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Down for the Count: The Muhammad Ali Boxing Reform Act and Its Shortcomings

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I. INTRODUCTION

Though many perceive boxing as a sport, to the players,² it is a way of life.³ Boxing is a “story without words,” yet its language is most refined.⁴ Boxing is the most physical and direct of any sport.⁵ Its objective is simple. The goal: a knockout.⁶ The threat of death inevitably exists, though its possibility remains remote.⁷ Boxing is dangerous, harsh, and unforgiving.⁸ Yet, boxing is personal.⁹

1. Special recognition goes to Charles E. Lomax, John S. Wirt, and Sherman W. Smith, III for allowing the opportunity to further explore this topic. Special recognition also goes to Michelle Killian for the helpful sources; Randall Jones for the interviews; and James Groschel for the updates on boxing news.

2. See discussion *infra* Part II.

3. See generally Michael Stephens, *The Poetics of Boxing*, in *READING THE FIGHTS* 259, 259 (Joyce Carol Oates & Daniel Halpern eds., 1988).

4. JOYCE CAROL OATES, *ON BOXING* 11 (1987).

5. *Id.* at 30.

6. *Id.*

7. *Id.* at 10.

8. ROBERT SELTZER, *INSIDE BOXING* 139 (Benjamin Matt ed., 2000).

9. OATES, *supra* note 4, at 8–9 (explaining that boxers bring “everything that is themselves” to the fight).

Dating back to the ancient Greeks, boxing may be the oldest sport in existence.¹⁰ Yet, despite its age, boxing has continued to operate outside any central authority capable of enforcing minimum standards and uniform rules.¹¹ Prior to the 1994 Senate inquiry into professional boxing, it had been approximately thirty years since the Senate's last boxing investigation.¹² Now, thirty-seven years later, after years of minimal regulations, the boxing world must comply with two pieces of legislation: the Professional Boxing Safety Act of 1996¹³ and the Muhammad Ali Boxing Reform Act.¹⁴ The Muhammad Ali Boxing Reform Act ("Ali Act"), passed in May 2000, serves as an amendment to the Professional Boxing Safety Act of 1996.¹⁵

This Note illustrates the vast shortcomings of the Ali Act. Part II of this Note discusses the individuals involved in effectuating a boxing match. Parts III and IV examine the need for reform, and the Ali Act as its source. This Note concludes that, although integrity may be lacking in the sport, the Ali Act has not served the purpose of reinstating it.

II. THE PLAYERS

A. *The Boxer*

Most boxers come from impoverished backgrounds.¹⁶ Boxing:

begins in ghettos, where life is cheap and physical well-being is at risk in the food people eat and the absence of proper medical care in their daily lives. It breeds in an environment where residents carry knives and guns for protection, and fists are perceived as the least potent of weapons.¹⁷

10. H.R. REP. NO. 106-449, pt. 1, at 8 (1999), *reprinted in* 2000 U.S.C.C.A.N. 329, 330.

11. PERMANENT SUBCOMM. ON INVESTIGATIONS, CORRUPTION IN PROFESSIONAL BOXING, S. REP. NO. 103-408, at 28 (2d Sess. 1994).

12. *Id.* at 1.

13. Professional Boxing Safety Act of 1996, 15 U.S.C. § 6301 (Supp. II 1996).

14. Professional Boxing Safety Act of 1996, 15 U.S.C. § 6301 (Supp. II 1996), *amended by* Muhammad Ali Boxing Reform Act, 15 U.S.C. § 6301 (2000).

15. *See id.*

16. OATES, *supra* note 4, at 85 (stating that about ninety-nine percent of boxers are impoverished youths). *See also* THOMAS HAUSER, THE BLACK LIGHTS 9 (Univ. of Ark. Press 2000) (1986) ("Most fighters come from tough places; small beginnings where life is hard.").

17. HAUSER, *supra* note 16, at 13.

To protect themselves and survive, they must know how to hurt others.¹⁸
Some then turn it into a profession.¹⁹

The first individual necessary to effectuate a boxing match is the boxer.²⁰
The boxer is the one entering the ring and the one placing himself²¹ in physical
peril. The boxer, as any other individual, is responsible for his own physical
well-being.²² He is the one physically training for the fight,²³ undergoing the
medical procedures,²⁴ and stepping on the scale at the weigh-in.²⁵ When the bell
rings, he is the one in the ring, roped off from the rest of the world.²⁶

18. *Id.* (statement of Michael Spinks, Montreal Olympic gold medalist and former
light heavyweight champion of the world).

19. *See id.*

20. Though boxers may be viewed as the most important individuals to effectuate a
boxing match, most often, the individuals not directly participating in the bout retain such
power as to make them the most important individuals to the boxing industry. *See* discussion
infra Part II.B–E.

21. Although many may believe boxing to be a man's sport, women have been
competing since the eighteenth and nineteenth centuries. Jennifer Hargreaves, *Bruising Peg
to Boxerobics: Gendered Boxing—Images and Meanings*, in *BOXER: AN ANTHOLOGY OF
WRITINGS ON BOXING AND VISUAL CULTURE* 121, 125 (David Chandler et al. eds., 1996). *See
also* SELTZER, *supra* note 8, at 147–48 (describing Christy Martin as a “pioneer” and “the
most famous female boxer in the world”).

22. *See Symposium: Boxing at the Crossroads*, 11 *SETON HALL J. SPORT L.* 193, 241
(2001) [hereinafter *Symposium*] (“[T]he physical part is my responsibility.”) (statement of
Evander Holyfield, Professional Boxer).

23. *See* SELTZER, *supra* note 8, at 29 (“Fighters are prisoners of their bodies, their
physiques the stone walls that trap them, that force them to fight in a certain style.”).

24. 15 U.S.C. § 6304(1) (2000). *See also Symposium, supra* note 22, at 242 (“Every
time I fight they give me a brain scan . . .”) (statement of Evander Holyfield).

25. A boxer is identified and limited by his weight class. *See* Interview with Randall
Jones, Production Assistant, Don King Productions, Inc., in Deerfield Beach, Fla. (July 27,
2001). Though the same pound delineations exist between the sanctioning organizations, they
are sometimes given different names. *Id.* For example, the World Boxing Council defines the
classes as follows: not over 105—strawweight; not over 108—light flyweight; not over 112—
flyweight; not over 115—super flyweight; not over 118—bantamweight; not over 122—super
bantamweight; not over 126—featherweight; not over 130—super featherweight; not over
135—lightweight; not over 140—super lightweight; not over 147—welterweight; not over
154—super welterweight; not over 160—middleweight; not over 168—super middleweight;
not over 175—light heavyweight; not over 190—cruiserweight; over 190—heavyweight. *Id.*
*See also Legislative Meeting of the Pa. State Athletic Comm'n in Ass'n with the Ass'n of
Boxing Comm'ns* 202 (2000) [hereinafter *Legislative Meeting*] (explaining an experience in a
previous fight where the boxer did not want to get on the scale and how without which the
fight would not have taken place) (statement of Murad Muhammad, Promoter).

26. *See* SELTZER, *supra* note 8, at 9 (“Hell is not roped off. The ring is. And that may
be the only difference between the two venues.”).

The boxer is responsible for telling his corner men²⁷ about his suitability for the particular bout.²⁸ Ultimately, it is the boxer who runs the risk of falling at the hands of an opponent—of never coming out of the ring the way he entered it no more than forty-seven minutes²⁹ ago.³⁰

B. *The Manager, Trainer, and Cut Man*

The manager is a boxer's primary business representative, representing him and his interests in all business transactions that occur during their relationship.³¹ In return for his services, the manager often retains thirty-three and one-third percent of the boxer's purse for each bout.³² Though managers are not particularly liked,³³ they serve a vital function to the boxer. The choices the

27. See PHIL BERGER, PUNCH LINES: BERGER ON BOXING 157–58 (1993) (describing the importance of the corner man) (“In his sixty seconds between rounds, the corner man enforces or revises his fighter’s strategy. He is the ‘cut man,’ doing a surgeon’s work. . . . On the corner man’s instincts and advice, championships have been won and lost.”).

28. See *Symposium, supra* note 22, at 241–42 (“[I]t’s important for my corner to know [if I am not feeling well] and it is important for the referee to know cause that’s their job to see and make observations where they should stop the fight or not.”) (statement of Evander Holyfield).

29. The longest professional men’s bout is for a championship. Interview with Randall Jones, Production Assistant, Don King Productions, Inc., in Deerfield Beach, Fla. (July 18, 2001). It is scheduled for twelve rounds, each round consisting of three minutes, with a one-minute rest between rounds. *Id.* The shortest professional men’s bout is a four-rounder. *Id.* Like all other men’s bouts, each round consists of three minutes, with a one-minute rest between rounds. *Id.* On the other hand, the longest professional women’s bout, and also for a championship, is a ten-rounder. *Id.* Each round consists of two minutes, with a one-minute rest between rounds. Interview with Randall Jones, *supra* note 29. The shortest bout in which a female can participate consists of four rounds, with the same time specifications as for a ten-rounder. *Id.*

30. See Hugh McIlvanney, *Onward Virgin Soldier*, in *READING THE FIGHTS* 185, 192–94 (Joyce Carol Oates & Daniel Halpern eds., 1988) (describing the death of professional boxer Johnny Owen after a twelfth round knockout); OATES, *supra* note 4, at 89 (describing the death of professional boxer Benny “Kid” Paret at the hands of Emile Griffith in a 1962 bout); *Id.* at 98 (“Between 1945 and 1985 at least three hundred seventy boxers have died in the United States of injuries directly attributed to boxing.”).

31. HAUSER, *supra* note 16, at 24.

32. See *Legislative Meeting, supra* note 25, at 213 (discussing the thirty-three and one-third percent a manager generally takes from the purse of the boxer) (statement of Bob Duffy).

33. HAUSER, *supra* note 16, at 34.

manager makes, with and for the boxer, often direct the boxer's career.³⁴

A good manager never places his fighter in a fight he does not think his fighter can win.³⁵ In a sport where "one or two losses can kill a fighter's career,"³⁶ managers must be cautious in choosing an opponent.³⁷ To maximize the effectiveness of the manager and the success of the boxer, it is necessary that they share a good rapport.³⁸

In his capacity, the manager is responsible for selecting the boxer's trainer.³⁹ A boxer's trainer is crucial to his survival.⁴⁰ "A great trainer is a natural: he actually sees the moves and studies them, and he must have the ability to convey techniques to his fighters. He must be a psychologist and a mind reader, sometimes a father and a mother."⁴¹ Trainers must know their fighters and their fighters' opponents.⁴²

Physical labor is the first requirement to becoming a quality fighter.⁴³ The harder the boxer trains, the better he becomes.⁴⁴ The goal of training is to move quicker and get hit less.⁴⁵ The trainer makes this possible.⁴⁶ Part of being a good trainer, however, is telling the fighter at which point to stop

34. See BERGER, *supra* note 27, at 202 (quoting Shelley Finkel, Manager of Evander Holyfield, as stating the manager's basic responsibility towards the boxer is the "[m]ost money for the least risk.").

35. HAUSER, *supra* note 16, at 34.

36. *Id.* at 35.

37. *Id.* at 34. "My job is to outwit people. Every fight requires that I be in there looking for an edge. And if I can find an opponent who gives the appearance of being formidable while posing no threat whatsoever to my fighter, that's fine." *Id.* (statement of Emanuel Steward, Manager).

38. *Id.* ("You've got to love your fighter. Otherwise it's dangerous. You'll send him out and get him mangled or killed.") (statement of Eddie Futch, former Manager of Joe Frazier).

39. HAUSER, *supra* note 16, at 40.

40. *Id.*

41. ARLENE SCHULMAN, *THE PRIZEFIGHTERS: AN INTIMATE LOOK AT CHAMPIONS AND CONTENDERS* 33 (1994).

42. *Id.* at 100 ("No two fighters can do things the same way. Know their shortcomings and their idiosyncrasies and their physical makeup. And . . . always make sure you know about his opponent.") (statement of Ray Arcel, Trainer).

43. HAUSER, *supra* note 16, at 17.

44. See *id.* at 17-18. "Wasted talent is the oldest story in boxing. A fighter who coasts in training betrays his dreams and his future." *Id.* at 18.

45. *Id.* at 29. As part of his training, a boxer often boxes with a sparring partner to help him whet his skills. See generally BERGER, *supra* note 27, at 312.

46. A trainer "makes sure his fighter gets in shape. He'll be with [him] constantly. Wakes him up in the morning. [G]oes to watch him run. Sits with him when he has breakfast. Walks with him after breakfast. Et cetera, et cetera." BERGER, *supra* note 27, at 141.

training.⁴⁷ The trainer can do everything to make his fighter the best, but then the bell rings. Sometimes, his fighter gets hit with a devastating blow. Yet, the trainer's responsibilities continue. The trainer must now encourage his fighter to continue fighting.⁴⁸

When the boxer retreats to his corner between rounds, it is then that the cut man does his job.⁴⁹ The cut man, like the trainer, must know the boxer.⁵⁰ The cut man is as important to the fight as is the boxer.⁵¹ The cut man is responsible for stopping the flow of blood from the fighter's face.⁵² He uses tools such as cotton swabs, vaseline, and a paste-like substance to stop the bleeding.⁵³ The cut man also uses Enswell⁵⁴ to stop an eye from closing and reduce the swelling.⁵⁵ The fight often continues until the "third man in the ring"⁵⁶ stops the bout or the final bell sounds.

C. *The Promoter*

"The promoter is one of the most erudite men in the fight game—and one of the shrewdest."⁵⁷ What he is not, however, is well-liked.⁵⁸ Much

47. *Id.* at 198 ("[The fighter] figures if work is good, more work is better. It's not so, though. Sometimes you have to back off, so the fighter takes into the ring everything he's got and doesn't leave it in the gym or on the road.") (statement of Eddie Futch, Trainer for Riddick Bowe).

48. OATES, *supra* note 4, at 13.

49. See BERGER, *supra* note 27, at 158.

50. SCHULMAN, *supra* note 41, at 99 ("There is a secret to handling a fighter who is cut and bruised. . . . Some fellas get a small cut and they think they're gonna bleed to death. You have to know your fighter. Is the fighter able to handle the cut? . . . The most sensitive human beings in the world are boxers.") (statement of Ray Arcel).

51. See BERGER, *supra* note 27, at 141 ("Fights are lost for lack of a corner's skill in these between-round crises.").

52. *Id.*

53. *Id.*

54. Enswell is a flat, chilled iron bar that is fundamental in boxing. JACK NEWFIELD, ONLY IN AMERICA: THE LIFE AND CRIMES OF DON KING 285 (1995).

55. *Id.*

56. OATES, *supra* note 4, at 47. The "third man in the ring" is the referee—the intermediary and the conscience of the fight. *Id.* He is often the only neutral and objective observer. See *id.* "The referee holds the power of life and death at certain times since his decision to terminate a fight, or to allow it to continue, can determine a boxer's fate." *Id.* at 48.

57. SELTZER, *supra* note 8, at 113. Today, women also serve as promoter to many fighters. See Symposium, *supra* note 22, at 221 (statement of Jerry Izenberg introducing Kathy Duva).

condemnation is often cast upon the most successful promoters in the business; however, these are the promoters for whom managers want their fighters fighting.⁵⁹

Though it may appear simple, boxing promotion entails many intricacies.⁶⁰ In addition to matching two fighters to create a stimulating bout,⁶¹ promoters must be accomplished businessmen.⁶² The promoter must cultivate and nurture relationships with fighters, managers, television executives, the media, and sanctioning organizations.⁶³ There are three major sources of income for a promoter: the fight's live gate,⁶⁴ the sale of domestic and foreign television rights,⁶⁵ and incidentals.⁶⁶ This revenue, however, does not necessarily mean that the promoter makes a profit.⁶⁷ At

58. See HAUSER, *supra* note 16, at 69 (Univ. of Ark. Press 2000) (1986) (stating that, perhaps more so than managers, "promoters are treated harshly by boxing scholars").

59. *Id.* at 56 ("Don King is a liar and a thief. . . . This guy wants all the money and all the fighters. . . . If I was a fighter and needed a promotor [sic], who would I take? Don King. The man is the best. Don King delivers.") (statement of Rich Giachetti, former Manager and Trainer of Larry Holmes). See also BERGER, *supra* note 27, at 172 ("Even his most bitter rivals credit [Don] King with the intelligence and cunning to survive in a cutthroat business."); *Boxing In and Out of the Ring* (A&E television broadcast, July 22, 2001) ("Don King is not really different from other boxing promoters. He's just better than anybody else.") (statement of Thomas Hauser, Author and Boxing Historian).

60. See HAUSER, *supra* note 16, at 69.

61. Fighters are often matched by a matchmaker. See JAMES B. ROBERTS & ALEXANDER G. SKUTT, *THE BOXING REGISTER: INTERNATIONAL BOXING HALL OF FAME OFFICIAL RECORD BOOK* 417 (1997). Matchmakers and promoters often work together to match a fight that the public would want to see. See *id.* at 418.

62. See HAUSER, *supra* note 16, at 69.

63. *Id.* See also *Boxing In and Out of the Ring*, *supra* note 59 (explaining that promoters put the fights together because they maintain relationships with the managers to convince the fighters to fight and they work with the networks in agreeing upon a figure for the broadcast) (statement of Ross Greenburg, President of HBO Sports).

64. Casinos generally pay the promoter a site fee to hold the fight at their arena. HAUSER, *supra* note 16, at 70.

65. Often the promoters retain the revenue from their selling the domestic and foreign television rights. See *id.*

66. Such incidental items include the sale of advertising on ring posts, video cassettes, and fight programs. *Id.*

67. From this income, the promoter must pay the boxers' purses, other costs of the promotion, and it's company overhead. See *Legislative Meeting*, *supra* note 25, at 195 (statement of Sherman W. Smith, III, Associate General Counsel, Don King Productions, Inc., at p. 5).

times, promoters sustain a loss from the promotion.⁶⁸ Nonetheless, professional boxing remains driven by money.⁶⁹

D. *The Sanctioning Organizations*

The sanctioning organizations control championships, not lower level boxing bouts.⁷⁰ A bout must be sanctioned by one of the sanctioning organizations before it can be considered a championship match or an official title-elimination bout.⁷¹ The power of these “alphabet soup” organizations⁷² stems from this influence. The fighters want these organizations.⁷³ These organizations have the power to award the boxer a title belt and allow him to call himself the champion.⁷⁴ These organizations, therefore, promulgate money for the fighters.⁷⁵ They also “set their own rules, establish their own medical and safety standards, make their own rankings, and designate their own ‘world champions.’”⁷⁶ Each sanctioning organization is separate and distinct from the other.⁷⁷ Further, because there

68. “Everybody thinks a promoter makes money in the first, second, third fight. Sometimes we lose in ten just to make it on the 12th.” *Id.* at 192 (statement of Murad Muhammad).

69. PETER BACHO, *BOXING IN BLACK AND WHITE* 114 (1999). *See also Symposium, supra* note 22, at 200 (“[A]mateur boxing is a true sport. Professional prize fighting is a business.”) (statement of Mills Lane, Retired Boxing Referee and Retired Judge).

70. HAUSER, *supra* note 16, at 93.

71. *See id.*

72. *See Symposium, supra* note 22, at 250 (referring to the sanctioning organizations) (statement of Jerry Izenberg, Sports Columnist); *see also SELTZER, supra* note 8, at 21 (naming some of the sanctioning organizations that sponsor championships) (“Well . . . there is the IBF, the WBA, the WBC, the WBO, the IBO, the IBC, the WBF, the WBU, the . . .”).

73. *Symposium, supra* note 22, at 249 (statement of Lou DiBella, Vice President of HBO, Time Warner Sports).

74. *See id.* at 253 (“[T]he people most responsible for sustaining the meaning of those pieces of plastic that aren’t worth 20 bucks are the fighters themselves.”) (statement of Lou DiBella).

75. *See id.* at 256 (discussing the importance of a title belt) (“You are talking about a guy making 17 million dollars, now because he lost for the first time in 8 years he is making 2 million dollars. . . . [T]hey said the belt don’t make a difference but every time I get them belts the money increased.”) (statement of Evander Holyfield).

76. HAUSER, *supra* note 16, at 93.

77. *See Symposium, supra* note 22, at 217 (“There is no centralized authority in boxing.”) (statement of Max Kellerman, Boxing Broadcaster and Analyst). Though there are many “little minor league [sanctioning organizations],” there are three major sanctioning bodies. *Id.* at 206. The three major sanctioning organizations are the World Boxing

are seventeen weight classes⁷⁸ and numerous sanctioning organizations,⁷⁹ there is often more than one champion for each weight class. There is not just one world champion.⁸⁰ Many credit the sanctioning organizations as being the “root of the problem” with boxing today.⁸¹

E. *The Media*

“Television revenues pay the purses.”⁸² The technology of television has made boxing an even more lucrative business.⁸³ Closed circuit broadcasts have provided the players⁸⁴ with an opportunity for a big payday.⁸⁵ Pay-per-view buys increase the possible number of viewers, thereby increasing the profit margin of the event.⁸⁶ The biggest payday in boxing history was Holyfield/Tyson II, which has now become known as the infamous ear-biting fight.⁸⁷ This event purportedly grossed over one hundred million dollars, domestically, in one night on pay-per-view.⁸⁸

Today, networks such as Home Box Office (“HBO”) negotiate with fighters for multi-fight deals—deals for a certain amount of years and a

Association (WBA), the World Boxing Council (WBC), and the International Boxing Federation (IBF). *See id.* at 221.

78. *See supra* text accompanying note 25.

79. *See discussion supra*, note 77.

80. *See SELTZER, supra* note 8, at 21 (“[T]here are almost as many world champions as there are fans to pay for their fights.”); *see also SCHULMAN, supra* note 41, at 77 (“[I]nstead of one World Series or one Super Bowl, there are several. And for each middleweight who declares himself champion after his bout, there are four more sitting in the audience.”).

81. *See Symposium, supra* note 22, at 200 (statement of Mills Lane, Retired Boxing Referee and Retired Judge); *see also* statement of Jerry Izenberg (describing the presidents of the three major sanctioning bodies). *Id.* at 206. “The major problem as I see it is the problem raised by both Mills Lane and Jerry Izenberg and that is the sanctioning organizations. Quite frankly they have to go. They are not honest. They are not fair. They are not moral.” *Id.* at 209 (statement of Amos C. Saunders, Retired Presiding Judge). “[W]e are in this room and everybody here has just about said that the sanctioning organizations are the problem.” *Id.* at 222 (statement of Kathy Duva, Promoter).

82. SCHULMAN, *supra* note 41, at 77. “Television represents money.” *Id.*

83. *Boxing In and Out of the Ring, supra* note 59. Television makes the money. *Id.* (statement by Ron Scott Thomas, Matchmaker, Cedric Kushner Productions).

84. *See discussion supra* Part II.A–D.

85. *Boxing In and Out of the Ring, supra* note 59.

86. *Id.*

87. *Id.* This Evander Holyfield and Mike Tyson rematch took place on June 28, 1997. Interview with Randall Jones, *supra* note 29.

88. *Boxing In and Out of the Ring, supra* note 59.

certain number of fights.⁸⁹ Networks, however, like to advertise fights as “championships.”⁹⁰ This makes the fights more appealing to the public and generates more revenue.⁹¹ For a fight to be considered a championship, however, it must be sanctioned by a sanctioning organization.⁹² Sanctioning organizations work with promoters to sanction the bout, the promoters with the managers, and the managers with the fighters.⁹³ One can see how each player is vital to the success of the industry. One can also see how simple it could be to corrupt the entire sport.⁹⁴

This “commercialised [sic] system” has undoubtedly increased the profit potential for boxers.⁹⁵ However, it has also “severed [boxing’s] connection with a grass-roots culture in which its higher aspirations were bred.”⁹⁶

F. *The Fan*

To the untrained viewer, most boxing matches appear savage.⁹⁷ Though spectators often see the courage, the skill goes undetected.⁹⁸ As the spectator becomes a fan, however, the design is unraveled.⁹⁹ Though a “casual viewer will only react to the most obvious action, such as a knockdown or a knockout,” the true fan discerns the “careful steps the winning boxer took to reach that point.”¹⁰⁰ Just as in any other sport, a boxing spectator often thinks that with proper training, he, too, could become a professional boxer.¹⁰¹ To be a quality fighter, however, one must have physical attributes, such as agility, timing, power, speed, and

89. *Id.* (statement of Ross Greenburg).

90. *Id.* (statement of Thomas Hauser).

91. *See id.*

92. *See* discussion *supra* Part II.D.

93. *See* discussion *supra* Part II.B–D.

94. *Boxing In and Out of the Ring*, *supra* note 59 (“It only takes one person to corrupt the whole system because then the others have to pay just to keep the playing field level.”) (statement of Doug Beavers, Former IBF Ratings Committee Chairman).

95. David Chandler, *Introduction: The Pictures of Boxing*, in *BOXER: AN ANTHOLOGY OF WRITINGS ON BOXING AND VISUAL CULTURE* 13, 17 (David Chandler et al. eds., 1996).

96. *Id.* *See also* ROBERTS, *supra* note 61, at 410 (“No other sport can so justifiably blame television for a period of serious decline . . .”).

97. OATES, *supra* note 4, at 100.

98. BACHO, *supra* note 69, at 111.

99. *See* OATES, *supra* note 4, at 100.

100. BACHO, *supra* note 69, at 111.

101. *See* HAUSER, *supra* note 16, at 12.

endurance, “far beyond those of ordinary men.”¹⁰² To the true fan and the players, boxing “is more than a sport. It’s a skill.”¹⁰³

III. THE NEED FOR REFORM

Professional prize fighting does not advance the “safety first” attitude as amateur boxing does.¹⁰⁴ Professional boxing stresses heavy hitting.¹⁰⁵ There is no head gear, and smaller gloves are used, as compared to amateur boxing.¹⁰⁶ Further, the regulation of boxing is left to the individual states.¹⁰⁷ In response to the safety issues prevalent within the boxing industry, the Professional Boxing Safety Act of 1996 was passed.¹⁰⁸

Although the boxers now had some form of protection within the ring, protection outside of the ring was a different story.¹⁰⁹ Corruption in boxing is an old story.¹¹⁰ It is the easiest sport to fix.¹¹¹ It only takes one bribe.¹¹² In the past, boxing has been associated with organized crime.¹¹³ Some still question its prevalence within the sport.¹¹⁴

Though boxing is a multi-million dollar business, the money is often divided between those outside the ring.¹¹⁵ “Anything seems to go in a business in which larceny is sometimes mistaken for charm, and cheating for cleverness, . . . [p]eople who should be in jail are looked upon as characters instead of the scum they really are.”¹¹⁶

102. *Id.* at 12–13.

103. HAUSER, *supra* note 16, at 12 (quoting Sugar Ray Leonard, former Professional Boxer).

104. BACHO, *supra* note 69, at 113.

105. *Id.* at 114.

106. *Id.*

107. *Id.*

108. *See generally* Professional Boxing Safety Act of 1996, 15 U.S.C. § 6301 (Supp. II 1996).

109. HAUSER, *supra* note 16, at 57 (“The most insidious and dangerous enemies of boxing have not been foes from without, but the terrible breakers-down on the inside. The most serious threats to boxing always have come from within.”) (statement of Nat Fleisher, Publisher and Boxing Scholar).

110. *Boxing In and Out of the Ring*, *supra* note 59.

111. *Id.*

112. *Id.*

113. *Id.*

114. *Id.*

115. HAUSER, *supra* note 16, at 58.

116. *Id.* at 57–58 (quoting Michael Katz, writer for the *New York Times*).

Sanctioning organizations often endure much of the criticism¹¹⁷ because they control the ratings.¹¹⁸ In the past, *The Ring* magazine dictated the ratings.¹¹⁹ When its ratings became corrupted, however, sanctioning organizations took over.¹²⁰ It was not long before those ratings became corrupted also.¹²¹

Ratings are important because they dictate the value of the fighter.¹²² The higher ranked he is, the more valuable to the industry—and himself.¹²³ Further, if a boxer is ranked within the top fifteen, he can fight for the championship.¹²⁴ The problem arises because often, “ratings are for sale.”¹²⁵ Just as often, however, promoters are buying.¹²⁶

Doug Beavers, former International Boxing Federation (“IBF”) Ratings Committee Chairman, served in more than one capacity.¹²⁷ He also served as the “bagman”¹²⁸ for the organization.¹²⁹ When the Federal Bureau of Investigation (“FBI”) investigated the IBF a few years ago, they arrived at Mr. Beavers’ house to question him.¹³⁰ To their arrival, he responded, “What took you so long?”¹³¹

Undoubtedly, the ratings are questionable, at best.¹³² In a sport where the object is to knockout the opponent, it is always best “to heed the referee’s warning—‘protect yourself at all times.’”¹³³

117. See discussion *supra* Part II.D and note 81.

118. *Boxing In and Out of the Ring*, *supra* note 59.

119. *Id.*

120. *Id.* (statement of Thomas Hauser).

121. *Boxing In and Out of the Ring*, *supra* note 59.

122. *See id.*

123. *See id.*

124. *Id.*

125. *Id.* (statement of Jack Newfield, Boxing Historian).

126. *Boxing In and Out of the Ring*, *supra* note 59 (“If their selling influence, he’s buying.”) (statement of Jack Newfield about Cedric Kushner, Boxing Promoter).

127. *See id.*

128. “Bagman” is often the term used for an individual accepting bribes. *Id.*

129. *Id.*

130. *Id.*

131. *Boxing In and Out of the Ring*, *supra* note 59. Mr. Beavers continued to explain that, “It was like extortion. If you want to survive in the IBF, you gotta pay.” *Id.*

132. Many often believe fights to be fixed. However, more often, it is not the fights that are fixed—it is the ratings. *Id.*

133. HAUSER, *supra* note 16, at 57.

IV. THE MUHAMMAD ALI BOXING REFORM ACT¹³⁴

Four years after the passage of the Professional Boxing Safety Act of 1996, the Ali Act was passed.¹³⁵ Congress made several findings relative to safety outside of the ring.¹³⁶ Congress found that: 1) boxing lacks a central governing body; 2) state regulation is proper; 3) promoters can take advantage of the industry by engaging in business with states having weaker regulations; 4) rankings are susceptible to corruption; 5) common practices of promoters and sanctioning organizations constitute restraints on trade; and 6) it is necessary to establish reform.¹³⁷ In response to such findings, Congress passed the Ali Act to protect professional boxers, assist boxing commissions in providing oversight, and promote honorable competition.¹³⁸ The goal of any legislation directed towards boxing should be the health and safety of its participants.¹³⁹ This is undisputed. However, this legislation, though meritorious, is misdirected. The Ali Act is not without its strengths, however.

A. *The Strengths*

The Ali Act is an effort to establish and enforce regulations to protect the boxers and public interest.¹⁴⁰ It is an effort to regulate boxing because boxing “can’t regulate itself.”¹⁴¹ This law was intended to provide boxers with greater control over their careers.¹⁴² Through several provisions of the Ali Act, boxers are economically protected.

134. Professional Boxing Safety Act of 1996, 15 U.S.C. § 6301 (Supp. II 1996), amended by Muhammad Ali Boxing Reform Act, 15 U.S.C. § 6301 (2000).

135. The Muhammad Ali Boxing Reform Act was passed on May 26, 2000. 15 U.S.C. §6301 (2000).

136. H.R. REP. NO. 106-449, pt. 1, at 2 (1999).

137. *Id.*

138. H.R. REP. NO. 106-449, pt. 1, at 2 (1999), reprinted in 2000 U.S.C.C.A.N. 329, 329.

139. See *Symposium, supra* note 22, at 208 (statement of Amos C. Saunders).

140. See *id.* (statement of Paul Feeney, representative of Senator John McCain and co-drafter of the Ali Act).

141. *Id.* at 214. (“Can boxing regulate itself? No, boxing can’t regulate itself because there are too many people right now who are benefiting from the system as it presently exists.”) (statement of Lou DiBella).

142. *Legislative Meeting, supra* note 25, at 46.

Section 7b of the Ali Act provides boxers with protection from coercive contracts.¹⁴³ This provision is intended to protect boxers from being forced into long-term contracts as a condition to their being granted a fight.¹⁴⁴ If Boxer A, who is under a promotional contract with Promoter C, would like to fight Boxer B, who is under a promotional contract with Promoter D, Promoter C can only ask for options¹⁴⁵ up to twelve months on Boxer B in the event that his boxer, Boxer A, loses.¹⁴⁶ This would entitle Promoter C to twelve months of promoting Boxer B, the winner of the bout. This provision also provides that in the last three months of this twelve-month option, Boxer B and Promoter C can freely negotiate for an extended promotional contract or end their relationship.¹⁴⁷

However, this provision only applies if the boxer and promoter are already under contract with each other for the particular bout.¹⁴⁸ If, for example, a promoter would like to set up a bout for a boxer in whom he currently has no promotional interest, he can contract with the boxer for more than the twelve-month period.¹⁴⁹ This provision prevents promoters from coercing boxers into entering extended contracts to be granted fights.¹⁵⁰ If, however, the bout is a mandatory¹⁵¹ bout, the twelve-month option would not apply.¹⁵² If one is the mandatory contender, he has earned his right to the title fight and, therefore, will not be required to grant any future promotional rights in exchange for the opportunity to the bout.¹⁵³

143. 15 U.S.C. § 6307b (2000).

144. *Legislative Meeting*, *supra* note 25, at 8 (statement of Paul Feeney). This does not apply to boxer-manager contracts, however. *Id.* at 21 (statement of Greg Sirb, President of the Association of Boxing Commissions).

145. "Options" refer to the granting of certain rights to a promoter as a condition precedent to the boxer's participation in a bout with another boxer who is under a contract with another promoter. *See* 15 U.S.C. § 6307b(a)(1)(A)(ii). In this example, the granting to Promoter C of promotional rights over Boxer B.

146. *Id.* *See also* *Legislative Meeting*, *supra* note 25, at 21 (statement of Greg Sirb).

147. *See* 15 U.S.C. § 6307b(a)(3).

148. *See* *Legislative Meeting*, *supra* note 25, at 58 (statement of Greg Sirb).

149. *See id.* at 23 (statement of Greg Sirb).

150. *See generally* 15 U.S.C. § 6307b.

151. Mandatory bouts are defined by the sanctioning organizations. *See* § 6307b(b). Mandatory bouts generally refer to bouts between the champion and the individual ranked number two in the organization's ratings. *See* *Legislative Meeting*, *supra* note 25, at 24. The number two ranked individual is also referred to as the number one contender. *Id.* at 30 (statement of Paul Feeney).

152. 15 U.S.C. § 6307b(b).

153. *Legislative Meeting*, *supra* note 25, at 24.

Section 7c of the Ali Act is also beneficial to the boxing industry. Section 7c addresses the sanctioning organizations and the ratings criteria.¹⁵⁴ It provides, in part, that a sanctioning organization not be entitled to compensation:

until, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers, the organization—

- (1) posts a copy, within 7 days of such change, on its Internet website or home page, if any, including an explanation of such change, for a period of not less than 30 days; and
- (2) provides a copy of the rating change and explanation to an association to which at least a majority of the State boxing commissions belong.¹⁵⁵

Section 7c provides that the boxers and the boxing industry be provided with an explanation for a boxer's rise or fall in the ratings.¹⁵⁶ This provision makes it more difficult for the ratings system to be arbitrary. This section also provides the boxers with an opportunity to appeal the ratings change.¹⁵⁷

The boxer can submit a request to the sanctioning organization, to which the sanctioning organization must provide the boxer with a written explanation of the criteria used in evaluating him and the rationale for the change.¹⁵⁸

Sections 7b and 7c are undoubtedly beneficial to the boxers and the boxing industry. However, these sections also have shortcomings. Section 7b does not make it illegal to enter into such contracts.¹⁵⁹ Rather, it makes the contract unenforceable.¹⁶⁰ The contract can be entered into; however, if the fighter later brings suit, the contract cannot be enforced against him.¹⁶¹ This section, therefore, presupposes that the fighter will actually bring suit. Further, under section 9, the fighter can bring a civil cause of action to recover economic injury he suffers.¹⁶² In a sport where “[a PRIZEFIGHTER’S] life is a short one”¹⁶³ a boxer may not want to endure

154. 15 U.S.C. § 6307c (2000).

155. § 6307c(c).

156. *Id.*

157. § 6307c(b).

158. § 6307c(b)(1)–(2).

159. *See* 15 U.S.C. § 6307b (2000).

160. *Id.*

161. *Legislative Meeting, supra* note 25, at 26 (statement of Robert Gordon, co-drafter of the Ali Act).

162. 15 U.S.C. § 6309(d) (2000).

163. SCHULMAN, *supra* note 41, at 119.

protracted litigation. He may, logically, remain under the coercive contract so that he is at least guaranteed a certain number of bouts per year and, therefore, a steady income.

Section 7c also has shortcomings. This section only applies to the boxers “previously rated by such organization in the top 10”¹⁶⁴ What happens to the boxer ranked eleventh? Although he is still entitled to the appeals process, he is not guaranteed notification of the change in his ranking under the Ali Act. Boxers ranked in the top ten are worth more money than those in the lower rankings. This is undisputed. However, the Ali Act is not affording all boxers the same opportunities and protections. The Ali Act is not protecting the boxers who need it most.¹⁶⁵

B. *The Weaknesses*

“[P]eople that know nothing about the sport of boxing . . . now want[] to change the tradition of the sport overnight. And that is not going to happen.”¹⁶⁶ It is quite possible that the drafters of the Ali Act do not understand the complexity involved in effectuating a boxing match.¹⁶⁷ Further, though one of the purposes is to protect the rights and welfare of professional boxers,¹⁶⁸ the boxers in need of the most protection are not being protected by this legislation.

Section 8 of the Ali Act addresses the conflicts of interest within the industry.¹⁶⁹ The Ali Act, in amending the Professional Boxing Safety Act of 1996, now provides for a “firewall” between promoters and managers.¹⁷⁰ This firewall prevents a promoter and a manager from having financial interest, direct or indirect, in the other’s operations.¹⁷¹ This provision appears to eliminate any conflict of interest between a promoter and manager that may be prevalent within the industry. However, an exception exists.

This firewall “only applies to boxers participating in a boxing match of 10 rounds or more.”¹⁷² If a boxer is participating in a ten-round match, he is, in all probability, already established within the industry. Further, if a boxer

164. 15 U.S.C. § 6307c(c).

165. *Boxing In and Out of the Ring*, *supra* note 59.

166. *Legislative Meeting*, *supra* note 25, at 35 (statement of Murad Muhammad).

167. *Id.* at 195 (statement of Sherman W. Smith, III, at p. 1).

168. See H.R. REP. NO. 106-449, pt. 1, at 2 (1999), *reprinted in* 2000 U.S.C.C.A.N. 329, 329.

169. 15 U.S.C. § 6308 (2000).

170. § 6308(b).

171. § 6308(b)(1).

172. § 6308(b)(2)(B).

is participating in a match that is more than ten rounds, he is fighting in a twelve-round bout—a championship bout.¹⁷³ These bouts are often televised.¹⁷⁴ “If [the boxer] is on pay-per-view, [he has] reached fame, and with that you don’t need protection.”¹⁷⁵ It is the boxers participating in the four-round bouts that are in need of protection. However, the exception to this provision effectively eliminates any such protection for the four-rounder. A promoter is permitted to have a direct financial interest in the management of a boxer who is participating in any bout with fewer than ten rounds. This conflict of interest affects the purse the boxer ultimately receives because the promoter and manager may be working together, when they should be on opposite sides of the bargaining table.¹⁷⁶ The Committee on Commerce rationalizes this exception by asserting that boxers participating in bouts with fewer than ten rounds cannot afford to have a separate promoter and manager.¹⁷⁷ Therefore, the firewall provision would not apply. Congress could have enacted a provision that would provide for an exception in cases where an individual serves in both capacities to the boxer. Congress has provided for an exception in cases where the boxer acts as his own promoter or manager.¹⁷⁸ Why not enact such exception where the promoter is the manager? Nonetheless, Congress enacted a provision that eliminates all boxers participating in under ten rounds of boxing from this firewall protection. Consequently, this provision of the Ali Act only affects about two percent of all fighters.¹⁷⁹ Further, the fighters to whom the protection extends are world famous and affluent.¹⁸⁰

This section also prohibits the promoter from paying for airline tickets and hotel accommodations for the manager, although such compensation is provided in connection with negotiations or the actual event—a practice that is common in the boxing industry.¹⁸¹ Such accommodations are now deemed indirect compensation, and illegal. Additionally, the fighter’s manager cannot serve as a commentator on the promoter’s telecast, even though the

173. *See supra* note 29.

174. *See supra* Part II.E.

175. *Boxing In and Out of the Ring, supra* note 59 (statement of Jack Newfield).

176. *See supra* Part II.B, C.

177. H.R. REP. NO. 106-449, pt. 1, at 16 (1999), *reprinted in* 2000 U.S.C.C.A.N. 329, 339.

178. 15 U.S.C. § 6308(b)(2)(A).

179. *See Symposium, supra* note 22, at 255 (statement of Marc Ratner, Executive Director of the Nevada Athletic Commission).

180. *See id.*

181. *See Legislative Meeting, supra* note 25, at 195 (statement of Sherman W. Smith, III, at p. 9).

promoter may be paying the fair market value for his services.¹⁸² To do so, would be to receive compensation from the promoter other than the consideration due under the manager's contract with the boxer.¹⁸³ The Ali Act makes such commentating illegal, thus prohibiting the manager from being employed by a promoter, except as permitted under the manager's contract with a boxer. The Ali Act is, therefore, limiting the right to contract between the manager and promoter.

With the passage of the Ali Act, several other demands have been placed upon promoters. Promoters are now required to disclose information to the boxing commissions and boxers before they may be entitled to compensation.¹⁸⁴ This requirement does not take into account the industry standards.¹⁸⁵ Section 7e of the Ali Act provides that, before he is to receive any compensation, the promoter must provide the boxer with: 1) the amount of any compensation the promoter has contracted to receive from the match; 2) all fees assessed against the boxer's purse; and 3) any reduction in the boxer's purse contrary to previous contracts.¹⁸⁶ These requirements are impossible to meet. Promoters seldom know, in advance, how much they will receive from a match.¹⁸⁷ The revenue depends greatly upon the live gate, the pay-per-view buys, and the closed circuit distribution.¹⁸⁸ Sometimes, these figures are not known until months after the event.¹⁸⁹

Also, promoters may have long-term distribution agreements with foreign broadcasters.¹⁹⁰ These agreements provide that payments are made in fixed installments for a number of events to take place over a set period of time.¹⁹¹ Therefore, a promoter receives income for events before they even take place.¹⁹² In some instances, he receives income before he knows who

182. *See id.*

183. 15 U.S.C. § 6308(b)(1)(B)(ii) (2000).

184. § 6307e(a)–(b) (2000).

185. *See generally Legislative Meeting, supra note 25, at 195* (statement of Sherman W. Smith, III, at pp. 2–9).

186. 15 U.S.C. § 6307e(b).

187. *See Legislative Meeting, supra note 25, at 195* (statement of Sherman W. Smith, III, at p. 2).

188. *See supra* Part II.C.

189. *Legislative Meeting, supra note 25, at 195* (statement of Sherman W. Smith, III, at pp. 2–3).

190. *Id.* (statement of Sherman W. Smith, III, at p. 3).

191. *Id.*

192. *Id.*

will be fighting.¹⁹³ If the Ali Act were strictly construed, these agreements would not be permitted.

Furthermore, in many instances, promoters receive advances, site fees, and letters of credit before the event takes place.¹⁹⁴ These are necessary to financially effectuate the event. However, under the Ali Act, these practices are not permitted. Also, promoters do not always know who the undercard boxers¹⁹⁵ are going to be until the weigh-in.¹⁹⁶ This lack of knowledge is due to injuries and replacements that continuously occur up until the day before the event.¹⁹⁷ The Ali Act does not take the industry standards into account. If the Ali Act were to be strictly construed, most boxing matches could not occur.

The Ali Act does more than harm promoters, however. It also harms boxers.¹⁹⁸ Boxers who come from impoverished backgrounds¹⁹⁹ have not seen the money to which they are being exposed in the boxing world.²⁰⁰ Disclosing the gross income promoters receive to boxers, hurts the boxer by presenting them with a misleading impression.²⁰¹ The promoter assumes the risk of a promotion.²⁰² Sometimes the promotion earns a profit, sometimes it sustains a loss.²⁰³ If the promoter makes a profit, it should be considered “compensat[ion] for assuming that risk.”²⁰⁴

Further, in disclosing to boxers the amount of revenue the promoter receives, the boxers are not being informed of the expenses the promoter must pay.²⁰⁵ For example, from the revenue, the promoter must pay the opponent’s purse, the undercard boxers’ purses, and other such expenses

193. *Id.*

194. *Legislative Meeting, supra* note 25, at 195 (statement of Sherman W. Smith, III, at p. 3).

195. “Undercard boxers” refer to the boxers not participating in the main event. *See id.* Generally, an event consists of numerous bouts, including the main event. *See id.*

196. *Id.* (statement of Sherman W. Smith, III, at p. 4).

197. *Id.*

198. *Legislative Meeting, supra* note 25, at 35 (“[T]his law, that has been written, is hurting the boxer. It is not helping them. It is hurting them—hurting them tremendously.”) (statement of Murad Muhammad).

199. *See supra* Part II.A.

200. *See Legislative Meeting, supra* note 25, at 38 (statement of Murad Muhammad).

201. *See id.* at 195 (statement of Ron Stevens, Matchmaker, Cedric Kushner Promotions).

202. *Legislative Meeting, supra* note 25, at 195 (statement of Sherman W. Smith, III, at p. 5).

203. *Id.*

204. *See id.*

205. *Id.*

associated with a promotion, including the promoter's overhead.²⁰⁶ In seeing a promoter's gross revenue, boxers get a false sense of their true worth.²⁰⁷ They begin to believe that they have greater leverage than they actually do.²⁰⁸ This false sense of leverage could compromise the entire event.²⁰⁹ Because the disclosures only mandate the disclosure of income, the provision is "meaningless. . . . Net receipts might mean something, but gross receipts [are] totally meaningless."²¹⁰

The Ali Act provides that the promoter must make these disclosures to all the boxers he is promoting.²¹¹ If the promoter, in addition to a main event fighter, has a contract with an undercard boxer, he must make the disclosures to him also. The undercard boxer, however, is not as responsible for most of the revenue the promoter receives. Most of the generated revenue is due to the main event fight, not the undercard.²¹² Yet, the boxer does not see this. He only sees the gross receipts for the entire event. Moreover, boxers and promoters have adverse interests and bargain for the best possible contract. Seldom are business adversaries entitled to opposition's financial information. The boxer, therefore, should not be entitled to the promoter's revenue.

In addition to promoters making disclosures to boxers, they must also make disclosures to the boxing commissions.²¹³ To the boxing commissions, promoters must disclose "all payments, gifts, or benefits the promoter is providing to any sanctioning organization"²¹⁴ When organizing an event, the promoter often contracts with the venue for complimentary rooms and food for the fighters and sanctioning organizations.²¹⁵ Before the event

206. *Id.*

207. See *Legislative Meeting*, *supra* note 25, at 195 (explaining the boxer's misperception when a promoter discloses his revenue) ("[T]he fighter is going to say . . . hey . . . [y]ou are making \$10 million. I deserve [\$]50,000 here, not [\$]5,000.") (statement of Ron Stevens).

208. *Id.* at 157.

209. *Id.* ("[W]e would have . . . major trouble because you don't understand these athletes. . . . [I]f they ever see the kind of money . . . grossed in a fight, I guarantee you . . . that when that fighter reads that, I am not fighting.") (statement of Murad Muhammad).

210. *Id.* at 151 (statement of Patrick English, Attorney for Main Events).

211. 15 U.S.C. § 6307e(b) (2000).

212. *Legislative Meeting*, *supra* note 25, at 174 ("[T]he problem comes when . . . we are getting \$6 million for . . . this fight. It is not coming from that four-round fight. It is coming from the main event.") (statement of Sherman W. Smith, III).

213. 15 U.S.C. § 6307e(a).

214. § 6307e(a)(3)(B).

215. *Legislative Meeting*, *supra* note 25, at 195 (statement of Sherman W. Smith, III, at p. 7).

can take place, however, the promoter must disclose these figures to the boxing commission. At that time, the promoter does not know the value of the food or the value of the hotel room in which the member of the sanctioning organization will be staying.²¹⁶ Therefore, in practice, this provision of the Ali Act could effectively prevent the event from occurring.

Promoters must also disclose a copy of any agreement a promoter has with any boxer participating in the event.²¹⁷ In common practice, many agreements exist between a boxer and promoter.²¹⁸ Promoters often have merchandising agreements, personal management agreements, and several expired bout agreements from which rights still extend.²¹⁹ Under the Ali Act, promoters must file all of these agreements with the Association of Boxing Commissions (“ABC”). This provision is very broad. It is possible that a promoter have twenty contracts for one boxer.²²⁰ Although most of these contracts have no relationship to the fight in question, if there are rights extending from the contract, the promoter must disclose it.²²¹ In common practice, agreements may grant the boxer clip rights for his fights.²²² Though these rights are of de minimis value,²²³ the entire contract must be disclosed to the ABC because rights still extend from it. This requirement is extremely burdensome and bears no relationship to the current boxing event.

With all the disclosures mandated, it appeared as if promoters were opening their “entire books to the world.”²²⁴ To counteract this fear, the Ali Act also includes a confidentiality provision.²²⁵ This provision provides that disclosures made under section 7e shall not be disclosed to the public “except to the extent required in a legal, administrative, or judicial proceeding.”²²⁶ Because some state law provides that information be made public, the Ali Act provides an alternative. Section 7g provides that if state law allows the information to be furnished to the public, the promoter can

216. *Id.* (statement of Sherman W. Smith, III, at p. 8).

217. 15 U.S.C. § 6307e(a)(1).

218. *See Legislative Meeting, supra* note 25, at 231.

219. *Id.* (statement of Sherman W. Smith, III).

220. *Id.* at 232 (statement of Patrick English).

221. *Id.* at 234.

222. *Id.*

223. *Legislative Meeting, supra* note 25, at 234.

224. *Id.* at 180 (explaining his fear that the world would learn how the business is done) (statement of Murad Muhammad).

225. 15 U.S.C. § 6307g (2000).

226. *Id.*

choose to file the disclosures with the ABC.²²⁷ When perusing the enforcement provision,²²⁸ however, it becomes evident that penalties are provided for the violation of several sections, not including section 7e. Therefore, the boxing commission can say they will keep the disclosures confidential, but if they do not, they suffer no penalty. The ABC, however, is under no requirement to make the disclosures public.²²⁹ They can make their own regulations.²³⁰ Therefore, promoters will undoubtedly file the disclosures with the ABC.²³¹ Consequently, the provision allowing the promoters to file the disclosures with the state is superfluous.

The enforcement provision is also deficient of any foundation. Section 9 provides that the Attorney General of the United States may bring a civil action against any individual who is reasonably believed to be in violation of any provision of the Ali Act.²³² An injunction may be granted to prevent the individual from continuing to engage in such activity.²³³ Further, if a manager, promoter, matchmaker, or licensee violates any provision, he will be fined not more than \$20,000 and/or be imprisoned for not more than one year.²³⁴ Though one year is an extensive period of time, a \$20,000 maximum fine may not discourage the affluent manager. It may be more beneficial to him to take the risk of violating the Ali Act, than it may be for him to conform.

However, section 9(b)(2) provides for harsher penalties.²³⁵ Upon conviction, any individual who violates certain provisions²³⁶ of the Ali Act shall be:

imprisoned for not more than 1 year or fined not more than—
(A) \$100,000; and

227. § 6307g(b).

228. 15 U.S.C. § 6309 (2000).

229. *Legislative Meeting*, *supra* note 25, at 182 (statement of Sherman W. Smith, III).

230. *Id.*

231. *Id.* at 190 (“[A]s it stands, as the law is today—today—simply file it with the ABC.”) (statement of Buddy Embanato, Treasurer of the ABC).

232. 15 U.S.C. § 6309(a).

233. *Id.*

234. § 6309(b)(1).

235. *See* § 6309(b)(2).

236. These sections are: Protection from Coercive Contracts; Sanctioning Organizations; Required Disclosures to State Boxing Commissions by Sanctioning Organizations; Required Disclosures for Promoters; Required Disclosures for Judges and Referees; and Judges and Referees. *See* 15 U.S.C. § 6309(b)(2). These penalties, however, do not apply to Confidentiality or Conflict of Interest. *See id.*

- (B) if a violation occurs in connection with a professional boxing match the gross revenues for which exceed \$2,000,000, an additional amount which bears the same ratio to \$100,000 as the amount of such revenues compared to \$2,000,000, or both.²³⁷

These criminal sanctions will mostly impact sanctioning organizations and promoters.²³⁸ Then, too, if one is found to have violated the conflict of interest provision, he will be fined not more than \$20,000 and/or imprisoned for not more than one year.²³⁹ Boxers, if found to be in violation of any provision, will be fined not more than \$1000.²⁴⁰ Though the boxer should be responsible for himself, he is subject to the least fines.²⁴¹

Section 9 also provides for civil sanctions. Under this enforcement provision, a boxer can bring a civil cause of action if he has suffered economic injury as a result of the violation of the Ali Act.²⁴² States can also bring a civil action on behalf of its residents to enjoin the match, enforce the provisions of the Ali Act, obtain fines, or obtain other such relief the court may deem necessary.²⁴³ This provision, however, also provides that “[n]othing in this chapter authorizes the enforcement of any provision of this chapter against the Federal Trade Commission, the United States Attorney General, or the chief legal officer . . . for . . . acting or failing to act in an official capacity.”²⁴⁴ This exception effectively limits the reach of the Ali Act on these individuals. Although it provides them with immunity from prosecution for acting in their official capacity, it also provides them with immunity for failing to act in their official capacity. They are denied the incentive to comply with the letter of the law. If the chief legal officer of a

237. *Id.*

238. *See id.*

239. § 6309(b)(3). This provision only provides for such penalties against “[a]ny member or employee of a boxing commission, any person who administers or enforces State boxing laws, and any member of the [ABC] . . .” because it was originally part of the Professional Boxing and Safety Act of 1996. *See* § 6309(b)(2) (Supp. II 1996). It, therefore, does not provide criminal penalties if one violates the firewall provision because the firewall provision was added as part of the Ali Act and no criminal sanction sections were added to reflect the firewall addition. *See generally* 15 U.S.C. § 6309 (2000).

240. § 6309(b)(4).

241. “[T]he fighter has to be responsible for himself cause we have brains, we think for ourselves. Everybody always wants to point a finger at one person. . . . You can’t only get one person.” *Symposium, supra* note 22, at 241 (statement of Evander Holyfield).

242. 15 U.S.C. § 6309(d).

243. § 6309(c).

244. § 6309(e)(1).

state knows of a violation and does not inform the proper authorities, he is under no threat of legal prosecution. He may opt to remain silent. This is legal.

Lastly, the Ali Act raises concern for American promoters.²⁴⁵ Because boxing is an international sport, foreign promoters are common in the business.²⁴⁶ However, they are not subject to the provisions of the Ali Act—a United States law. The Ali Act, therefore, may place American promoters at a disadvantage because foreign promoters will not be prohibited from entering into certain financial arrangements that American promoters are prohibited from entering.²⁴⁷ This legislation may, in effect, encourage boxers or American promoters to do business abroad.²⁴⁸

V. CONCLUSION

The Ali Act, though meritorious, provides boxers with little financial protection. This legislation does not protect boxers as much as it provides consequences for promoters.²⁴⁹ Furthermore, the boxers that the legislation does reach are not the ones in need of the most protection. Rather, the Ali Act protects the boxers that have already reached a level of success within the profession. This legislation is premature and has not been carefully considered.²⁵⁰ The Ali Act, in its hasty enactment, takes into account neither the industry standards, nor the complexity involved in effectuating a boxing match.

245. See H.R. REP. NO. 106-449, pt. 1, at 29 (1999), *reprinted in* 2000 U.S.C.C.A.N. 329, 351 (statement of Edolphus Towns & Bobby L. Rush).

246. See *id.*

247. *Id.*

248. *Id.*

249. *Legislative Meeting*, *supra* note 25, at 235–36 (discussing the disclosure provisions) (“[W]hat about managers who have contracts with fighters and a contract with the network the fighter don’t know nothing about? Now, how do [sic] the fighter gets [sic] protected by that?”) (statement of Murad Muhammad). Under the Ali Act, managers do not have to disclose agreements to the fighters. See *generally* 15 U.S.C. §§ 6301–6313 (2000). The disclosure provisions only apply to sanctioning organizations, promoters, and judges and referees. See §§ 6307d–6307f.

250. Paul Feeney, co-drafter of the Ali Act, acknowledged that he “would not be surprised if [the disclosure provisions were] changed next year.” *Legislative Meeting*, *supra* note 25, at 148. Larry Hazzard, of the New Jersey Commission, also acknowledged that he thought “we should go back now to the drawing board . . .” *Id.* at 248.

Though this legislation does little more than impede the business of promoters,²⁵¹ one thing is certain—boxing will prevail.

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251. *Id.* at 52 (“My experience tells me . . . that if the new rules significantly curtail a promoter’s ability to make money, there will be no incentive to promote boxing.”) (statement of Ron Stevens).