*

G. CONCLUSION

The welfare of millions of fine young athletes demands an immediate end of the mutual aggressions and reprisals of NCAA-USTFF and AAU. Each has been treating fine young athletes as pawns in a struggle for power, and then blaming the fault on the other.

The national interest of the United States also requires an end of the warfare. Our national prestige is damaged when quarrels, unilateral aggression, and boycotts prevent our entering our finest athletes in international competition. An Olympic year is now beginning. It would be intolerable for the internecine warfare to continue.

In this decision we have stated principles and proposed the establishment of disputes procedures which would halt the aggression and reprisals. Changes and alternatives might be proposed. Possibly another plan would be better. But the time for argument has ended—like the time for organizational warfare that injures the athletes and the national interest. The plan here proposed is fair to both sides. It does not interfere with the vital functions of any organization. It can be carried out without sacrificing any legitimate aspirations.

Accordingly, we call upon NCAA, USTFF, AAU and NAIA to accede to the Statement of Principles and Disputes Procedure herein set forth. Ratification by the appropriate governing bodies may take some weeks. The President of each organization, therefore, should notify the Chairman of the Senate Committee on Commerce, on or before February 10, 1968—

(a) whether he unconditionally accepts the statement of Principles and Disputes Procedure to the extent of his power, and will recommend unconditional acceptance to the appropriate governing bodies, and

(b) whether his organization will comply therewith pending action by its governing bodies, provided the other organizations give the same undertaking.

There can be no doubt of the power of all four organizations to accede to this program. We perceive no problem under IAAF rules;

but, even if there were a technical difficulty, no one can seriously doubt the power of AAU to have it removed by sincere effort, or even to go forward independently. No do we see any impediment for NCAA or AAU.

The only question, therefore, is whether the men ultimately responsible for these organizations—including the Presidents of the colleges and universities—are ready to see that the welfare of the individuals who engage in athletics is put ahead of organizational ambitions.

SPORTS ARBITRATION BOARD by

THEODORE W. KHEEL

Theodore W. Kheel
Chairman

ARCHIBALD COX

Archibald Cox
Member

RALPH H. METCALFE

Ralph H. Metcalfe
Member

THOMAS VAIL

Thomas Vail
Member

SUMMARY OF DECISION OF SPORTS ARBITRATION BOARD

The following six point program is the core of the decision of the Sports Arbitration Board on the AAU-NCAA dispute:

1. International Competition

(a) AAU is the sole sanctioning and governing authority for international competition.

(b) AAU sanction is therefore required for meets in which athletes from other countries participate.

(c) U. S. athletes participating in such meets must therefore be registered or certified under AAU rules.

2. Closed Competition

(a) Domestic meets confined among full-time students, whose athletic activities are based upon the coaching and facilities of a bona fide educational institution, are to be considered closed competition. "Students" includes undergraduate students, graduate students, and students between terms or in vacation or the summer between school and college.

(b) Other meets conducted by USTFF are open meets.

3. Open Domestic Competition

(a) AAU's status as the sole governing body for international purposes carries ultimate responsibility for the international aspects of domestic competition. Since every open domestic meet has aspects of potential international significance (such as the maintenance of conditions necessary to protect the future amateur status and eligibility of competitors for international competition and to validate international records), open domestic meets require an AAU sanction under carefully limited and confined conditions.

(b) Since AAU has the responsibility for international records, it should also have the responsibility for maintaining and validating domestic records.

(c) An AAU sanction, for these purposes, must be granted, without further conditions, where the promoter satisfies requirements necessary: (i) to protect the amateur status and eligibility of athletes for international competition; (ii) to validate international and domestic records; and (iii) to satisfy other international requirements.

(d) A USTFF sanction is to be accepted as presumptive evidence that a meet will be so conducted.

(e) AAU is not entitled to be, or claim to be, sole governing body for domestic purposes. Both AAU and USTFF may conduct and sanction open domestic meets subject to the rules set forth above.

4. Undergraduate Athletes in Open Meets

(a) NCAA's approval of those aspects of an open meet which are directly relevant to the educational welfare of undergraduate students may be required for the participation of undergraduate students enrolled at member institutions.

(b) NCAA's approval of the participation of students must be granted, without further conditions, where the promoter satisfies the requirements necessary to the welfare of undergraduate students.

(c) An AAU sanction is to be accepted as presumptive evidence that a meet will be so conducted.

5. Coordinating Committee—Disputes over Interpretation

(a) A Coordinating Committee is established with equal numbers of AAU-NAIA and NCAA-USTFF members, and an impartial permanent chairman.

(b) The Coordinating Committee will have power, by majority vote, to render a final and binding decision in disputes over the interpretation, application, or alleged violation of these rules. If the partisan members are equally divided, the permanent chairman will cast the deciding vote.

6. Other Disputes

(a) Other disagreements among the organizations will be referred to the Coordinating Committee, which may render a final and binding decision by majority vote of the partisan members.

(b) The impartial chairman will preside and may make recommendations to the parties upon such matters, but may not vote except upon a question of procedure.

7. Duration

(a) The arrangement is to be binding for five years.

THEODORE W. KHEEL
Chairman

ARCHIBALD COX
Member

RALPH H. METCALFE
Member

THOMAS VAIL
Member

Sports Arbitration Panel