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# FEDERAL BOXING COMMISSION

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HEARINGS  
 BEFORE THE  
 COMMITTEE ON  
 INTERSTATE AND FOREIGN COMMERCE  
 HOUSE OF REPRESENTATIVES  
 EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

H.R. 8635, H.R. 8676, H.R. 9140, H.R. 9196, H.R. 9426,  
 H.R. 9633

BILLS TO ESTABLISH AND PRESCRIBE THE DUTIES OF A FEDERAL BOXING COMMISSION FOR THE PURPOSE OF INSURING THAT THE CHANNELS OF INTERSTATE COMMERCE ARE FREE FROM FALSE OR FRAUDULENT DESCRIPTIONS OR DEPICTIONS OF PROFESSIONAL BOXING CONTESTS

JULY 6, 7, AND 8, 1965

Serial No. 89-18

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 Committee on Interstate and Foreign Commerce



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## CONTENTS

	Page
Hearings held on—	
July 6, 1965.....	1
July 7, 1965.....	85
July 8, 1965.....	151
Text of H. R. 8635.....	2
Report of—	
Civil Service Commission.....	2
Federal Trade Commission.....	3
Statement of—	
Acunto, Stephen B., Jr.....	61
Brennan, Don, executive secretary, Virginia Athletic Commission.....	175
Brooks, Frederic H., president, Sportsvision, Inc.....	86, 116
D'Amato, Constantine "Cus".....	136
Dempsey, Jack, former heavyweight champion of the world.....	25, 37
Eaton, Mrs. Cal, boxing promoter, Olympic Boxing Club, Los Angeles, Calif.....	171
Fleischer, Nat, editor and publisher, The Ring.....	119
Geller, Henry, General Counsel, Federal Communications Commission.....	7
Grabowski, Hon. Bernard F., a Representative in Congress from the State of Connecticut.....	157
Halpern, Hon. Seymour, a Representative in Congress from the State of New York.....	155
Harvey, Hon. James, a Representative in Congress from the State of Michigan.....	160
Henry, Hon. William E., Chairman, Federal Communications Commission.....	7
Hindman, Arch, executive secretary, World Boxing Association.....	164
Krulewitch, Melvin L., chairman, New York State Athletic Commission.....	104
Lambert, John R., Assistant Chief, Common Carrier Bureau, Federal Communications Commission.....	7
Lee, Robert E., Commissioner, Federal Communications Commission.....	7
Marciano, Rocky, retired undefeated heavyweight champion of the world.....	61
Markson, Harry, managing director, Madison Square Garden Boxing, Inc.....	128
Mendell, Brooks.....	195
Miller, Joseph J., former chairman, District of Columbia Boxing Commission.....	52
Morse, Hon. F. Bradford, a Representative in Congress from the State of Massachusetts.....	158
Reitzer, William G., Washington, D.C.....	191
Rivers, Hon. L. Mendel, a Representative in Congress from the State of South Carolina.....	23
Ryan, Hon. William F., a Representative in Congress from the State of New York.....	181
Silverman, Sol, chairman, California Committee for Boxing Safeguards.....	151
Steinhaus, Richard Z., counsel, Sportsvision, Inc.....	86
Tunney, Hon. John V., a Representative in Congress from the State of California.....	42
Wallace, Lew, Staten Island, N. Y.....	185

## Additional information submitted for the record by—

	Page
Byrne, Hon. Garrett, district attorney, Suffolk County, Mass., information regarding transfer of Clay-Liston fight from Boston, Mass.	196-235
California State Athletic Commission, letter from Jack W. Urch, executive officer	236
Colorado State Athletic Commission, letter from Eddie W. Bohn	237
Cowan, Albert B., statement of	44
Daniel, Daniel M., associate editor, Ring magazine, statement of	127
Fenwick, Charles R., Virginia State senator, statement of	176
Flynn, Arthur, letter from	159
Harris, Hon. Oren, letter from, to Hon. Garrett Byrne, district attorney, Suffolk County, Mass.	195
Hart, Joe, sports editor, Saginaw (Mich.) News, letter from	160
Lanahan, S. J., letter from, transmitting model contract for boxer and manager	240
Loubet, Nat, letter from	239
Michigan State Athletic Board of Control, letter from Charles P. Davey, chairman	163
National Association of Broadcasters, statement of Vincent T. Wasilewski, president	236
National Veteran Boxers Association, letter from Jack Larkin, president, and Irv Silverman, secretary	43
New York State Athletic Commission: Opinion re Charles "Sonny" Liston	106
Piazza, Julius, letter from	163
Robinson, Adrian, letter from	240
Senyeczko, Ed, sports editor, Port Huron (Mich.) Times-Herald, letter from	162
Springer, Hon. William L., statement of	5
Sturm, Mike, sports editor, Bay City (Mich.) Times, letter from	161
Tunney, Gene, statement of	43
Wallace, Lew, correspondence of	199-192
Wisconsin State Athletic Commission, letter from Frank M. Falduto, chairman	238

## FEDERAL BOXING COMMISSION

TUESDAY, JULY 6, 1965

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
*Washington, D.C.*

The committee met, pursuant to notice, at 10 a.m., in room 2123, Rayburn House Office Building, the Honorable Oren Harris (chairman) presiding.

The CHAIRMAN. The committee will come to order.

Today the Committee on Interstate and Foreign Commerce begins hearings on legislation to establish a Federal Boxing Commission. The purpose of the Commission as proposed in the bills is to insure that the channels of interstate commerce are kept free from boxing events which either are rigged or in which racketeers and other unsavory elements have control.

There are several bills pending before the committee on this subject, which will be included in the record at the appropriate place following these remarks.

When this matter was first brought to my attention, I had the members of the staff look into the interstate aspects of it and also to consider the utilization of communication facilities in connection with professional boxing events as an approach to the problem. On this basis we developed a bill, H.R. 8635, which I introduced. Our distinguished colleague from South Carolina, Mr. Rivers, introduced a similar bill which is H.R. 8676 as did our distinguished colleague from California, Mr. Tunney, which is H.R. 9140. Also our colleague from Illinois, Mr. Michel, introduced a bill on this subject which is H.R. 9196, and finally our colleague on this committee, Mr. Murphy from New York, introduced H.R. 9426.

Professional boxing is a very popular sport which is of great interest not only to the participants in this sport but to the loyal boxing fans all over the Nation as well. Boxing is also, from the point of view of the promoters and the exhibitors, an important business activity involving great business risks, but also the prospects of great profits.

So the question before this committee and the Congress in connection with this matter are these: No. 1. Are there good and sufficient reasons why the Federal Government should step into this picture? No. 2. Are these reasons peculiar to boxing and boxing only, or do they apply to other sports as well? No. 3. What shall be the scope of the Federal authority in this field, and what shall be the manner in which such authority shall be exercised? All these are very important points, and they will be developed by witnesses renowned in this field and who can and will make an outstanding contribution to this record.

I should like to say quite candidly that the provisions of the bill before us do not purport to answer these questions adequately. It will be the purpose in these hearings to make as complete a record as possible in order to be in a better position to answer these questions and to enable the committee to consider appropriate legislation to meet such needs as we may find exist.

Since we are approaching this problem, from the point of view of radio, television, and other communications in interstate commerce—it is highly appropriate, in my judgment, that the first witness this morning shall be the Chairman of the Federal Communications Commission, Hon. E. William Henry.

Several of our colleagues are here. I am sure you will indulge me. We will get to you at a later time this morning. We will not detain you any more than necessary, but I would like to have this hearing in perspective and to make the record accordingly. So if my colleagues will permit me to proceed in regular order this way, I believe we can best develop the necessary record.

Before we hear from Mr. Henry, Mr. Springer has some comments that he would like to make.

(H.R. 8635, and reports thereon, are as follows:

[H.R. 8635, 89th Cong., 1st sess.]

A BILL To establish and prescribe the duties of a Federal boxing commission for the purpose of insuring that the channels of interstate commerce are free from false or fraudulent descriptions or depictions of professional boxing contests

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) there is hereby established a Federal Commission on Boxing (hereinafter referred to as the "Commission") which shall consist of three persons appointed by the President. Members of the Commission shall receive compensation as provided in the Classification Act of 1949. The President shall designate a member of the Commission to be its Chairman.

(b) The Commission may, in accordance with the Classification Act of 1949 and the civil service laws, appoint such staff as may be necessary to enable it to carry out its functions.

(c) The Commission shall have power to make such investigations as it deems necessary to carry out its duties under this Act. For the purpose of any investigation carried out by the Commission, the provisions of sections 9 and 10 (relating to the attendance of witnesses and production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commission.

SEC. 2. The Commission shall exercise continuing surveillance over the field of professional boxing. Whenever the Commission determines that it is likely that a professional boxing event which is to be televised in interstate commerce, or an account of which is to be transmitted in interstate commerce by wire or radio (while such event is occurring), will be in any way affected by bribery, collusion to effect the result, intentional losing, racketeering, including terrorism, extortion, organized use of threats, coercion, intimidation, or use of violence, it may issue an order prohibiting such interstate transmission or televising.

SEC. 3. Whoever violates an order of the Commission issued under section 2 shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

U.S. CIVIL SERVICE COMMISSION,  
Washington, D.C., June 30, 1965.

HON. OREN HARRIS,  
Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives.

DEAR MR. CHAIRMAN: This is in further response to your request of June 2, 1965, for a report on H.R. 8635, To establish and prescribe the duties of a Fed-

eral Boxing Commission for the purpose of insuring that the channels of interstate commerce are free from false or fraudulent descriptions or depictions of professional boxing contests.

Since the Civil Service Commission would not be administratively concerned with the program authorized by this legislation, our comments are limited to its personnel provisions.

Section 1 of H.R. 8635 establishes a Federal Commission on Boxing consisting of three members to be appointed by the President and compensated under the Classification Act of 1949, as amended. One of the members will be designated by the President to serve as Chairman.

Employees on the staff of the proposed Commission will be appointed and compensated under the customary provisions of the civil service laws and the Classification Act.

Insofar as these personnel provisions are concerned, we would not oppose enactment of H.R. 8635.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission.

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

FEDERAL TRADE COMMISSION,  
Washington, D.C., July 12, 1965.

HON. OREN HARRIS,  
*Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request of June 2, 1965, for our views on H.R. 8635, 89th Congress, 1st session, a bill to establish and prescribe the duties of a Federal Boxing Commission for the purpose of insuring that the channels of interstate commerce are free from false or fraudulent descriptions or depictions of professional boxing contests.

The bill would establish a Federal Commission on Boxing consisting of three persons to be appointed by the President, one of whom is to be designated by the President as its Chairman. The Commission is to exercise continuing surveillance over the field of professional boxing. Wherever it determines "that a professional boxing event which is to be televised in interstate commerce, or an account of which is to be transmitted in interstate commerce by wire or radio (while such event is occurring), will be in any way affected by bribery, collusion to effect the result, intentional losing, racketeering, including terrorism, extortion, organized use of threats, coercion, intimidation, or use of violence, it may issue an order prohibiting such interstate transmission or televising."

The Commission is also authorized to make whatever investigation it deems necessary to carry out its duties. The bill then specifically provides that for the purpose of any such investigation, the provisions of sections 9 and 10 (relating to the attendance of witnesses and production of books, papers, and documents) of the Federal Trade Commission Act are made applicable to the jurisdiction, powers, and duties of the Commission.

Since the proposed bill is concerned with conduct which is essentially criminal in its nature and involves the promotion and production of professional athletic events, an area wherein the Commission has no expertise, the Commission is not in a position to make any informed comment.

By direction of the Commission.

PAUL RAND DIXON, *Chairman.*

NOTE.—Pursuant to regulations, this report was submitted to the Bureau of the Budget on July 1, 1965, and on July 12, 1965, the Bureau of the Budget advised that there is no objection to the submission of this report from the standpoint of the administration's program.

JOSEPH W. SHEA, *Secretary.*

MR. SPRINGER. Mr. Chairman, as you well know, last February I came to your office with the suggestion that such an investigation be undertaken at that time in view of what I felt had happened in Miami, and I had a general feeling that something like this was going to happen again. Naturally I supported your legislation when it was

introduced in the House, and I intended to introduce an identical bill today.

The CHAIRMAN. Will the gentleman permit me to say that it shall be included along with the others at the proper place.

(Mr. Springer later introduced an identical bill, H.R. 9633.)

Mr. SPRINGER. I could go into a great deal of detail here to tell what I felt has happened to boxing in the past few years, and I think a great deal of it has been far worse. Perhaps an investigation such as this, if we come forward with legislation to correct the situation, boxing can be put back in the sports world perspective that I think it ought to be, and I will say with the same kind of respect that it had in the twenties when there was really competition, we will say, for the heavyweight title of the world.

I believe, Mr. Chairman—and I shall take only a minute or two—in that conversation with you, I had a feeling that perhaps this investigation should be broader than it presently is. I am happy that you have seen fit to call this investigation for boxing. But it seemed to me since we were going into the question of television and radio—which covers such a wide scope—that we ought to discuss some of the other things which I felt ought to go into the sports picture.

Widespread ownership of teams by communication entities or national advertisers could lead to some possible abuses having little, if any, connection with antitrust matters but which nonetheless could work against organized sports. Admitting that some of the same results could conceivably come about anyhow, I point out the following possibilities:

First, the changing of the rules of sports in fundamental ways to better suit the convenience of the television medium or the sponsors.

Second, the use of the material to further network affiliation for pure profit considerations to the detriment of the game.

I am pointing out how some of the things that I think can happen as a result of ownership. The placements of franchises or the creation of new ones in large numbers and patterns designed to best exploit the purposes of the media or to best suit the economic interests of the advertiser-owner rather than give the public an even chance to see the sport in person or on TV.

Fourth, truly amateur events might tend to disappear.

Fifth, a certain amount of provincialism and sectional rivalry is inherent in league sports. Because of this, national advertisers sponsor many games across the country to get the desired coverage. But what happens when this advertiser owns a team or perhaps two teams and he can cover the whole country by satellite?

It seems to me there are major questions to be considered in addition to these things which I pointed out can possibly happen and I do this briefly:

First, does the ownership of major teams by broadcasting companies or networks endanger the integrity of the sport?

Second, will the changing character of team ownership tend to discourage or present obstacles to the formation of new leagues?

Third, should we look into the possibilities of world series in football, which we do not have at the present time?

Fourth, should there be interleague baseball games during the regular season as there is in football?

Fifth, what, if any, steps need to be taken to protect amateurism? I certainly am faced with that. The University of Illinois, my hometown, there is a question of what nights, what hours, what days shall be allotted for purely amateur sports and what shall be allotted to that which is professional in scope because television and radio now even broadcast the local high school games in Champaign and Urbana? I understand this is not unusual all over the country. It seems to me the whole question of where we stand between amateurs and professionals is important.

I point out what I felt the broad scope of an investigation should be in the public interest. Mr. Chairman, I ask unanimous consent at this point to insert my statement completely in the record at this point.

The CHAIRMAN. Without objection, the statement will be inserted at this point in the record.

(Mr. Springer's statement in full follows:)

STATEMENT OF REPRESENTATIVE WILLIAM L. SPRINGER, REPUBLICAN, OF ILLINOIS

Mr. Chairman, we are in agreement on the fundamental purpose for which you have introduced H.R. 8635. Boxing should not be allowed to use communications facilities to foist upon the public which follows the sport, the commercial ventures which sponsor it and the media which transmit or report it in good faith, the kind of shameful exhibition lately observed in Lewiston, Maine. There must be steps taken to protect all of these elements from a degraded but profitable venture masquerading under the name of sport.

The history of boxing as a national sport has had its ups and downs. Starting as a banned and illegal activity its matches were surreptitiously arranged and were held in out-of-the-way places, completely hidden from general community observance. There have been times since when I have felt that our forefathers knew what was right. Apparently they sensed something sinister and inherently wrong in this whole activity. There have been other times, however, when I have felt that the impact of boxing on the national scene was healthy and desirable. The popularity of this sport at any time has depended upon the few top contenders for honors in the various weight classes. There have been long periods of time when most of these contenders have been reasonably well matched, so that boxing was truly a sport and not a slaughter. Many, and no doubt, most of these contenders were clean living, patriotic Americans. They set good examples for our youth and our population in general. These individual fighters, if not all of the elements connected with the sport, deserved support and received it. There has always been a sordid backwash from the boxing profession, however. The many examples of destroyed bodies and destroyed minds, as well as the established examples of venal managers who have exploited aspiring athletes cast doubt on the overall good of boxing. It is because of these practices that practically every State has come to see the necessity of establishing State boxing commissions. It is difficult to tell what might have happened without the regulation which has taken place thus far.

Boxing at its worst has almost smothered the vision of these fine people who have deserved emulation. Examples of boxing at its worst are those who greedily accept the rewards of the sport and at the same time avoid service of their country in time of need, flout the law of the land in almost every respect, and those who shout and posture and voice contempt for our Government and our way of life. As undesirable as these elements are as representatives of any sport, we could hardly complain if they met behind the barn to fight for the benefit of those few people who would bother to go behind the barn to see them. Today, however, with almost immediate and universal communication to every corner of our Nation, this is not possible. Our technology makes it possible to bring a boxing contest to every community and, with proper arrangements, possibly to every home. For these reasons I believe that legislation such as you have proposed deserves our immediate attention.

Mr. Chairman, while we are looking into communications aspects of this national sport, there are many more such sports and perhaps we should at least mention a few which would also justify the attention of our committee.

More and more sports are becoming popular through exposure on television. The older, well established spectator sports such as baseball and football are becoming far more dependent upon television for continuing revenue than upon attendance. This results in the basic economics of major sports becoming completely entwined with the economics of television and Madison Avenue. Even now, at times, I feel like a viewer of the "Tonight" show, where the program serves to separate the commercials. Sometimes the game begins to lose its continuity and only the commercials seem real.

Widespread ownership of teams by powerful communications entities or national advertisers could lead to some possible abuses having little if any connection with antitrust matters but which, nonetheless could work against organized sport. Admitting that some of the same results could conceivably come about anyhow, I point out the following possibilities:

1. Changing the rules of the sports in fundamental ways to better suit the convenience of the television medium or the sponsors. A simple example could be a change in the timeout rule in football. One can think of other ways the game could be changed or rigged to make it more valuable as a production and a background for commercial display.

2. Use of the material to further network affiliation or for pure profit considerations to the detriment of the game. This could affect the manner in which games would be presented, the times they might be shown and the kinds of schedules which might result.

3. The placement of franchises or creation of new ones in large numbers in patterns designed to best exploit the purposes of the media or to best suit the economic interests of the advertiser-owner, rather than give the public an even chance to see the sport in person or on TV. For example, football at the moment is king. If ratings were to determine entirely its standing in the TV time schedules the Baltimore Colts would get evening hours, while the Kentucky Derby might be relegated to late night viewing. While Mr. Friedel might find this acceptable I am sure Dr. Carter and Mr. Farnsey would not. This stretches the football season slightly, but a year-round schedule might also result from the situation we are here imagining.

4. Truly amateur events might tend to disappear.

5. A certain amount of provincialism and sectional rivalry is inherent in league sports. Because of this, national advertisers sponsor many games across the country to get desired coverage. But what happens when this advertiser owns a team or perhaps two teams and he can cover the whole country by satellite? Then what does he show?

There are questions which should be posed and for which answers should be sought:

1. Does ownership of major teams by broadcasting companies or networks endanger the integrity of the sport?

A question which must be asked at the same time concerns the possible effects of ownership also by the largest customers of stations and networks, the national advertisers.

Since one baseball team is already owned by a network and beer companies or their principal owners have owned other teams, it is safe to speculate that NBC will also have a team. Perhaps General Motors will see value in owning the Lions or Du Pont in owning the Colts. This is a far cry from the situation in the past and today. Commissioner Rozelle of the NFL testified last year that each purchaser of a franchise agrees to abide by the rules of the league, but how can a board of directors bind future management to gentlemen's agreement contracts? Rules can be changed. League business matters will become wheels within wheels, buffeted about by the internal politics of its corporate members. Judging by the way networks seem to make program decisions and their sudden now-you-see-it, now-you-don't quality in regard to TV matters, it is not difficult to envision a chaotic situation for a football league when the same kind of decisionmaking is injected into league affairs. I'm not yet sure that even TV can survive such rat race tactics. I am certain professional football could not.

2. Will the changing character of team ownership tend to discourage or present obstacles to the formations of new leagues?

3. Should we look into the possibilities of a world's series of football?

So far, the National Football League has dominated the stage and has been able to retain its dominance by dividing itself into divisions and building up to a playoff at season's end. The newer league, like the American League in baseball years ago, started off slowly and looked rather weak. Perhaps it is not as powerful yet to compete evenly with NFL. But a world's series, more accurately

a national series, could and very likely might help to equalize the leagues. Commissioner Rozelle expressed opposition to such an idea last year, but I gathered then that his opposition was based primarily upon the bitterness still remaining from litigation between the leagues. These are only growing pains and we should look beyond them to healthy rivalry between the leagues.

4. Should there be interleague baseball games during the regular season?

Like the world's series idea being applied to football, the interleague play idea borrows a successful technique from the NFL and applies it to baseball. Although it might complicate the calculation of league standing to have the Cardinals play the Senators two games during the season I am sure that IBM could handle it. To have teams play against teams of the other league occasionally would stimulate interest and attendance. For Detroit fans it might be a great treat to see their team play Cincinnati or Pittsburgh in midseason.

5. What, if any, steps need to be taken to protect amateurism? The excessive televising of more and more sports could stifle amateur performances to the ultimate detriment of sports generally. High school and college sports need public support. Football teams of the big schools have held their own so far, but partly by reason of a voluntary refraining from competition by the professionals. High schools and small colleges are not so lucky. An opening wedge of Friday night televising of professional games has been observed. Although this example is the most evident and the one evoking discussion, it is not too hard to imagine other scheduling which will jeopardize the continuance of amateur and school contests. More than team sports may be affected and the development of sporting skills in our people will retrogress.

Mr. Chairman, I hope that we can look forward to an intensive investigative effort in this field. The broadening commercial ramifications of sports, particularly their relationships to broadcasting, confer not only jurisdiction but duty upon us to scrutinize them to see what, if anything, should be done at once and what, if any, broad policies should be determined.

In the tradition of this committee we would not be looking for witches, scapegoats, or burglars under the bed. Neither would we be looking for sensationalism. I know that this committee would make every effort to be fair and thorough in any such activities. But I sincerely feel that such a project is overdue and therefore suggest that steps be taken to proceed at the earliest opportunity.

The CHAIRMAN. I thank the gentleman for the continuing interest he has manifested in the overall problem since even before the beginning of this new Congress. I do feel, however, that boxing constitutes a peculiar interest in itself, and it is important that we should make an effort to do something about it. The reference to the overall study and investigation, I think, is a point very well taken and it will be considered.

Mr. Henry, we thank you for your taking the time to come here and giving the committee the benefit of the views of the Commission on this matter. I believe you have a statement that you may present at this time.

**STATEMENT OF HON. E. WILLIAM HENRY, CHAIRMAN; ACCOMPANIED BY ROBERT E. LEE, COMMISSIONER; HENRY GELLER, GENERAL COUNSEL; AND JOHN R. LAMBERT, ASSISTANT CHIEF, COMMON CARRIER BUREAU, FEDERAL COMMUNICATIONS COMMISSION**

Mr. HENRY. Thank you, Mr. Chairman.

With me is Commissioner Robert E. Lee, who is interested in this matter both as a member of the Commission and as a citizen.

I am here today at the committee's invitation to present views on the bill of Chairman Harris, H.R. 8635,<sup>1</sup> a bill to establish a Federal

<sup>1</sup> Identical bills were also introduced by Representatives Rivers of South Carolina (H.R. 8676), Tunney (H.R. 9140), Michel (H.R. 9196), and Murphy (H.R. 9426).

Commission on Boxing composed of three members appointed by the President.

The Commission on Boxing would exercise continuing surveillance over the field of professional boxing. Section 2 of the bill provides that whenever the Commission on Boxing—

determines that it is likely that a professional boxing event which is to be televised in interstate commerce, or an account of which is to be transmitted in interstate commerce by wire or radio (while such event is occurring), will be in any way affected by bribery, collusion to effect the result, intentional losing, racketeering, including terrorism, extortion, organized use of threats, coercion, intimidation, or use of violence, it may issue an order prohibiting such interstate transmission or televising.

Whether there is need for remedial legislation in this field depends on the extent to which "bribery, collusion to effect the result, intentional losing, and so forth" exists in professional boxing. The Federal Communications Commission is not, of course, expert in this area, and therefore I will leave comment on this aspect to the more knowledgeable witnesses who will follow. I would note, however, that prior congressional hearings certainly indicate that there is a serious problem worthy of being explored.<sup>2</sup>

According to Senator Kefauver, the 1960 congressional investigation showed that the undercover elements in professional boxing at that time constituted a veritable "Who's Who in Gangland."

The jurisdictional basis of the bill rests on the interstate nature of the prize fight presented over broadcast or closed circuit (theater) TV. The Supreme Court's 1954 decision in *U.S. v. International Boxing Club* (348 U.S. 236), affirms the interstate nature of such activities. And the fact is that theater TV and radio are much more important to the modern professional fight than those in ringside attendance. The purses of Floyd Patterson and Ingemar Johansson in their heavy-weight championship bout were mainly derived from theater TV.<sup>3</sup>

The recent Clay-Liston fight points up this fact even more graphically. There were about 4,000 persons in attendance at Lewiston, Maine, with gate receipts of about \$200,000. As the *New York Times* editorialized: "never before have so few traveled so far to see so little." But at prices of \$3 to \$10, about 515,000 customers in some 250 theaters and arenas paid more than \$4 million. And the Mutual Broadcasting Co. has advised us that it paid \$150,000 to carry the fight to 788 radio stations and to an estimated audience of 70 million people.

That sounds a little high but we checked it again, and that is their claim.

So you can see that boxing need no longer go to where the crowds are; its financial base is closed circuit TV or broadcasting. And in connection with the latter aspect, as you are aware, there is now an international audience. The Clay-Liston fight was broadcast by Early Bird Satellite to several European countries.

Because broadcasting is of such importance to the professional boxing event, I believe that if a problem of "rigged" fights is shown to exist today, remedial legislation is called for.

<sup>2</sup> E.g., Hearings before the Subcommittee on Antitrust and Monopoly of the Senate Judiciary Committee, 86th Cong., 2d sess. (1960).

<sup>3</sup> Thus, the second Patterson-Johansson fight had a reported gross of about \$2,825,000, of which slightly over \$2 million came from the theater TV receipts.

Indeed, I think that there is an analogy between the subject matter of this bill and the "rigged quiz show" provisions of section 509(a) of the Communications Act of 1934, as amended. That section—which was enacted in 1960 after investigations spearheaded by Chairman Harris—makes unlawful certain practices used, with the intent to deceive the listening or viewing public, in the broadcast of contests of intellectual knowledge, intellectual skill, or chance. Thus, it prohibits prearranging the outcome of such contests, and the use of persuasion, bribery, or intimidation to accomplish such prearrangement. The section also makes it unlawful to broadcast any "quiz" program knowing, or having reasonable ground for believing, that any person has done or is going to do any of the things prohibited by that section.

The reasons for the "rigged quiz" legislation are well known in the light of the hearings conducted by a subcommittee of this committee. These hearings, in October and November of 1959, were held on allegations "that the Nation's airwaves had been used to perpetuate a gigantic fraud on the American people" (December 1960 Staff Report, p. 10). The hearings bore out these allegations and "disclosed a complex pattern of calculated deception of the listening and viewing audience. Contests of skill and knowledge whose widespread audience appeal rested on the carefully nurtured illusion that they were honestly conducted were revealed as crass frauds." (H. Rept. No. 1800, 86th Cong., 2d sess., p. 24).

There is, of course, a difference between the "rigged" prizefight and "rigged" quiz show in that the broadcaster is or may be intimately involved in the promotion and production of the quiz show but not the prizefight. But there is an important consideration which is common to both these matters; namely, the impact of "rigged" broadcast shows on the public. As the Attorney General's report in 1959 to the President on Deceptive Practices in Broadcasting Media makes clear, "The disclosures have been accompanied by a sense of public shock and disgust." The report refers to an editorial to the effect that the quiz scandal "is but symptomatic of a disease that frequently permits things to be represented not quite as they are—a disease that can touch the whole gamut of programs from public speeches to private advertising." The report then states:

The general tenor of this view was repeated in a roundup of national editorial comment. On November 6, 1959, it was reported that the Washington, D.C. Superintendent of Schools stated the revelations would make it harder to control cheating in the schools. He said:

"Education reflects the community. It is part of the social order. \* \* \*

"We have seen demonstrated here massive cheating organized and supporter to defraud the American people. \* \* \*

"And yet our young people are expected to observe the highest moral standards—and I hope they will continue to observe them.

The same type of considerations are applicable to rigged prizefights. Particularly through the medium of broadcast or theater television, these fights frequently command the attention of very large segments of the Nation. They are especially of interest to the young people of the Nation. If they turn out to be "gigantic hoaxes," which have fraudulently attracted the attention of this large audience, the resulting disillusionment and cynicism is, I think, akin to that in the case of the quiz scandal. Cheating and "rigging" by sports heroes can set

a pattern for those who look up to such figures and thus can become a more accepted part of our social fabric. Particularly as to the effect of such "fixing" on youth, I would point to that classic incident involving the Black Sox baseball scandal. A tearful boy said to his hero, Shoeless Joe Jackson, as he came out of the hearing room, "Say it ain't so, Joe."

In short, I believe that it is just as offensive to the listening and viewing public to watch or listen to a "rigged" prizefight, as a "rigged" quiz show. Therefore, to the extent that the hearings demonstrate the existence of a problem in this area, there should be appropriate remedial legislation.

In this connection, we think that some comment on the form of that legislation would be helpful. H.R. 8635 does not make it unlawful to prearrange the outcome of a boxing match which is presented to the viewing public through broadcast or theater television. Rather, the bill is aimed at securing an order to prohibit the telecasting or transmitting of an account of the event in interstate commerce by wire or radio if the Federal Commission on Boxing determines that it is "likely" that the match will "in any way be affected by bribery, collusion to effect the result, intentional losing, racketeering \* \* \*" et cetera. This concept, and the language of the bill, raise problems which we believe could be obviated by patterning any legislation in this field along the lines of section 509—that is to say, by making it unlawful for any person knowingly to prearrange, through bribery, intimidation, or otherwise, the outcome of a purportedly bona fide professional boxing event which is presented to the viewing public on broadcast or theater television.

In sum, there is a definite public interest in taking effective measures to insure that the viewing public is not subjected to "rigged" boxing matches. The Commission therefore believes that these hearings serve a most useful purpose, and we will be glad to cooperate in any way we can to further that purpose.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Chairman Henry, for your statement. I assume it would be appropriate to inquire whether the Commission is unanimous on its position.

Mr. HENRY. Yes, sir.

The CHAIRMAN. I like your analogy here and your suggestion that we consider some modification. You see, in getting at the rigged quiz shows and those matters that we were involved with back in those years, we had the networks and the advertisers and the licensees that we could easily get to for violation. Here the problem is such, it seems to me, that action will have to be taken, should it be advisable, prior to the act itself. Otherwise I think the effort will not serve a useful purpose. To get involved in a criminal procedure after the event, it seems to me, would offer no real encouragement or help to the American people.

I do think that your suggestion as a part of this effort might be wise, but I still believe that we have got to establish some authority to be armed with whatever power is necessary, if we are going to reestablish the integrity of the sport in which the American public is so interested. But I do think you have a very good suggestion that should be considered to become a part of the proposal.

Mr. Rogers, do you have any questions?

Mr. ROGERS of Texas. Just one or two.

Mr. Henry, as I understand it, you feel that in order to get to the root of the evil, we should pass legislation making the participation in bribery and so forth as outlined in this in any event that is going to be broadcast on television or radio a criminal act.

Mr. HENRY. Yes, sir. We think that that is certainly one aspect of an overall approach that might be considered, depending of course upon what these hearings develop in the way of a factual basis for it, the need for it.

Mr. ROGERS of Texas. Let me say that my thinking actually was along these same lines, because I am wondering if you are going to get the full result from just turning over to a commission the power to investigate and then to say that you cannot send this over wired communications that would be under the jurisdiction of the Federal Communications Commission, because if it is finally determined that certain wired communications are not under interstate commerce and not under the Federal Communications Commission, those confined inside a State, you can still have a very tragic situation insofar as fixing matches and that sort of thing, and matters that could be subsequently shown by tape within a State where you would not have jurisdiction.

As I understand it, it is your thinking that the real person to be brought into the courts under the criminal proceeding would be the man participating in this and not the man doing the broadcasting.

Mr. HENRY. That is right, because the broadcaster normally does not participate in the arrangements for the fight. He simply broadcasts it or transmits it via wire communication.

Mr. ROGERS of Texas. I will say that I expect to offer an amendment that if the bill is like it is, which is fine, I have no objection to the bill as it is, but I do think that it ought to go further with an amendment to also include these people participating in the first instance.

Now, the other question that I have is this. Do you feel that it is wise to give another commission, another Federal commission, the power to control the Federal Communications Commission even in this limited field?

Mr. HENRY. Well, I personally would have no objection whatsoever to another commission having jurisdiction over matters that were also related to our efforts. The problems with the bill as presently written do not stem from any such concern.

While we feel that a Federal Boxing Commission might be desirable, we think that considerable thought and care has to be given to the statement of criteria upon which such a commission could make a finding that would enable it to prohibit the broadcast of a fight, because that is a form of prior restraint, and we all know the problems involved there.

Mr. ROGERS of Texas. That is actually the point. In other words, you could be governed, as the bill is presently written, without knowing exactly what the criteria was that was used by the Commission; in other words, a statement or a notice to you from the Boxing Commission simply saying that a fight between John Doe and Richard Roe cannot be televised. It would seem to me that you have no veto power over that or no discussion power.

Mr. HENRY. Well, as a matter of fact, I would assume, Mr. Rogers, that we would not even be brought into it except we would just get an information copy. The directive of the Commission, as I understand it, would go to the broadcaster.

Mr. ROGERS of Texas. Thank you very much, Mr. Chairman.

The CHAIRMAN. Mr. Springer.

Mr. SPRINGER. Mr. Chairman, this is probably a little technical and maybe we will get Mr. Dempsey to answer this, but I would like to get your thought. Do you have a copy of the bill?

Mr. HENRY. Yes, sir.

Mr. SPRINGER. Section 2 is the key to enforcement. As I read the bill, I believe that in order for the Commission to prevent the televising, they would have to make a determination that the wire or radio will in any way, but it will have to be at least in one way affected by bribery, collusion, to effect the result, including racketeering, extortion, including terrorism, organized use of threats, coercion, intimidation, or use of violence.

I am not so sure that the Clay-Liston fight would fall within any one of those. Now, we have not investigated the Clay-Liston fight, but insofar as I know at this point, it would not be included.

What would you think if we merely changed this to say in effect that before they could use radio or television that the fight, if it was going to be in interstate commerce, had to have the approval of the Commission, period?

Mr. HENRY. Well, you mean, I assume, the Federal Boxing Commission.

Mr. SPRINGER. The Federal Boxing Commission.

Mr. HENRY. Not the Federal Communications Commission.

Mr. SPRINGER. Approval before you could televise or use radio in interstate commerce. That would change the character, unless they had the approval of the Commission.

Now, the part that is a little disturbing to me in the Clay-Liston thing, I did not feel it was much of a fight. I did not think it was a contest in the beginning. But I am not sure that the Clay-Liston fight would fall within any one of these seven or eight ways here which it says it would have to be affected by. This would be a simpler way, and it would not change your responsibility insofar as that is concerned.

Mr. HENRY. I think it would be a simpler way, and, as a practical matter, might work more effectively. However, I think you would still have the same basic problem, and that is the criteria, the difficulty in formulating criteria under which the Boxing Commission would make its initial determination. It would have the effect, of course, of restraining the broadcast of a fight.

Mr. SPRINGER. All right, maybe we could change the criteria here that the fight is not in the public interest or some other reason rather than these, or leave these in here and add something to it. But the approval of the Commission, that is what I think in terms of, these would be the big fights which are broadcast in interstate commerce. I suppose it would include the fight of the week and that type of thing.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Macdonald.

Mr. MACDONALD. Mr. Henry, nice to see you again.

I have just one question. How do you envisage that the Commission can tell at the outset, in the sports world, that an upset is not in the making and does not have any part of fraud, deceit, or any type of conspiracy? As I recall, there have been many fights that have been held in which no expert could pick who was going to win, and therefore it would seem to me—although I think the idea of having a Commission is a very good one—what odds are you going to give them before you say this fight or that fight cannot be put on the air or on TV?

Mr. HENRY. I do not know, Mr. Macdonald, because I do not know much about the sport other than I have been interested in it all my life, and primarily as a listener to it over the facilities of broadcasting. Again this gets back to the same problem of defining the criteria under which the Boxing Commission would make such a determination. One provision that might have to be added or perhaps should be added is a provision for review, for review of the Boxing Commission's decision by a court prior to the fight itself.

Mr. MACDONALD. Would this not take quite a long time?

Mr. HENRY. Well, I do not know. I suppose that an efficient, rapid review could be had.

Mr. MACDONALD. In other words, you do not know what the criteria would be.

Mr. HENRY. No; I do not.

Mr. MACDONALD. Thank you, Mr. Chairman.

The CHAIRMAN. I would like to call to the attention of the gentlemen—and certainly we do not in these hearings try to condemn anyone, and neither do we try anyone—I do not want to imply that legislative hearings of this kind are for the purpose of attacking anyone, except the problem.

Now, the very fact that you mentioned the Clay-Liston fight, the very fact that the district attorney—

Mr. MACDONALD. Mr. Chairman, I did not mention the Clay-Liston fight.

The CHAIRMAN. Mr. Springer did.

Mr. MACDONALD. I do not think that was an upset at all.

The CHAIRMAN. I am not talking about the upset. I am talking about the authority of the Federal Commission which might be created. The very fact that in the local jurisdiction it was determined that something was wrong, and overnight the fight was moved to another State, would within itself give some indication that it certainly would justify the creation of a Federal Commission with authority to look into it and see.

I think probably the statement made a moment ago would fit this proposal very, very well. I certainly would be one of those that would work with my colleagues in trying to spell out the criteria to be sure that there was adequate authority. But I do not want to see authority exceeded. We do not want to see anything happen that will deter the professional sport. We want to see it develop.

Mr. Younger?

Mr. YOUNGER. Thank you, Mr. Chairman.

I have difficulty, Mr. Henry, in agreeing that the Federal Communications Commission should not have authority to stop the broadcasting when because of your own definition where you say that the Commission is not, of course, expert in this field. I think the Com-

mission is an expert in a lot of communications fields, but you do have experts on your staff. If this responsibility is placed in the FCC, I do not see why you could not acquire some experts to determine that for you; is that true?

Mr. HENRY. Yes. I do not think it is contemplated in the bill though, Mr. Younger, that it would be the Federal Communications Commission. It would be the Boxing Commission. If we were given the job, I guess we would have to hire Mr. Dempsey or someone.

Mr. YOUNGER. What I am trying to get at is where we should place the responsibility. This particular bill places it one way, but I am not so sure that that is the place where it should be.

Mr. HENRY. I will speak for myself, but I imagine this would be the views of the other Commissioners. We would prefer that you place it elsewhere.

Mr. YOUNGER. I do not doubt that.

Now, what is your feeling as to whether we should have a commission or a boxing administrator or a referee or whatever you call him, one individual to determine this rather than a commission?

Mr. HENRY. The Commission, the Federal Communications Commission, did not give any consideration to that, Mr. Younger. We sometimes, the seven of us, have difficulties, as you know, making decisions in difficult matters, but that depends on whether you think the multiheaded body would fit this particular kind of matter. I do not have any particular views on that.

Mr. YOUNGER. As you know, in baseball we have the commissioner in charge of each league, and that system has worked quite well ever since the Chicago episode, and whether we should have it in the person of just one individual or a commission I think is something we are going to have to determine.

One other question. What would be your view, if any one State commission—and most States have boxing commissions—if they determined that the fight was not a fight that met their requirements, and they would prohibit it in that State? Would that be prima facie evidence for the Federal Commission to prohibit it in any other State?

Mr. HENRY. I do not know whether it would or not, Mr. Younger. You are talking about the Boxing Commission?

Mr. YOUNGER. Yes.

Mr. HENRY. I am not sure. I assume they would give it some weight, but I would imagine they would have to have their own hearing to determine the matter.

Mr. YOUNGER. It seems to me that if we step into this field on a Federal basis that the least we can do is to respect the decisions of the various State commissions, and if any commission in any State prohibited a fight, it would seem to me that on the Federal level they should not permit that fight to take place in any other place under the jurisdiction of the commission. You have no decision on that point.

Mr. HENRY. No, sir; we have not considered that aspect of it.

Mr. YOUNGER. Probably Mr. Dempsey would be a better authority on that.

That is all I have, Mr. Chairman.

The CHAIRMAN. Mr. Jarman.

Mr. JARMAN. Thank you, Mr. Chairman.

Mr. Henry, the bill before us, of course, deals specifically and solely with a commission on boxing. Since a number of other sports—particularly baseball, golf, and some others—are carried regularly in interstate commerce on television and radio, do you feel that the commission should be broadened to include the surveillance of other sporting contests?

Mr. HENRY. Well, there again, Mr. Jarman, I would agree with you that generally speaking it is the transmission of these sporting events in interstate commerce by broadcasting, closed circuit television and so on, that among other things make it interstate in nature and subject to your jurisdiction. But as to whether the new commission should have broader surveillance, I really do not know. It depends on matters that do not come under our consideration.

Mr. MACDONALD. As a concrete example, would the type of commission that you suggest prevent the New York Mets from playing Cleveland, which I think is more of a mismatch than was Clay and Liston?

Mr. HENRY. I guess I would think not. They probably could not go in the State of New York thereafter.

Mr. MACDONALD. Where do you draw the line?

Mr. HENRY. Well, that is one of the difficulties, Mr. Macdonald, is where you draw the line in prohibiting the transmission of any broadcast material. It comes under the first amendment, and the minute you start prohibiting it, you have to very carefully define the circumstances under which you will prohibit it, and this is one of the problems, this is the main problem that we point out this morning.

Mr. GILLIGAN. Will the gentleman yield on that?

Mr. JARMAN. Yes, I yield.

Mr. GILLIGAN. On the question of the Mets and Cleveland, they literally and figuratively are not in the same league, so it might be difficult for them to play under any circumstances.

Mr. MACDONALD. But on the contrary, Mr. Gilligan, I think you will agree that they have played in exhibitions to which admissions are charged, and people come in and pay their money to see them "play."

Mr. JARMAN. Mr. Henry, as I understand it, you prefer to limit your comments to this specific bill and this specific commission.

Mr. HENRY. Well, not necessarily, but I prefer to limit them to matters that would be appropriate for the jurisdiction of the FCC, and I do not think that we qualify in determining the scope of the jurisdiction of any new commission.

Mr. JARMAN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Cunningham.

Mr. CUNNINGHAM. Thank you. I have no questions.

The CHAIRMAN. Mr. Moss.

Mr. MOSS. I have no questions at this time.

The CHAIRMAN. Mr. Harvey.

Mr. HARVEY. Thank you, Mr. Chairman.

Mr. Henry, where does section 509(a) that you referred to pertaining to rigged quiz shows place the responsibility that you were discussing earlier as to whether the FCC would have it or some other agency?

Mr. HENRY. Well, it makes certain activities a criminal offense, and it would be up to the Justice Department to enforce that law, normally. We would have some part, of course, in the investigation and

in the development of the facts and so on, but the determination to bring the lawsuit and the prosecution of the suit and so on would be for the Justice Department.

Mr. HARVEY. Would you envision that the FCC would have the same role with regard to this commission we are talking about here, making the investigation and so forth, and then the Justice Department would carry it out?

Mr. HENRY. Not if you had a new commission, no. I think that job would then fall to the new commission.

Mr. HARVEY. How do you envision this new commission? Do you envision a commission as such to have the role of matchmaker, for example, or a commission to simply have the role of policing? What function do you think it should have?

Mr. HENRY. Well, Mr. Harvey, we do not envision it very clearly, as I think is evident.

Mr. HARVEY. I think that is one trouble, that nobody envisions it very clearly.

Mr. HENRY. Yes.

Mr. HARVEY. If you will pardon my saying so. I think it is one thing for the commission to be a matchmaker and it is another thing for the commission to have strictly policing functions. That is why I am curious as to what your reactions would be.

Mr. HENRY. There again the nature and scope of the new commission depends pretty largely on the facts as they pertain to the boxing industry, and that is something that we just do not know much about. What we are concerned with is this. Well, we agree on the interstate character of the industry and the jurisdiction of this commission and so on, and we point out—we just simply point out to you though that if you create a new commission, additional criteria should be set up to more adequately define its job.

Mr. HARVEY. As I look at the bills that have been introduced, so far none of them seem to go much beyond giving the FCC some authority with regard to prohibiting certain transmissions.

Mr. HENRY. Not the FCC; the new boxing commission.

Mr. HARVEY. The new boxing commission, yes.

I have no further questions. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Rogers.

Mr. ROGERS of Florida. Thank you very much, Mr. Chairman.

Mr. Henry, do you feel that that section 509(a) of the Communications Act has been effective in clearing up the situation that we found existed in the broadcasting industry?

Mr. HENRY. Well, I think that law plus the interest of Congress and the commission in such matters, yes.

Mr. ROGERS of Florida. So you feel that now we do not have a situation that previously existed in this area.

Mr. HENRY. I certainly hope not, and I believe not.

Mr. ROGERS of Florida. Has there been any evidence that that is so?

Mr. HENRY. None that has come to my attention, no.

Mr. ROGERS of Florida. So by making it a crime to deal in these practices, it has been effective, you feel, in the broadcasting field.

Mr. HENRY. I do.

Mr. ROGERS of Florida. And as I understand your testimony, you think perhaps this might be a wise approach in handling the boxing

field, to make it a crime to engage in these activities, which I do not believe any of the bills presently do.

Mr. HENRY. Well, we suggested as one alternative that seems reasonable to us, yes.

Mr. ROGERS of Florida. Well, I would agree with you. I think this probably is wise to make it a crime to actually engage in these practices, and then also give the boxing commission the right to investigate and prohibit the transmittal of such an event over the airways or TV channels, if they find such is likely to be the case. Then you would have closed both ends, it seems to me, of the problem.

Mr. HENRY. Yes. We do not suggest that the enactment of such a new law be the only step that might be desirable. It might be only a supplementary step.

Mr. ROGERS of Florida. I think it would be wise to follow your suggestion on making such a section part of the law making it a crime.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Dr. Carter.

Mr. CARTER. No questions.

The CHAIRMAN. Mr. Van Deerlin.

Mr. VAN DEERLIN. No questions of Mr. Henry, Mr. Chairman, but it does seem to me that we deal here with a kind of fraud which is usually ascertained after the event, one that may be very difficult to smell out in advance. Now, the one warning we did have on the Clay-Liston fight was the determination by the attorney general of Massachusetts that this was not a fit production even for Mr. Macdonald's State.

Mr. MACDONALD. Just to keep the record straight, it was not the attorney general of Massachusetts. It was the district attorney for Suffolk County, Mr. Garrett Byrne. It could have perhaps been held in another part of Massachusetts. He wisely sent it out of Boston, which is within his jurisdiction.

Mr. VAN DEERLIN. I thank you.

What I was going to ask, Mr. Chairman, is whether this committee could not perform its best service by ascertaining what it was about the Clay-Liston match in advance which prompted this move in Boston, and perhaps find ways of averting repeat performances, with legislation.

Is it your intent, Mr. Chairman, to make the Clay-Liston fight a special study of this hearing?

The CHAIRMAN. As I suggested a moment ago, I no doubt think it should be the purpose of the committee in a legislative hearing not to try to become involved with specific instances which have to do with questionable actions. Naturally if it comes up as a related matter, the committee should give some attention to it. However, as the gentleman knows, we try in all instances to develop all the facts we can. We have had some telephone conversations with the district attorney of Suffolk County in Boston, Mr. Garrett Byrne, who had something to do with this. I did not feel, I must say in all candor, that he could contribute to the legislative hearing. At least he did not desire to come down, and I might say to the gentleman that we have directed a letter to him as of July 1 in which we are seeking such information as he feels he could give to us. Therefore, we are making all the efforts that we can to obtain any and all information involved with this problem.

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Pickle.

Mr. PICKLE. The only question, Mr. Chairman, I have has been pretty well resolved by the inquiry of Mr. Rogers of Florida with the Chairman, and to be sure that I understand you, you do not advocate the establishment of this commission, but if the commission was established, you think then the best approach in addition to the general duties would be to amend 509 along the lines you have suggested.

Mr. HENRY. We think that the making of such activity a criminal act would help either as the only method of getting at it or as an additional method of getting at it, if it is found to exist.

Now, it would not be an amendment to 509(a). That deals only with the rigged quiz show. It would be another statute similar to it.

Mr. PICKLE. But so far as the actual extension of a boxing commission, in general the commission would favor it.

Mr. HENRY. Well, we think remedial legislation is called for, and if this committee or the Congress decides that the boxing commission is the best way to do it, then we certainly have no objection.

Mr. PICKLE. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Murphy.

Mr. MURPHY. Mr. Henry, would you favor the abolition of boxing if there were any more exhibitions such as the Liston-Clay fight?

Mr. HENRY. It depends on what the development, the actual developments were. If you are asking me personally, I think something should be done to keep it from continuing as it is.

Mr. MURPHY. But if it was left to the State commissions to decide, would you then favor abolition of boxing as a media through interstate communication means?

Mr. HENRY. Well, there again I think the question of whether boxing should be abolished depends on something other than its interstate nature. In other words, the fact that it is transmitted interstate. Therefore, as Chairman of the FCC, I do not think it is really relevant to our activities, the question of whether boxing should be abolished or not.

Mr. MURPHY. But if exhibitions—if they were not affected by any bribery or collusion or some of the other words used in the bill here—let us just say it was a very poor contest—should the public be exposed to contests where let us say the matchmakers are able to make millions of dollars in profits, and let us say the public is going to pay where they expect to see a good contest and they come up and see a poor contest.

Mr. HENRY. There again whether they should or not I suppose depends upon the flagrancy of the abuses that this committee might uncover. Being mostly unaware of whether they exist or not, I just do not know whether such action is appropriate at this point.

Mr. MURPHY. If a commission such as this were established, do you not feel that the tone of the sport that would be promoted in television would be improved?

Mr. HENRY. Well, personally and as a citizen, I think I would welcome appropriate action which would restore boxing to its prior status. I can remember as a child listening to the radio broadcasts of Louis when he defeated Braddock for the title, and it made quite an impression on me. I remember the night to this day. And I think boxing at that point was a sport that deserved the interest of all the peo-

ple. But I am not aware exactly of what steps you should take. I merely point out that if you take the one contemplated, it should be clarified or there are going to be some problems.

Mr. MURPHY. And I agree that some steps should be taken, and I hope as these hearings develop—whether the form of this legislation comes out or some other amendments to it—that we do need some improvement in boxing, and particularly boxing that is carried over television.

The CHAIRMAN. Mr. Satterfield.

Mr. SATTERFIELD. Thank you, Mr. Chairman.

Mr. HENRY, I am a little concerned about the suggestion that any commission or group of individuals would have the power to say that a television broadcast will not occur because it is likely that the television broadcast might be affected by something. I think your suggestion that criminal penalties be added is a good one. But it occurs to me that there is yet another way to approach this matter by either licensing those people who are parties to boxing and promotion contracts and requiring full disclosure of these contracts, or licensing the individual events. I wonder whether or not your Commission gave any thought to either of these approaches.

Mr. HENRY. No, sir. As this committee knows, we have our hands full, and I am in the unusual position of being here today disclaiming jurisdiction and expertise and so on, which I am happy to do. But we did not consider that aspect of it.

Mr. SATTERFIELD. I sympathize with you, and I agree that you would like to disclaim jurisdiction, but it seems to me that is exactly what we are dealing with. The only real justification for the Federal Government to move into this area is a result of the interstate broadcast either by radio or television.

Mr. HENRY. Yes, sir. I do not mean that we should not be given jurisdiction or that there is not some argument to the effect that somehow we could act in this matter under present jurisdiction, but it would be very difficult to do so, and if we are to be given any jurisdiction, we think enabling legislation would be appropriate.

Now, we have the same difficulties that you do in approving or recommending broadly the creation of an agency which could impose a prior restraint on broadcast material. But we are not saying that those difficulties could not be overcome if the need is felt.

Mr. SATTERFIELD. It seems to me that what we are trying to do is legislate morals, and one good approach to this end would be to insure that the people involved in the boxing industry are people of good moral character otherwise there can be no broadcast.

Mr. HENRY. I agree with you, you cannot legislate morals, but you can legislate action, and sometimes legislating action does improve the morals, or so it seems.

Mr. SATTERFIELD. This is true, but by way of prevention if you have people of higher moral character involved, the probability of the bad things happening would be lessened, would it not?

Mr. HENRY. Well, no question about that.

Mr. SATTERFIELD. I have no other questions.

The CHAIRMAN. Mr. Huot.

Mr. HUOT. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Gilligan.

Mr. GILLIGAN. Mr. Chairman, I would like to pick up the line of questioning just developed by Mr. Satterfield. Let me preface this by saying that I am not making reference to the Clay-Liston fight. I personally find a great deal of difficulty believing that this fight was rigged. I cannot believe that anyone would be fool enough to rig a fight to end in the first minute of the first round. However, to pick up this other line, Mr. Henry, would you have any opinion about the practicality of requiring any broadcast of a boxing match by wire or by radio or TV in interstate commerce to be approved in advance by a commission which in turn would be authorized not only to smell out the possibility of bribery, collusion, and so forth, but to license the participants, and their manager, to review the contracts for the fight and so forth, and to forbid any fight to be carried in interstate commerce by wire or wireless unless prior approval has been given by such a commission?

Mr. HENRY. Well, of course I can see some difficulties. There is no question about that. However, if Congress decides that the facts are such as to justify the creation of a commission in spite of those difficulties, then of course I suppose it should do so.

The only thing I point out are the possible legal impediments to such action. That is to say that if you do not spell out the criteria carefully under which such decisions would be made—and perhaps add a procedure whereby rapid judicial review could be had—then you might have some legal problems.

Mr. GILLIGAN. It is my understanding that one of the afflictions of boxing in recent years has been that a number of unsavory people have become involved in it, not so much the athletes themselves as their managers and so forth, and that it is also clear from the figures which you recite on the Clay-Liston fight that the real money to be made in boxing henceforward is to be made through radio and TV rights to the contest rather than the spectators at the scene of the fight. Therefore if all boxers were required to be licensed by such a Commission and if the managers and promoters were to be licensed and if the Commission had the authority to deny a license to persons, for instance, who had been convicted of felonies or who had been involved in one way or another with illegal activity, it would seem to me that we might go a long way toward closing the door to these quite substantial profits to people of racketeering background. And we might then be able to return the field of boxing to people who are interested in boxing as a sport rather than as a chance to make a fast buck.

Do you see practical legal difficulties in such an approach?

Mr. HENRY. No, no. Again we have not examined that very carefully, but certainly that is one alternative.

Mr. GILLIGAN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Farnsley.

Mr. FARNSELY. Thank you, Mr. Chairman.

You know, I am a Congressman from Louisville, Ky. Having grown up in Louisville, I find it difficult that anybody would be surprised that a native would not knock anybody else's constituent out the first minute of the first round. One reason I am in Congress is that I am slowing down too much. I am afraid to stay around at home too much. Our people used to claim to be half man and half alligator, and we have still some kind of effect.

Thank you so much.

The CHAIRMAN. Mr. Macdonald had another question.

Mr. MACDONALD. Yes, sir; thank you very much.

You expressed great admiration for the ex-champion, Mr. Braddock, and I was wondering whether or not when he won the title—it was a tremendous upset which I think was against Max Baer; no, I am not sure—but in any event Braddock was something like a 20-to-1 underdog. Now he went in without a prayer and came out the heavyweight champion of the United States and of the whole world.

Would you have barred that fight?

Mr. HENRY. You are taking me back a little too far. I really started with the Louis-Braddock fight.

Mr. MACDONALD. You personally said you admired—

Mr. HENRY. I said I listened to the Louis-Braddock fight.

Mr. MACDONALD. I remember how he won the title.

Mr. HENRY. But going along with your assumptions in that matter with which I am not familiar, certainly I would not have barred the fight.

Mr. MACDONALD. Even though he was 20-to-1 or perhaps a 100-to-1 underdog.

Mr. HENRY. I do not think that alone would be sufficient, Mr. Macdonald.

Mr. MACDONALD. As I understand it, he used to train on the docks of Jersey City, et cetera. He had no formal training camp except for a short period of time. Baer was at his height, literally, of success, and from reading the papers at the time, it would seem to me that he did not have a chance, and yet he went in and won the title.

You say you are not an expert in the field. Why would you not have been right in cutting off the revenue for such a fight? That is what I really do not understand, and this really underlies the basis of my questioning in regard to this entire bill.

Mr. HENRY. Well, you are simply raising some of the problems that would face the Commission, and we agree with you that therefore the criteria under which they could ban a fight would have to be spelled out pretty carefully.

Mr. GILLIGAN. Would the gentleman yield?

Mr. MACDONALD. I will in just 1 second.

But it is not done in this bill, is it?

Mr. HENRY. No; it is not.

Mr. MACDONALD. And we are just going to take it on faith—even though you say that you do not know much about boxing—that by some divine inspiration you are going to come up with the right decision?

Mr. HENRY. No, not the FCC. We do that rarely even when the criteria are spelled out.

Mr. MACDONALD. I know many people who would agree with you. I do not happen to be one. But during the prefight “ballyhoo,” in which the ex-champions of the world generally split about 50-50—five, for example, will be for the contender and five for the titleholder—if, then, these experts are so divided, how can you know?

Mr. HENRY. Well, as I say, there are difficulties, and the Federal Boxing Commission would have a difficult job. That is not to say it might not be necessary, though.

Mr. MACDONALD. Thank you.

The CHAIRMAN. I would like to remind our colleague I learned before I came in here this morning that the Mets won a doubleheader yesterday.

Mr. MACDONALD. Which proves anything can happen on Sunday or a holiday, the Fourth of July.

Mr. MURPHY. That was Monday, for the gentleman's information.

Mr. MACDONALD. I yield to Mr. Gilligan.

Mr. GILLIGAN. To follow Mr. Macdonald's point for just a moment—and again I am relying on memory of a great many years ago—but I know I heard the story at the time of the fight that you referred to, that of Braddock and Louis when Louis won the title from him, there was a prearrangement in the contract for the fight that Braddock was to get 10 percent of Louis' purses for the next 10 years should he win, and that as a matter of fact Braddock made far more money over the succeeding years having lost the title than he did by winning it.

Would you, if you knew of a forthcoming contest in which such a prearrangement had been made, think that that would be a suitable contest to put in interstate commerce?

Mr. HENRY. Mr. Gilligan, I do not know. That certainly appears to me to be one thing that such a Commission would look into.

Mr. GILLIGAN. Thank you.

The CHAIRMAN. Mr. Chairman, subsection (c) of section 1 arms the Commission with the power to make such investigation "as it deems necessary to carry out its duties under this act." Whatever steps may be appropriate after the investigation, it would have authority to take. This would be its responsibility and duty.

Thank you very much, Mr. Chairman, for your appearance. I should have mentioned a long time ago that Commissioner Lee is with you.

Mr. HENRY. Yes, sir; I mentioned that.

The CHAIRMAN. I am glad you did.

Commissioner, did you have anything further to comment on?

Mr. LEE. I would also disclaim being anything other than a fan, but as I listened to the dialog here, it occurred to me that such a Commission might operate perhaps under the Administrative Procedure Act, and I would think that if they announce that such and such a fight was going to occur, they would have a time period—much as we do in our processes—in which interested parties could object, and I would think that in this area the various State commissions might be very helpful.

If a State commission filed a protest against the fight, it should perhaps have a little hearing. Perhaps over a period of years you would develop criteria that would be helpful. I do not think you could start out with criteria, spell it out in a bill. I think a series of hearings on this sort of thing would work. I would give a lot of consideration to the State commissions. They have been in this business a long time.

The CHAIRMAN. Of course the State commissions have no authority over the interstate broadcasting facilities.

Mr. LEE. No. You would have to have a provision that they could protest the holding of this fight to the Federal Boxing Commission, at which point they would say, "Come in and prove to us why it should be done."

The CHAIRMAN. We have in my judgment a sufficient problem with time-lags of regulatory agencies. I would not want to have a time-lag in the case of a professional boxing match.

Mr. LEE. You mean before they have the fight they would collect social security.

The CHAIRMAN. Thank you very much. We appreciate your appearance here and your testimony for this record.

We are also now glad to welcome to this committee one of the most renowned in the field of professional boxing, a man whose name is virtually on the tongue and the lips of every person in the Nation, certainly in our contemporary time.

To present this distinguished personage to make a statement on this question, we are glad to welcome our esteemed and distinguished colleague, the Honorable Mendel Rivers, chairman of the great Committee on Military Affairs of this House.

Mr. Rivers, we are glad to welcome you to this important hearing. We know of your interest in this field. You have been for many years interested in it. We are very glad to have you present the next witness.

#### STATEMENT OF HON. L. MENDEL RIVERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. RIVERS. Mr. Chairman, as you know, I have a bill in on this subject, one before the Judiciary Committee and a copy of your bill, which I introduced a few days after you introduced yours, with your permission, and having discussed this over a period of time with you, trying to work out some kind of way where you could get your proper jurisdiction rather than have it go to some other committee, I thought it was proper that you exercise your control over interstate commerce in this field.

My Committee on the Military is charged with the security of this Nation. Yours is charged with the security of our interstate commerce, and may I say, Mr. Chairman, under your leadership and that of your great committee, you have done a commendable job.

Under the commerce clause by which you investigated the rigged TV shows, you did a service to the American people which will long be remembered, and I think that the Nation owes you a great debt of gratitude. And the concern which you and the members of your committee have held for this degeneracy of the boxing profession indicates the concern which you have for your responsibilities and your control over interstate commerce. For this you should be commended.

Mr. Chairman, over the years, having been a great friend of the greatest champion who ever lived, and the next greatest champion who ever lived—you can decide who they are—I have had a lot of discussion on this. Moreover, Mr. Chairman, the American people are disgusted, and everywhere they go they demand that Congress do something about what is going on in professional boxing.

I heard these young Members of Congress, who came here 25 years after you and I got here, Mr. Chairman—and we came here together—trying to reminisce on the boxing game. The other day my great friend, Jack Dempsey, whom I have known for many years, gave me a copy of the fight between him and Jess Willard. Now you talk

about an upset, Mr. Macdonald. This was really an upset. There was this little Dempsey fighting this towering giant Jess Willard, and I do not know what the temperature was. I think Jack said 110. I believe it was in Toledo, was it not, or wherever it was, and here was Jack flying around this giant, and beating him to death. But the greatest act of heorism and of valor I have seen was by Willard. Willard had his jaws broken, his teeth knocked out, his ribs broken. Yet he fought and he fought and he fought and he fought. I do not think you have that kind of man today.

Now, this was quite an underdog. I do not think anybody could have prognosticated whether or not Dempsey would have won, and he positively did.

And take the long count of Tunney. I do not know who would have had the courage or the brains to do as Tunney did, who got up off that canvas and pedaled back until he got his wits about him and won that fight over Jack Dempsey—a man who was in my opinion the greatest champion we ever had. You do not have that kind of people today.

And you talk about the first—Mr. Springer talked about the first Liston-Clay fight. I recall hearing or reading in the paper that one of the two contestants had some interest in the promoters who had the next fight already set up. Now we do not want any such thing as this, and it is getting worse and worse.

Now I saw this thing that happened here in Maine. You can call it what you want. It was not a fight, and it was not a contest. It was not a contest. Before you could sit down, it was over.

Now the Chairman of this Commission, the Commission which you created, the Interstate Commerce Commission, has testified how much was realized from these fights. They do not care, they will have them in a telephone booth. All they want is the transmission capabilities, and your bill, Mr. Chairman, which many of us have introduced, is the only way you can put your finger on the jugular vein of these thieves who control these fights today in one way or another.

Now your bill, Mr. Chairman, sets up a commission to investigate these people and point out to the American public just what their connections are, just what they are doing, just who they are, just what may be the repercussions or the outcome of such a match, which to the eternal credit of your State you did not permit to happen in your State.

This Commission can expose these individuals and make these State commissions honest, if indeed they need to be. A lot of States do not even have commissions because there is no need for it. But there is a need now, because you have 200 million people, and you have transmissions in one way or another throughout the length and breadth of this country, and by Early Bird and by Telstar. So it is conjectural how much can be made of these things by unsavory characters.

Now, under your jurisdiction you handle the securities and exchange, and you require disclosures. Under that line of authority you can do it here. And as you did in the rigged quiz shows. You might decide that you cannot get to the witnesses, because I understand it is your practice not to subpoena people for legislation. You might decide as a result of this proposal here you want to have an investigation. I leave this to your wisdom and your judgment, because you have plenty of it, and a magnificent record.

Now, at his own expense my friend Jack Dempsey has been eager to come to Washington to give you the benefit of what he runs into every day. He tells me of the amazing experiences he has with people asking him to use his great influence to do something about this, a man whose image has gotten greater over the years rather than diminishing.

As we came down the hall a while ago, some lady wanted him to shake hands with her little girl. He leaned over and kissed her, and he does this. He cannot walk down the hall. As you know, he has been here many times to visit all of us, and it goes on over and over. Why does he have such an image? Because of the great character he possesses and the magnificent record he has left to the fistic world.

He will tell you about the Marquis of Queensberry and what he did for the manly sport of boxing. Where would a champion have been today, these champions today, if when you remember, Mr. Chairman, I do, when Firpo knocked him out of the ring, and he landed on the cash register [laughter] that is what it would be today, Mr. Chairman, the cash register. But he landed on the typewriters. He got back in that ring and beat this giant, as they called him, the Wild Bull of the Pampas. You do not have that kind of comparison, and that is why his image has grown greater with the coming and the passing years.

And it is a great privilege, Mr. Chairman, that I present to your great committee the greatest champion of them all—with due respect to my equally great friend, Gene Tunney, and his fine son who so capably represents his district in California—but the Manassa Mauler, who left such a magnificent image and who is willing at his own expense to give you the benefit of what he thinks can be done to restore again to this country and to the world the former image of professional boxing.

The CHAIRMAN. Thank you, Mr. Rivers.

Mr. Dempsey, we are glad to welcome you. You, of course, have developed over the years an image in this field. I know I speak for every member of this committee and for every person who knows anything about this field throughout the country—we have great admiration for you and we highly respect any comments you may have to make.

You may proceed just as you desire, because I know you have a story to give us.

#### STATEMENT OF JACK DEMPSEY, FORMER HEAVYWEIGHT CHAMPION OF THE WORLD

Mr. DEMPSEY. Thank you, Mr. Chairman. Congressman Rivers, that was wonderful.

Now I do not know what to say or how to say it, but I feel very grateful and very proud to be here today to testify before this committee. I am very proud of the fight game and what it meant to me. I was champion. I met a lot of wonderful people, and they have been good to me, and boxing today has deteriorated to such an extent that people do not want it anymore, and I think it is high time that something should be done.

I am not here to tell you gentlemen what to do or how to do it, because you men have the brains and the know-how.

I have a little piece of paper that I will now with your permission, Mr. Chairman, read, and then if there are any questions, it will be my pleasure.

The CHAIRMAN. Very well, you may proceed.

Mr. DEMPSEY. The power to license and control would be the key to Federal authority. The State commissions would act as agents for the Federal Commissioner. If a boxer were suspended in Alaska, the Alaska Commission would notify Washington. This would prevent the suspended boxer from appearing in Colorado, or any of the 50 States, until he was reinstated by Alaska.

Managers should be licensed also, as well as seconds, trainers, and promoters.

A Federal Commissioner with the power to license could prevent return bouts involving championships. State commissions are unable to prevent such fights taking place. The custom is for the challenger to agree to prior to fighting for the title that should he win, the champion shall have a second chance in a return bout. In some instances a challenger's entire purse has been held to guarantee a return bout.

A result of this practice has been one round knockouts in return bouts between Sonny Liston and Floyd Patterson and Cassius Clay and Liston.

An ex-champion should be required to fight the leading contender, and only by winning qualify for a chance to regain the title.

The referee should be in complete charge once a fight starts. He should be like the captain of a ship, and would be held responsible for everything that happens. There is no need for judges, or even a knock-down timekeeper. A referee should be able to count 10, and as the one closest to the action, is in the best position to give a decision.

The only other officials needed are a timekeeper and a doctor. The automatic eight count and other so-called safety rules are unnecessary, assuming the referee is competent and capable of using good judgment. In an emergency he can always call on the doctor at the ring-side.

I would revert to the old Marquis of Queensberry rules. In brief, they call for 3 minutes of fighting and a minute of rest. A man is out when the referee counts 10. Hitting below the belt is designated as a foul, and there are other infractions—thumbing, butting, refusing to fight, et cetera—the rabbit punch, the backhand, the elbows. The code was drawn to give the public what it pays for—a fair fight.

And the winner should be the aggressor, the man who does the most damage and the man that is the strongest at the end of the fight.

The World Boxing Association is unable to police its own members. That it lacks authority was demonstrated when Massachusetts broke away on getting the Clay-Liston fight. When something went wrong in Boston, Maine, another WBA affiliate, welcomed the fight. Only a Federal commissioner with licensing power and other appropriate authority could prevent such a series of comic events from taking place.

The power of a State commission does not extend beyond the borders of the State. Working agreements between commissions have a way of breaking down. It will be in the best interests of boxing to have control of the sport vested in one authority. That would have to be a Federal Commissioner, with sole authority after the fight has started.

Prohibit fighters, particularly champions, from being their own promoter, or sharing in the promotion with various groups, including

closed-circuit TV. The need is for talent that can only be developed in small clubs. Only the promoters can do this, and they have to live, too. This is a vital point for development of young fighters.

It is recommended that about 2 percent be added to the present 10 percent Federal tax for closed-circuit and TV and radio, making it 12 percent, to provide for retirement and disability of fighters. This money could be paid into a pension fund. This would have to be worked out with insurance underwriters. Actuaries on fighters could be worked out and any fighter disbarred should not participate in this fund.

A copy of each televised fight should be turned over to the commission the next day after for review and the records.

All TV fights should be under the guidance and direction of the Boxing Commissioner. No televising of any fights should be allowed without approval of the Commissioner.

That is it, gentlemen.

The CHAIRMAN. Mr. Dempsey, thank you very much. I know Mr. Rivers made a very appropriate reference to your background, but perhaps for the record could you give the committee just a little more of your life?

Mr. DEMPSEY. Yes, sir. I was born in a little town called Manassa, Colo., and it was a little Mormon town. My mother was born in Virginia, and my father in West Virginia. My father got religious, and they drove out there in a covered wagon, and I was born and raised in a little town called Manassa, about 350 miles southwest of Denver.

From there we moved to a little town called Montrose on the western slope. I had two brothers who were fighters, and I always wanted to be a fighter myself, and I more or less followed along in their footsteps. That is how I got in the business.

I worked in the mines, in the coal fields. I worked in the gold mines, and I did a little bumming on the trains. But it was all good experience, and I had a lot of fun. But the fight game was good.

The CHAIRMAN. When did you start in this profession?

Mr. DEMPSEY. I started boxing, sir, when I was about 10 years old, and my first fight was right after that. I fought a boy by the name of Fred Woods in this little town called Manassa, and I got lucky and won that although I got licked, too, a few times.

Out in the West there it is a little bit different than it is here. You could get a fight any place you wanted to. So I used to go in the back of these saloons and say, "I'll fight anyone in the house," and of course they could not fight too much anyway, and once in a while I would get up with a guy who was a little better than I was. I usually finished the fight and then would pass the hat sometimes or fight for \$2. That is the way we got experience and background.

Out West there was a fight every night. One thing wrong with the fight game today, there is no place for these youngsters to fight anymore. There is no gymnasium. You have got to be active regardless of what kind of a fighter you are. In my opinion you have to keep active. You can be the best fighter in the world; if you do not fight, it will not be long until you cannot fight.

The CHAIRMAN. How old were you when you engaged in your first professional fight?

Mr. DEMPSEY. I was about 15 years old.

The CHAIRMAN. Was that on a local promotion program?

Mr. DEMPSEY. Yes; that was in a little town called Manassa, and from there we moved to a little town called Montrose, and I fought two or three boys around there, the Woods families, the Pitts families, and the Dempsey families. We all fought together. We would fight anyplace.

The CHAIRMAN. It appears that you had excellent training.

Mr. DEMPSEY. Well, I was not too good, but my brother—I had a brother who I thought was a great fighter, although he had what we call a glass chin. He could not take a punch, and he taught me a lot, and I had the great privilege of meeting a lot of great champions. Jim Jeffries and all the old fighters I used to talk to, and I used to ask them how can you get to be champion, and they all told me the same thing—hard work, clean living, and experience in boxing.

The CHAIRMAN. Now, as to your experience, when you emerged as a recognized professional fighter, what was it that led you to the championship?

Mr. DEMPSEY. I had a few fights in 1916, Mr. Harris, and I came to New York and I fought three fights there, and after winning them, they wanted to match me with a man named Sam Langford, a great fighter and a real man. I had sense enough to say no. I said, "I don't want nothing to do with Mr. Langford right now. Give me a little time longer, and maybe I will have the opportunity of licking him." But I never fought Langford. He was a great champion.

Then I finally met Jack Kearns, and I had a winning streak for a couple of years, and that is how I got the fight with Willard.

In the old days we fought just a little bit different than we do now. In order to fight a champion, you had to fight your way up. In other words, you had to lick everybody who was in front of you before you could fight for the championship, and that is how I happened to get the title, fighting for the title.

The last man I fought was Fred Fulton in Harrison, N.J., in about 1918. I got lucky and knocked him out in the first round, and it was through that fight I got the fight with Jess Willard.

The CHAIRMAN. That was 19—

Mr. DEMPSEY. 1919.

The CHAIRMAN. And you think that from your long and courageous and successful history and experience in this field, you feel that we have reached a point in our contemporary life that it should be a Federal matter, an interstate matter, and the participants and those who have anything to do with it should be under some kind of approval procedure, licensing or otherwise, where they would have to show their qualifications for this kind of activity.

Mr. DEMPSEY. Yes, sir; I certainly do.

The CHAIRMAN. I think it is commendable that you have the courage, that you have, on your own, come down here to urge the Congress to give consideration to this problem.

Mr. DEMPSEY. Thank you, sir.

The CHAIRMAN. Mr. Rogers, do you have any questions?

Mr. ROGERS of Texas. I want to compliment Mr. Dempsey on his long history of honesty and integrity.

Mr. DEMPSEY. Thank you, sir.

Mr. ROGERS of Texas. Which I think equals his history of success in boxing.

They tell the story in Amarillo, Tex., in the early days, of the fellow who walked into a saloon, went into the back and said "I can whip anybody in the city," and no one took him on. He said, "I can whip anybody in the county," and no one took him on. He said, "I can whip anybody in the State of Texas," whereupon a fellow took him on and gave him a licking. When asked what happened, he said, "I took in too much territory."

I want to compliment you, Mr. Dempsey, on your fine statement.

Mr. DEMPSEY. Thank you very much.

The CHAIRMAN. Mr. Springer.

Mr. SPRINGER. Mr. Dempsey, are you familiar with this bill?

Mr. DEMPSEY. Am I familiar with it? No, sir; I have not even had a chance to read it.

Mr. SPRINGER. Will you just take section 2 there and look at it for a second, lines 14 through 24?

Mr. DEMPSEY. Yes, sir; I agree with that.

Mr. SPRINGER. I am trying to get what I think would be enforceable and in the public interest. It is my understanding that these 10 lines would give the Commission authority only—and I believe I am correct—if it will in any way be affected by bribery, collusion, to effect the result, intentionally losing, racketeering, including terrorism, extortion, organized use of threats, coercion, intimidation, or use of violence.

Now, they can act in those instances—Mr. Dempsey, in this body that is the warning bell—it is my understanding that the Commission could prohibit the use of interstate TV or radio only if you had something within these provisions or reason to believe.

It seems to me that the regulation ought to be somewhat tighter than that. I think the first sentence is good because it says, "The Commission shall exercise continuing surveillance over the field of professional boxing." I think that is good. But then the rest of this is modified, as I understand it, that only if these were a part of the actions could the Commission take jurisdiction. This may not be, but this is my understanding of it at the present time.

I do not believe that this might have given jurisdiction in the Clay-Liston fight. I think it probably would because as the chairman said, they moved from one State to another. That is suspicion at least. But they would still have had to find that there had been a violation within the meaning of these seven terms as I understand it.

What would you think if we at least said in all title matches that the title match shall receive the approval of the Federal Boxing Commission? Is that going too far?

Mr. DEMPSEY. I think that is all right. I think it is good.

Now before that I think I pointed out that anyone fighting the champion must deserve that right. When you win a fight, you move up. When you lose a fight, you go down. In other words, you must be the leading contender to get the crack at the the title.

Now, in the meantime we do not want to interfere—my opinion is that you do not interfere with the States rights. Let them do what they want to. But when it comes to championship rights, they have got too many rules and too many regulations. Let us go back to the old rules and have it one way where everybody will know what is

going on, where the referee will be the boss, and he is responsible for whatever takes place in that fight.

Mr. SPRINGER. Now, it is my understanding—and the reason I raise this point as to receiving approval—has there not been in the last say 10 or 15 years considerable friction between what is generally known as the World Boxing Commission and some of the State boxing commissions?

Mr. DEMPSEY. That is correct.

Mr. SPRINGER. The recognition of champions.

Mr. DEMPSEY. That is true, and they have no power and no authority, and the result of it is they have gotten no place. They mean well, but they will not stick together. There is no unity.

Mr. SPRINGER. Now, would it not be possible maybe that the Federal Boxing Commission, if it had a little broader power than is contained in this bill, that you could bring some kind of unity out of this? At least somebody at the top could make decision that at least these are the two major fighters or the four major fighters, and somewhere these four people ought to be fighting each other? Does that not sound more reasonable than to leave this wide open?

Mr. DEMPSEY. Well, I think the stronger you make that, the better. After all, we cannot interfere too much with States rights. When Senator Kefauver came out with his bill, it affected the States rights. As long as you have got that, you have got to have trouble. In other words, let us do not interfere with the States at all. Let them do what they want to, but when these fights are televised or they have no radio, then is when the Government steps in under these rules and regulations. They have got so many rules.

Now you take for instance the fight up in Maine. The poor referee, Walcott, was so confused he did not even know the fight was over. Now that was not exactly his fault because there was so much yelling and picking the time up he could not understand. The referee—if he was the boss and said, "I am running this fight, you do what I tell you, go back to the corner and stay there until I get through," but the fight was over before he knew.

The way some of these rules—it is pretty near impossible to run a championship fight and do it authentically without having trouble.

Mr. SPRINGER. Now, if you had the championship fights—and I am talking about championship fights—if you had it that they must receive approval because they are broadcast, the championship fights are all going to be on TV and radio, is that right?

Mr. DEMPSEY. That is right.

Mr. SPRINGER. It seems to me that at least to that extent this bill ought to have the approval of the Federal Boxing Commission before those were put on.

Mr. DEMPSEY. I agree with you.

Mr. SPRINGER. Now, let me ask you one further thing and I am through.

I have been somewhat disturbed—and I may not be on good ground, and I want your opinion, because I respect your position—

Mr. DEMPSEY. Thank you.

Mr. SPRINGER. I believe it has been generally the practice during the last 10-year period at least, mostly since the end of World War II, that the fellow signing on the dotted line, the other fellow had to sign to

give him a return match. It does seem to me that it is not necessarily in the interests of good boxing. There may be other challengers who ought to have a shot at that thing, too, but this thing where you sign up two people and the fellow, in order to do it, has to sign that he will fight the man again if he loses his title, it seems to me that ought to be a matter of judgment for the Boxing Commission as to whether or not that is in the public interest.

Mr. DEMPSEY. That is right. My answer to that or my thought is that there shall be no return contracts with anybody, no return contracts with anyone whatsoever.

Now on top of that, Johansson and Patterson had the fight game tied up for 2 years, and nobody else could get in. I am not saying that they were not the best fighters in the world, they were not the greatest, but the result of it is they were tied up for 2 years, and all these other contenders came along, and they could not get in, so they killed the fight game from that point on.

No return contracts or one contract for any champion. It is an open door, and the contender who is capable and willing should be the one to fight him.

Mr. SPRINGER. Now let me ask you this question: Would not the fact that we gave the Federal Boxing Commission the right to approve these title matches—would not this person appointed by the President in the public interest probably have the broadest view in this thing and probably make the decision best suited to the public interest in these title matches, and we would get away from this thing of it being very tightly controlled by very few people? This is what I am disturbed about.

Mr. DEMPSEY. Well, that can be, but a man's record speaks for itself. I mean we all know exactly who this man has fought and how good he is, and we know whether we like him or not.

Now, you take the fight today. We have two contenders in my opinion, and that is Clay—I mean Patterson, and what is the boy from Canada? Chualo. Now, they fought, and Patterson beat Chualo. Now, in my way of thinking, he is the man entitled to fight Clay. I do not say he is going to lick him, but according to the records and rules, you made these rules, and you have got to live up to them.

The leading contender is the man to fight the champion. Now, so far this man has licked everyone. Now he is entitled to a fight with Clay. Whether he can lick him or not, that is something else, but he is entitled to the fight.

Mr. SPRINGER. Do you think if you had the Federal Boxing Commission making a decision here on a title match that these things could be worked out more easily?

Mr. DEMPSEY. I certainly do. Now there are many things that can happen in a fight. We talk about Max Baer and Jimmy Braddock. Baer was a 20-to-1 favorite, but sometimes boxing is like horseracing. Sometimes a 1,000 to 1 will win. You do not expect that, and that is what happened in that fight and is the same thing with Patterson and Clay. Patterson could come back and lick him, but he is the leading contender.

If we made these rules and regulations—and whatever they are, we must live up to them. Everybody must earn himself a chance to fight for the title. In other words, before you fight for the title, you must

lick every contender, and then you are entitled to the match. If that does not happen, there will be no match, and the Commissioner should not OK it.

Mr. SPRINGER. Thank you very kindly.

The CHAIRMAN. Mr. Macdonald.

Mr. MACDONALD. Mr. Dempsey.

Mr. DEMPSEY. Yes, Mr. Macdonald.

Mr. MACDONALD. Time is getting to be of the essence. It seems to me that the big flaw in this bill—and I do not think there is anybody in the country or perhaps in the world who does not think that something should be done about boxing, although sometimes I think too much is made out of it. It does not seem to me, with all due respect, that being heavyweight champion is that important that the country should stand still and do something about it, there are, after all, other things that could be corrected in the affairs of this Nation that should perhaps take priority. But I think one of the things that this bill does not go into—and I am just going to ask your opinion; I have my own, but I am going to ask your opinion, because obviously you are certainly more of an expert in the field than I am—but it seems to me that this bill address itself only to the fighters, and just from my observation the fighters seem to be as good as they ever were, as fast and as tough and all that, which is the nature of the game and the name of the game.

Mr. DEMPSEY. That is right.

Mr. MACDONALD. But what it does not deal with is the promoters of the fight. I have two questions that readily come to mind concerning the promoters. Obviously, No. 1, they should have no criminal records. Do you agree with that?

Mr. DEMPSEY. I do.

Mr. MACDONALD. And do you agree that they should be bonded in such a way as to provide, as in many businesses, that they will not go bankrupt and take a dive in the business sense?

Mr. DEMPSEY. The fight game is in such a bad shape with these people and these promoters that no one wants to promote fights anymore. In other words, we are lucky to have a man who has a few dollars to put the money up. They just have not got it because there are no fighters around and there are no clubs around, and the result of it is that there are very few clubs running, and most of them, the smaller clubs, are all losing money.

Mr. MACDONALD. Right, I understand that, and if I read the sport pages correctly, that is due to the fact that the big fights are televised and no one puts on a club fight. But what I am asking is, if you could have something to say about it, what would you do about promoters and the owners of the fighters?

Mr. DEMPSEY. I think the man should put up a bond. When he gets his license, he should be a reputable man, a good reputation, honest and fair, and have enough money to protect the public.

Mr. MACDONALD. Apparently—and the gentleman from Louisville will correct me—Mr. Clay had very reputable people behind him. They saw a young man with a very great future for him. But the promotions of the fights, the sale of not just tickets but of concessions, TV, and all that, it seems to me has taken over the fighters. The fighters themselves cannot do anything about it.

Mr. DEMPSEY. That is correct.

Mr. MACDONALD. What would you suggest we do to correct that situation, which does not seem to me to be covered in this bill before us.

Mr. DEMPSEY. Well, there are many things you can do, and there are a lot of things you cannot do. The fight game is in such bad shape today we have just got to find out the ways and the means of bringing back the better people in the fight game. As long as it is a losing proposition, they are not going to come back.

Mr. MACDONALD. Do you happen to know a man called Ray Arcel?

Mr. DEMPSEY. Yes, I know Ray very well.

Mr. MACDONALD. I happened to meet him, and I am not as a good a friend of his as—

Mr. DEMPSEY. Ray is a wonderful man.

Mr. MACDONALD (continuing). As your great advocate here, our distinguished colleague, Mr. Rivers, is. But I happen to know him. And he promoted a fight in Austin. I used to go to the fights with him. Yet he could not break into what is called the big-time fights, and finally somebody hit him over the head and beat him up and put him in a hospital.

Mr. DEMPSEY. That is right.

Mr. MACDONALD. There was a decent, honest, nice man—

Mr. DEMPSEY. Because he was honest.

Mr. MACDONALD (continuing). Who was trying to do his best to revise boxing.

Mr. DEMPSEY. And the trouble with boxing today is it is controlled by certain people where you cannot get a fight unless you do business with certain people. He was in ill repute with these people because he was on the level, and that is the reason that happened to him. That is the reason we want to see the fight game come back with reputable, honest, dignified people who want to do something with a little man.

The fight game today, in my opinion, is controlled by the people who see the fights, the little people. They are not all big shots. There are all these poor people who want to go see the fights every week, every Monday or every Tuesday. And the people want to see these fights again, and they are all talking about how disgraceful it is. They cannot see a fight, and they want it brought back to a decent fight game once more.

Mr. MACDONALD. My question is actually, Mr. Dempsey, how would a Federal Boxing Commission—obviously something should be done, and I think this is a good alternative, rather than just laissez faire and let everybody take care of themselves, which is usually the ideal situation, but what would a Federal Boxing Commission do to keep somebody like Ray Arcel in the boxing game?

Mr. DEMPSEY. Well, the only trouble about that, you can see, you have got to start from the bottom again and get rid of all these undesirable who have no business in the boxing game.

Mr. MACDONALD. That could be done by licensing I take it.

Mr. DEMPSEY. Yes, sir, screen each and every one of these people, and find out who they are.

Mr. MACDONALD. Are you now talking about managers or promoters?

Mr. DEMPSEY. I am talking about managers and promoters. Anyone connected with the fight game should be screened all the way down

that he has got a good and honest reputation and will keep the game clean. If the man has a bad record, if he has been arrested for a felony, I do not say that these men cannot come back and be decent, but they must be recommended and know that he is going to do a good job for everybody.

Mr. MACDONALD. Arcel obviously had no record. How would you keep him in the fight game?

Mr. DEMPSEY. Well, he was scared out of the fight game. He got cold feet.

Mr. MACDONALD. He got cold hit.

Mr. DEMPSEY. I know that. He got hit, too. His fighters could not get any work, and as a result of it, he had to get out of the business. That is my personal opinion.

Mr. MACDONALD. Actually, Mr. Dempsey—and I am sure you know it—he got beaten up very badly.

Mr. DEMPSEY. Yes; I know it.

Mr. MACDONALD. He hovered between life and death in a Boston hospital for 2 or 3 weeks.

Mr. DEMPSEY. And that, they claim, was done by some hoodlum. I do not know for sure, but they claim some hoodlum did it, or a gang of them.

Mr. MACDONALD. It never was proven who did it, but I am not sure that Garrett Byrne did not know some of the reasons for driving this particular fight out of Boston.

Mr. DEMPSEY. That is right.

Mr. MACDONALD. But I was just asking as to licensing, what do you think can be done?

Mr. DEMPSEY. Well, do you mean for people like him?

Mr. MACDONALD. To keep that sort of man in, and to keep the undesirables out.

Mr. DEMPSEY. Yes; you keep the undesirables out and you will get the good people in. That is one trouble today. You talk about a boy going into boxing. People who have any sense today say, "I do not want my boy to be a boxer." Let him go into some other athletics if he is so inclined—football, baseball, or hockey—where there is no ill repute. Today it is hard to get anyone in the business because there are no small clubs, no place to start and no place to finish. That is the reason we want this law passed and get rid of the undesirables.

Mr. MACDONALD. Thank you, Mr. Chairman.

Mr. DEMPSEY. Thank you, sir.

The CHAIRMAN. Mr. Younger.

Mr. YOUNGER. Thank you, Mr. Chairman. I, too, am very thankful that you appeared to give us the benefit of your experience. What is the shortest fight that you ever had?

Mr. DEMPSEY. Eighteen seconds with Fred Fulton in 1918.

Mr. YOUNGER. In other words, a lot has been said about the shortness of this fight that is complained about, but in your opinion that is not necessarily a criterion as to whether it is an honest fight.

Mr. DEMPSEY. That is right. I did not see the fight. I saw the slow motion on television. The punch he hit him with did not look too hard, but the punch before that could have affected him and knocked him out. I do not know. Of course, my personal thought is that he had no desire and no will to fight. In other words, he did not care what he did, but nobody knows what the reaction is when you get hit.

You may think you are out on a farm; you may think you are driving an automobile or you may think you are asleep, but nobody knows what happens when a man is hit like that.

Mr. YOUNGER. From your experience would you rather see the Federal Government enter this field with a commissioner of one individual or with a commission of three or five individuals?

Mr. DEMPSEY. I think three would be very well. I think three men think better than one.

Mr. YOUNGER. You would prefer a commission rather than a commissioner.

Mr. DEMPSEY. Yes, sir.

Mr. YOUNGER. Do you think the Commission should have any jurisdiction at all over amateur boxing which may or may not be broadcast, and I am thinking of the Golden Gloves?

Mr. DEMPSEY. No, sir; I do not. I think professional boxing is one thing. Amateurs is another. I think they have done a pretty good job in amateur boxing, and I do not think we should interfere in that business whatsoever.

Mr. YOUNGER. Do you think that the Commission or Commissioners should have jurisdiction over and supervision over contracts between the fighter and the promoters or the fighter and his own managers in the distribution of money?

Mr. DEMPSEY. Well, I do not think that could be done. I think the manager has the only right to the contract. Otherwise you get into a lot of trouble with the different States. In other words, we do not want to interfere with anyone's rights except when they televise these fights from State to State, that is when the Government comes in with the rules. We want certain rules and certain regulations. But if a man runs away with the money or something like that or does something crooked, he should get out of the fight game. He does not belong there.

Mr. YOUNGER. Yes, but if the Federal Government came into these exhibitions, do you think that they should have jurisdiction over the contract between the promoter and the fighters or the fighter and his own manager?

Mr. DEMPSEY. I think the Government should have jurisdiction over all rights, after the fight starts, complete charge; whatever the contract is they must live up to it.

Mr. YOUNGER. But do you think that they should have any jurisdiction over the preparation of the contract?

Mr. DEMPSEY. No, I do not think that should be any of the Government's business. If you make a contract, a personal contract with anyone, I think that should be your own affair. I do not think the Government should enter into that, and I do not think it would be any of their business. If I make a contract with you or you make a contract with me, as long as it is legitimate and honest, I do not think the Government has anything to do with that.

Mr. YOUNGER. Their jurisdiction would be limited to the fulfillment of the contract, whatever it is.

Mr. DEMPSEY. That is right, and we see that we get a fight. In other words, the public, you are protecting the public. You want to see a fight and that is what you are paying for, and that is what we want, an honest, free, good fight.

The CHAIRMAN. I believe you did mention earlier there are certain limitations or criteria, such as a limitation on requiring a return bout.

Mr. DEMPSEY. That is right. There have been instances where a man's entire purse was held up until he fulfilled the contract, giving the champion, the losing champion, another chance at the title. Those things should be out completely, and that is a felony, a wrong morally and in every other way.

The CHAIRMAN. Mr. Jarman.

Mr. JARMAN. Mr. Chairman, I have no questions, but I would like to join in welcoming Mr. Dempsey to our committee.

Mr. DEMPSEY. Thank you.

The CHAIRMAN. Mr. Keith.

Mr. KEITH. Thank you, Mr. Chairman. I, too, would like to welcome Mr. Dempsey.

Mr. DEMPSEY. Thank you, sir.

Mr. KEITH. And I am happy to have had Rocky Marciano as a constituent in years gone by.

My question is, Have you consulted with other champions as to their thinking on the proposals in the legislation?

Mr. DEMPSEY. Yes, I talked to Rocky some time ago, not at length but he was for a commission at that time. I talked with Tunney several times, and he is for a commission. I have talked to several writers and several fighters, and they are all for the Commission.

Mr. KEITH. Do you know about any other fighters, champions or near champions, who were opposed to such a commission?

Mr. DEMPSEY. Not any I have talked to.

Mr. KEITH. No further questions. Thank you.

The CHAIRMAN. Mr. Rogers.

Mr. ROGERS of Florida. Thank you, Mr. Chairman.

Mr. Dempsey, we are all very grateful to you for giving us the benefit of your experience.

Mr. DEMPSEY. Thank you.

Mr. ROGERS of Florida. As I understand it, you do believe that the licensing by a Federal Commission would be one of the best ways to try to weed out the undesirable element.

Mr. DEMPSEY. Yes, sir.

Mr. ROGERS of Florida. In section 2 of the proposed bills, or in most of them, they say that the Commission if they learn of any possibility of bribery or collusion or wrongdoing, they could prevent the broadcasting. I wonder if you could tell me if in the boxing community there has been advance warnings that something was wrong? Do you ever recall such instances?

Mr. DEMPSEY. Well, take the last Liston-Clay fight. You read between the lines what certain people write. They never come right out and say this is going to happen or that is going to happen, but if you understand their writing, you can see the picture. Now, I did not go up there because I felt that they may have the same thing that they had before, and if I could not say something good, I did not want to say anything at all, so I did not go. I did not even see it on television.

Mr. ROGERS of Florida. I just wondered if in talking to, for instance, managers or promoters, is there any word that goes around on a fight if it is not on the level ahead of the fight?

Mr. DEMPSEY. Well, you never hear that except sometimes you listen to betting and see which way the money goes, and then you start work-

ing, but they never tell you these things. You never find out anything, what is going on. They would not tell you anything. The only thing about the fight before, the first fight, one of them was going to quit, then the other one did quit, then this happened and that happened, and we do not like to see those things happen. In the real fight game the only way to finish is on your back. You never quit.

Mr. ROGERS of Florida. Now, since that might be difficult to run down for the Boxing Commission, an advance warning, do you think it would be advisable to include in the bill a provision as suggested which would make it a crime to indulge in these activities that would be wrongful?

Mr. DEMPSEY. Absolutely. Give them 5 years just to start with.

Mr. ROGERS of Florida. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. I think perhaps this would be about the best time that I know of to recess. The House is going into session. Can you come back at 2 o'clock for further questions?

Mr. DEMPSEY. Yes, sir.

The CHAIRMAN. Following which we will have Mr. Tunney and Mr. Rocky Marciano if he arrives. He is scheduled to be here.

(Whereupon, at 12:10 p.m., the committee recessed, to reconvene at 2 p.m. the same day.)

#### AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

We have been detained due to a vote on a bill being considered in the House this afternoon. When the committee recessed for the noon hour, I believe Mr. Rogers had just concluded.

Mr. HARVEY, any questions?

Mr. HARVEY. Yes, Mr. Chairman. Thank you. Mr. Chairman, I would certainly like to welcome Mr. Dempsey also. Much has been said here about his very commendatory career as a boxer, but I would like to say as a Congressman that recently I have had an opportunity to take my family—my wife and two small children—to his restaurant in New York, and I would say, although this may be a commercial, that nevertheless he runs an excellent restaurant as well. It was one I was proud to go to, and I am sure the entire American public should feel free to go to it. He should be complimented on that as well.

#### STATEMENT OF JACK DEMPSEY—Resumed

Mr. DEMPSEY. Thank you, Mr. Harvey.

Mr. HARVEY. Mr. Dempsey, one of the evils in present-day boxing that you just touched on in your statement, it seems to me, is this system of rating a boxer. You mentioned how you had to fight your way up and so forth.

Mr. DEMPSEY. That is right, sir.

Mr. HARVEY. It just seems to me that there is something wrong with the present system in which boxers are rated, and it seems to me that this legislation does not get to the heart of that problem.

Mr. DEMPSEY. Well, I think we have to go back to the old days. For instance, when I fought Tunney and got licked, I wanted to fight Gene Tunney once more. Mitchell Rickard said, "If you want to fight Mr. Tunney, you fight with the contender, Jack Sharkey. If you

lick him, then we will consider your fighting Gene Tunney." I got lucky fighting him, and that is how I got the fight with Mr. Tunney.

In the old days you started from the bottom and went up. If you lost a fight, you went down. If you won a fight, you went up, and I think that is the only solution for the fight game, to match these people correctly.

Mr. HARVEY. You would agree that this investigation that we are conducting here and in this legislation that we are trying to get out here, that in order to get to the matter, we also have to get into this facet of boxing, would you not?

Mr. DEMPSEY. That is right.

Mr. HARVEY. I read also the other day about some very good regulations that the World Boxing Association had, and I was interested to know that they had that because I did not know they had any at all. But if they do have these good regulations, why is it that they have failed?

Mr. DEMPSEY. Well, they have no unity, and I do not think they can stick together. In other words, take for instance what happened in Maine, or in Boston. The fight was thrown out, and then an affiliate was made in Maine, and they took over and made this fight. They have no unity together. You must have unity and stick together, and then they can do something. They have no laws and no power, and for that reason they cannot do anything. They pull out on one another and have some way of breaking it up.

Mr. HARVEY. You do not believe that there is any hope that they can work together or on their own they can solve the problem.

Mr. DEMPSEY. In the past that has been what has happened. They just cannot get together, and they will not stick together. There is no unity, and for that reason this thing cannot work. That is my honest belief.

Mr. HARVEY. I certainly thank you very much.

That is all the questions I have, Mr. Chairman.

Mr. DEMPSEY. Thank you, sir.

The CHAIRMAN. Mr. Van Deerlin.

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

Mr. Dempsey, do you feel there is no hope for any self-regulation, self-policing of the industry?

Mr. DEMPSEY. Well, in my experience, my thought, boxing has gone from bad to worse. It keeps getting worse every year, and if something is not done soon—people are getting fed up with it—I think the States will outlaw boxing, and we will not have any boxing for anybody if something is not done and done right away.

Mr. VAN DEERLIN. The point was made recently by a newspaperman at San Diego that the rodeo sport used to be in a similar state of disrepute, and that the salvation in that sport was found to be an association of cowboys themselves—rodeo performers. All fraud has purportedly been removed, and it is now a very well self-regulated sport.

Mr. DEMPSEY. Well, I think that is true, too. You take other sports—baseball and all of the things—they have done very well. I am interested in all sports, but the only thing we are interested in right now is boxing because it has gone from bad to worse, and I am afraid we will not have any boxing before long if something is not done and done fast.

Mr. VAN DEERLIN. Can a man of your astute observation in this sport tell pretty well by watching a fight if one fighter is carrying the other, or if he is pulling his punches, or if he is not putting out—that a fight is rigged, in other words?

Mr. DEMPSEY. If you know the fighter, have seen him fight and been around him; you can tell pretty much what is going on if you know his style and what kind of a fighter he is; you can tell pretty much what he is doing.

Mr. VAN DEERLIN. Did you ever—when boxing was a regular weekly program highlight on television—did you ever have reason to doubt the intentions of the fighters in that televised boxing?

Mr. DEMPSEY. No, I never, because I do not think you can get the real reaction of a fight by watching it on television. You have to actually be at the fight to see it. I actually cannot say that I did have those thoughts.

Mr. VAN DEERLIN. The idea of fights that are fixed to go a certain amount of time for the commercial value to be derived by the network, or actually prearranging the results as they do in wrestling so as to have a good card the following week, you do not think that was—

Mr. DEMPSEY. Well, I do not think any national hookup of television would stoop that low to do a thing like that. I do not think that would be possible because they would not accept anything like that.

Mr. VAN DEERLIN. Although there—

Mr. DEMPSEY. I have heard rumors of those things, but I cannot believe it unless I saw it.

Mr. VAN DEERLIN. I suppose there were some similar feelings of confidence in regard to quiz shows a few years ago.

Mr. DEMPSEY. That is true; that is true.

Mr. VAN DEERLIN. Thank you very much, Mr. Chairman.

Mr. DEMPSEY. Thank you, sir.

The CHAIRMAN. Dr. Carter.

Mr. CARTER. I just want to thank Mr. Dempsey for appearing here. Certainly he is a champion of champions and is a great American.

Thank you, Mr. Chairman.

Mr. DEMPSEY. Thank you, Mr. Carter.

The CHAIRMAN. Mr. Rooney.

Mr. ROONEY. Mr. Chairman, I was not here to hear the champion's testimony this morning, but I do have a few questions.

I would like to take this opportunity to welcome Jack Dempsey to this fine committee of ours. I know that Mr. Dempsey has some very fine ties in my district.

Mr. DEMPSEY. Thank you, sir.

Mr. ROONEY. When I was in the State senate several years ago in Pennsylvania, I introduced a bill to outlaw boxing in that State, and I suppose I did it on the spur of the moment because I recall in the year 1962 or 1963 there was a Cuban fighter in California who was killed in the ring, and at that time I said boxing in my opinion was becoming a mayhem sport. It was more or less like the bullfighters. The fans and the people who go to boxing areas want to see blood, and they want to see a fighter knocked into unconsciousness. This was their great thrill. At that time I contended I thought boxing was a mayhem sport, and I would like to know what your opinion on that subject is today, Jack.

Mr. DEMPSEY. Well, now, we have accidents every place, I mean in athletics. Football, I guess baseball, and people get hurt in basketball, and they get hurt in fights. But today the commissions are a little more particular with their referees. They tell them—which is right—“If a man has got no chance, and he is getting hurt, stop the fight and get it over with. If you cannot decide yourself, there is always a doctor at the ringside. Call the doctor and stop the fight, because we do not want to get anyone hurt or especially anyone killed.”

So I think once in a while it will happen, but I think they are a little more careful. They are not so bloodthirsty, and they do not want any hurt regardless of who they are.

Mr. ROONEY. Do you not think the fatalities are much higher per capita in the boxing sport than in any other sport? There are thousands of basketball and football games, compared to the fewer number of fights.

Mr. DEMPSEY. You hear of basketball players getting hurt. You hear of jockeys getting hurt, and you hear all of these things. These things do happen, and they all cannot be prevented, which we do not like. But today we stress to all referees, “Be very careful that no one gets hurt. If a man has got no chance and he cannot win, he is getting hurt, stop the fight and get it over with.” That is the reason we must have reliable and competent referees.

Mr. ROONEY. Mr. Dempsey, what do you think about the 3-minute rounds and the 1-minute rest period? Do you think anything can be done in that line to improve the sport? Do you not think perhaps the 3-minute rounds are much too long?

Mr. DEMPSEY. No. I think the further back we go to the old rules, the better they were. I think the Marquis of Queensberry rules were the best we had. And up to date they are still great to me. I mean after all, boxing is not a baby's sport. It is not a sissy's game. You must take those chances. I do not think too many people are going to get killed. You are going to have accidents in every sport, but I think just like you were in the old days, you were much better off. They judge a fight by the aggressor, the man who did the most damage and the man that finished the strongest at the end of the fight. That is the way you get the decision.

Mr. ROONEY. Jack, I do not know whether or not the question was asked before I arrived at the committee this afternoon, but you often hear the allegation that the underworld has taken over the sport. Can you elaborate on that?

Mr. DEMPSEY. Well, at one time I think they were pretty well in control. They may have some in places today, I do not know. But I cannot comment on it because I do not know. But I think eventually with these new rules and regulations they should be kept out for all times. We do not want any hoodlums, ex-gangsters or anyone to control boxing, and that is what this bill is for to a great extent.

Mr. ROONEY. Thank you, Mr. Chairman.

Mr. DEMPSEY. Thank you, sir.

The CHAIRMAN. Mr. Farnsley.

Mr. FARNSEY. Thank you, Mr. Chairman.

I am grateful to the witness for setting a good example for a couple of generations of American young people and for saying the sport is not for sissies. After hearing our colleague telling about the man

who got knocked in the head when he was not fighting, I was a little worried about how dangerous it was. The champion has reassured me about how much safer you are in the ring.

One time this morning I was toying with the idea that maybe we needed to put a warning on the boxing equipment which said it might be hazardous to your health, but I am reassured.

The CHAIRMAN. Mr. Williams.

Mr. WILLIAMS. Mr. Chairman, Mr. Dempsey, I am sorry that I did not get to hear your testimony, but I will read it with a great deal of interest. I would like to echo the remarks made by Dr. Carter a few minutes ago, because I too consider you the champion of champions.

Mr. DEMPSEY. Thank you, sir.

Mr. WILLIAMS. I might make this observation in passing, Mr. Chairman. I am probably the only one on the committee that knows exactly how you felt when you got knocked through the ropes and out in the audience by Firpo. I just hope that I have the same recuperative powers that you exhibited on that occasion.

Mr. DEMPSEY. Thank you.

Mr. WILLIAMS. I am the senior-junior member of the committee.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. O'Brien.

Mr. O'BRIEN. Mr. Chairman, I, too, missed this morning's session.

Mr. Dempsey, I do not know whether this question has been asked. If this commission comes into being, do you think that at least one member of this commission should be a former boxer, preferably a former heavyweight champion?

Mr. DEMPSEY. Not necessarily. I think there are many good men who could do the job. But he must know something about boxing. There are several people. I do not say an ex-champion or anyone. There are many people who can do that job and do it well. But you must have someone who knows something about boxing, who has had a little bit of a background.

Mr. O'BRIEN. I would like to say this. A great many of the members have complimented you upon your ability in the ring, and I am sure you do not remember me, but I would like to compliment you for being a nice guy—

Mr. DEMPSEY. Thank you, sir.

Mr. O'BRIEN (continuing). For the efforts made in the Firpo fight. I was a very, very young reporter in New York, and I interviewed you that noon in the dressing room.

Mr. DEMPSEY. Is that so?

Mr. O'BRIEN. I thought then that I had never met a finer gentleman.

Mr. DEMPSEY. Thank you.

Mr. WILLIAMS. May I say the first radio broadcast I ever heard in my life was the first Dempsey-Tunney fight.

Mr. O'BRIEN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Staggers, do you have any questions?

Mr. STAGGERS. No, except I would like to compliment Mr. Dempsey for coming here and giving of his time to try to help in this very important bill and to try to get something done about it in this field. I have read your testimony, and I agree with you wholeheartedly on your views.

Mr. DEMPSEY. Thank you, sir.

Mr. STAGGERS. I, too, agree with the rest of them about your ability. I think that you have written your name in indelible ink in the annals of the boxing world, and you will be forever remembered by those who participate in this sport and in other sports.

Mr. DEMPSEY. Thank you, sir.

Mr. STAGGERS. I heard your remarks on your 70th birthday in New York when you were giving advice to the young people of this country, and I took those remarks home to my two boys. I have told it to them not once but several times. You said you would advise the young that if they did not drink or smoke, that they should not until they were at least 21 years old, to give their body a chance to expand and develop to the point where if they decided to do it afterward, it would not be so harmful, but certainly they should give it that chance. I told that to my two young boys several times.

Mr. DEMPSEY. Thank you, sir.

Mr. STAGGERS. You are a great and distinguished member of the boxing profession.

Mr. DEMPSEY. Thank you, sir.

The CHAIRMAN. Mr. Dempsey, again on behalf of the committee, I thank you for your appearance here today and for the contribution you have made to this subject matter. You have helped greatly to make the record. You have observed the questions and the interests among the members. It is our fervent hope that we will be able to develop the kind of legislation needed in this matter that will achieve the results that you have so hopefully outlined here to us today. We appreciate your appearance.

I observe that I have a letter from the chairman of the State athletic commission, from your native State of Colorado. He referred to having appeared with you and some others on some kind of legislation way back many years ago, and incidentally, he wanted to be remembered to you.

Again thanks for your appearance and for your testimony. We will undertake to develop the record and do the best we can.

Mr. DEMPSEY. Thank you, Mr. Chairman. Thank you, gentlemen.

The CHAIRMAN. The next witness we have will be the son of the illustrious champion, Gene Tunney, Mr. John Tunney, who is his very fine son and who serves this Congress as our distinguished colleague. I believe, not only for yourself but for your father, you wish to present these statements.

#### STATEMENT OF HON. JOHN V. TUNNEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. TUNNEY. Yes, Mr. Chairman.

The CHAIRMAN. We welcome you before us today, and we will be pleased to have your statement.

Mr. TUNNEY. Thank you very much, Mr. Chairman.

I would like to say first of all that it is a great privilege and honor to appear before this great committee and its distinguished chairman to read my father's statement into the record and then my own statement.

I might add parenthetically that I do not know why Chairman Mendel Rivers was having so much difficulty this morning stating in his opinion who the greatest heavyweight of all time was, either my father

or Jack Dempsey, because my father has always said that Jack Dempsey was the greatest.

My father apologizes that he was not able to come to this hearing. He would have if he had not had plans of long standing to be outside of the country. He recognizes that it is impossible for him to make an adequate statement in writing that expresses his feelings on this matter, but he does subscribe to everything that Jack Dempsey said.

This is my father's statement:

I am strongly in favor of a Federal Boxing Commission to be authorized by the Congress to regulate all professional boxing contests that appear on television broadcasts across the Nation or newspaper wires. Had such authorization been in existence through a law passed by Congress earlier, we would not have had the sorry spectacles produced in the last four so-called heavyweight championship matches; namely, Patterson versus Liston, September 25, 1962; Liston versus Patterson, July 22, 1963; Liston versus Clay, February 25, 1964; Clay versus Liston, May 25, 1965.

The American people were bilked out of at least \$30 million to witness these fiascos through closed circuit TV and live gate. These matches were promoted by people, who, on the whole, had no interest in the quality of matches they presented to the sports fans of the Nation and, incidentally, many other nations interested in boxing. At the moment, there is no regulation whatever of boxing contests or championship matches. Questionable characters play off one State against another and on occasion corrupt officials as they go.

Could any boxing official anywhere have justified a second Patterson-Liston match or a second Liston-Clay match or for that matter a third Patterson-Johansson slaughter?

Monopoly is rampant, and at no time can a promising youngster, regardless of ability, break into the monopoly. Contracts for return matches between the monopolists bars him. Under a Federal commission all this would change.

That is my father's statement, Mr. Chairman.

I would also like to introduce into the record a letter I received from the National Veteran Boxers Association which favors the establishment of a national boxing commission, and I also have a statement written under penalty of perjury by Mr. Albert Cowan of my district in Riverside County, Calif. He is a man that has had over 100 professional fights, and he indicates in his testimony that he has known of numerous of cases where fighters have been asked to guarantee the results of fights or face the result of being unable to obtain a particular fight or any fight at all in the future, and I would like to introduce this also into the record.

The CHAIRMAN. Let them both be introduced and presented for inclusion in the record at this point.

(The documents referred to follow:)

NATIONAL VETERAN BOXERS ASSOCIATION,  
Philadelphia, Pa.

Representative TUNNEY:

Whereas the National Veteran Boxers Association, a membership corporation organized under the laws of the State of Pennsylvania for the purpose of aiding the boxing profession of the veteran boxers; and

Whereas said organization is vitally interested in maintaining high standards for the said boxing profession and all associated with it; and

Whereas recent fights have created a bad public image of boxing; and

Whereas there is pending activity for the passage of a national control law in the Congress of the United States of America; and

Whereas said association is in favor of such legislation: Now, therefore, it is

*Resolved*, That legislation be passed that boxing be placed under and subject to Federal control and that a Federal boxing commissioner be appointed to carry out the purposes of said act.

This resolution was made at a duly constituted meeting of the National Veteran Boxers Association and the president and secretary of the association were ordered to affix their signatures to said resolution.

Dated June 3, 1965.

NATIONAL VETERAN BOXERS ASSOCIATION,  
By JACK LARKIN, *President*.  
IRV SILVERMAN, *Secretary*.

WRITTEN STATEMENT OF ALBERT B. COWAN BEFORE THE INTERSTATE AND FOREIGN COMMERCE COMMITTEE, HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

I have been requested by Congressman John V. Tunney to submit the following statement on boxing and proposed Federal legislation thereon to this honorable committee, and I do so with a sincere desire to aid in the formulation of legislation which will be beneficial in restoring the sport of boxing to the position of prestige and interest which it has held for so many years and which has been justifiably questioned recently.

As to my background: My name is Albert B. Cowan and I presently reside at 4393 Toyon Street, Riverside, Calif. My present occupation is a car dealer in this area. I have been involved in various activities in boxing for a period of approximately 19 years, since 1946. During that period of time I have had 62 amateur fights and 100 professional fights. I have been a second, trainer, and a licensed manager in the State of California. While in the Air Force and stationed in Germany I won the Air Force-European welterweight championship and numerous other amateur fights. Professionally I won the Pacific Northwest welterweight championship, and at one time I was a nationally ranked welterweight.

I believe that in order to save boxing and its numerous benefits as a competitive sport to the entire Nation Federal legislation enacting controls and sanctions and establishing a Federal boxing commission with broad and comprehensive powers is necessary. Among the functions of the commission should be:

1. The selection, appointment, and control of all referees and fight officials by the commission so that no unfair procedures are utilized.

2. A strong and active investigative department to assure that the regulations of the commission are uniformly and vigorously enforced.

3. Sufficient regulation by the commission to assure good, effective, and fair matchmaking; i.e., in the case of championship bouts the present champion be required within a specified time to defend his title, not against a challenger of his choice but against an established logical contender to be determined by the commission.

4. That all managers, promoters, and matchmakers be licensed by the commission and that a thorough investigation be made as to their capabilities, knowledge of the sport, and integrity, before they are allowed to function; and that a constant surveillance of these individuals be made by investigators to assure that the contracts negotiated by them are fair, and free from pressures, such as gambling interests, in their negotiations.

It is, of course, important to realize that the professional fighter is a businessman whose motivations are twofold: to engage in a highly competitive sport and to obtain the economic remunerations therefrom. From this standpoint it would appear that some tax relief to the fighter should be considered. I point out to the committee something that is undoubtedly obvious to them, which is that the length of time that a fighter can earn a substantial amount of money from his profession, if at all, is extremely limited and therefore he should be allowed to apportion over several years the high earnings that he may receive in 1 or 2 years.

As boxing exists today and has existed for some time in the past, in my experience, without adequate controls the fighter who is attempting to earn a living is continually subjected to pressures from undesirable elements to enter into agreements which are not desirable either for the fighter or for the public generally. For example, I know of numerous cases where fighters have been asked to guarantee results of fights or face the result of being unable to obtain a particular fight or any fight at all in the future. I know that much of the control as to matchmaking and contracts with fighters is presently controlled by gambling and other undesirable interests in our society.

I feel very strongly that the adverse position which boxing occupies at the present time can be eliminated only by strong and vigorously enforced Federal legislation.

ALBERT B. COWAN.

STATE OF CALIFORNIA,  
County of Riverside, ss:

Albert B. Cowan, being first duly sworn, deposes and says that he has read the foregoing and knows the contents thereof; and that the same is true of his own knowledge, except as to the matters therein stated on information or belief, and as to those matters that he believes it to be true.

ALBERT B. COWAN.

Subscribed and sworn to before me this 3d day of July 1965.

[SEAL]

DON L. CHAPMAN,

*Notary Public in and for Said County and State.*

Mr. TUNNEY. Mr. Chairman, my statement is quite lengthy, and I know that you are running behind and that you have other witnesses who would like to testify, so I would like to introduce my statement intact in the record but make a few observations.

The CHAIRMAN. Your statement will be included in the record at this point.

(Mr. Tunney's statement in full is as follows:)

STATEMENT OF CONGRESSMAN JOHN V. TUNNEY BEFORE THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE ON NEED FOR NATIONAL BOXING COMMISSION

Mr. Chairman, I want to thank you for giving me the opportunity to address your committee this morning. As you know, I have been concerned with the current state of professional boxing in America. I believe that legislation establishing a National Boxing Commission must be passed if the sport is to endure. Such legislation is being sponsored by Congressmen Harris, Rivers, Michel, Murphy, and myself. It is my hope that you will go beyond those aspects of the problem that relate directly to TV and radio broadcasts of professional boxing matches. Legislation regulating the movie and TV coverage of championship fights is necessary, but it will not cure the ills that threaten to kill boxing in this country. Unless we are prepared to sit in on a postmortem of the fight game, we must act now to regulate it. Only strong and effective regulation accompanied by cooperation from the fighters themselves can save the sport and make the public forget the shameless spectacles that recently occurred under the guise of heavyweight championship fights.

It will not be easy to wash the fight game clean. Professional gamblers have invaded the boxing world in force. These men, always on the lookout for a dishonest buck, saw in boxing the chance to make a killing.

Content in the past to remain on the fringes or in the shadows, the gamblers have now moved into the training camp where they seem to have become an integral part of many a fighter's retinue and even, on occasion, into the ring itself. Attracted to every organized sport, they attempted to take over each in turn. Their purpose was always the same: By sponsoring and managing the careers of individual athletes, they obtained the power to conclusively determine, when they chose, the outcome of an individual sporting event. This they could do merely by directing their man to throw the fight, or the game, or the match, or whatever it may have been. Usually, however, their illegal schemes were doomed from the start because the sports in question were regulated by bodies strong enough and honest enough and clever enough to combat the power and influence of the gambling world. The athletes participating in these sports realized that failure to adhere to the regulations could result in stiff fines or expulsion or both. Not too many were ready to pay such a price.

Not so in boxing. Nothing is less effective than a chain with a broken link, and there has never been a regulatory chain on the boxing game that did not have a broken link some place.

In keeping with American tradition, there has been an effort made over the years to regulate boxing on the State level, through State boxing commissions. The purpose is commendable. Unfortunately, however, results in this area have

been unsatisfactory. There has also been a move to regulate the sport through private organizations, such as the National Boxing Association and the World Boxing Association. Here, again, the purpose has been good; the result has been a failure.

The lack of standards and uniformity, the absence of unity and cooperation among the States today, place the gambler and the racketeer in a position to play off one State against another, as bidder for every prizefight of importance. Nor have private organizations been able to prevent this from happening. The National Boxing Association and the World Boxing Association have made attempts, but with negligible results. Clearly, there has been a lack of necessary power. A National Boxing Commission is the only answer.

What else could a National Boxing Commission accomplish? A whole host of things—especially those things looking to the benefit of the individual boxer. In the first place, a Commission of this kind could prescribe and enforce minimum rules of training in preparation for every prize fight as well as requirements for medical examinations during training and before the fight. A Commission also could prohibit the presence of racketeers at a boxer's training quarters or the association of racketeers with boxers during training for a contest. Rules could be drawn up forbidding agreements detrimental to boxing, such as the rematch guarantee in title fights. This kind of agreement is, after all, no more than a form of arm twisting. That is to say, the champion declares, "Down the title, and you can't even get a shot at it unless you agree to all sorts of clauses beneficial to me."

That is no way for a champion to behave, but there are some who are behaving that way today, and they will continue to do so until a National Boxing Commission has the power to tell them to put their title on the line, without qualifications, in a match with a logical contender. Every fighter should have a fair chance at winning the title in his weight class, without having to sign himself over to a corporation, or a promoter, or anybody else.

Nor should we forget the strange and preposterous way in which some fighters are elevated to championship status by a series of absurd mismatches, in which they triumph over inferior opponents who have no business even being in the same ring with them. On the other hand, we have the boxers who lose, and lose, and lose. They are not good enough at the game to be allowed in the ring. But they are handy, in the eyes of unscrupulous fight promoters. They help to build up the record of better fighters. What matter if these poor physical wrecks are battered into oblivion? What matter that they frequently lost their minds or their eyesight, or both—or that they die young? Well, it seems to me that it matters a great deal. Moreover, it seems to me that a National Boxing Commission could do something to prevent this kind of outrage from taking place.

And as if this were not enough in itself, there is really a great deal more at stake, consider, also, the right of the American people to an honest performance—the public right to protection against farces, fiascos, and frauds. As matters stand today, the public has not established nationwide authority to speak in its behalf against mismatches, a National Boxing Commission could be empowered to remove every sick and wounded boxer from any fight in which he is scheduled to appear.

A National Boxing Commission could also have the power to do away with many absurd paradoxes associated with the boxing game. At the present time, a State commission is permitted to prevent the appearance of a fighter in the State, but it has no power to prevent the showing of moneymaking fight pictures in which the fighter appears. This is ridiculous. A National Boxing Commission could put an end to it.

Boxing today has international attention centered on it. It is a world commodity, not the private property of American gangsters.

The 2,500-year history of boxing is much too honored to allow the last chapter to be written in our time. But unless we act now to regulate the sport on a nationwide basis, we may be called upon to abolish the fight game. The public will not stand for very many more high-priced and pathetic shams.

As a developer of men boxing is unsurpassed by any other sport. Standing in a ring against a lone competitor, the boxer is on his own. As the great champion Joe Louis said, "He can run, but he can't hide." He must be able to defend himself, to take blows and to deliver them. He must be resourceful enough and intelligent enough to press on, graceful and fast on his feet—the clumsy, lumbering fighter will not last long. Fighting bare-knuckled or with padded gloves, the boxer has for centuries symbolized the most universally esteemed qualities of manhood. There was a time in our own country when the heavy-

weight champion was idolized by our youth as a model after which they could pattern their lives. Men like Jack Dempsey, after reaching a pinnacle of perfection in the boxing ring, retired and went on to make thousands of appearances before civic, youth, and military audiences in order to promote clean living, education, and athletics. He provided these young boys with an example that any of us could do well to follow. These champions took for granted their obligation to give fight fans what they came to see—clean, no-punches-pulled matches. They would not have had it any other way. They also took for granted their obligation to set good examples for the thousands of young boys who emulated them. Most champions of that day led exemplary lives. Today's fighters might well use the lives of these men as guides to their own conduct. It is not enough that motivated by the promise of financial reward the champions should occasionally deem to defend his title. Nor is it enough, though it would be a welcome change, for the champion and the challenger to slug it out in a clean hard bout that would leave no doubt in the minds of the spectators or the world as to which fighter deserved to be called champion. A heavyweight champion owes the public much more. By the very nature of things he lives in a goldfish bowl. His words and actions command space in newspapers throughout the world. Even the Iron Curtain countries, hard pressed though they are for newspaper space, find room to comment on his activities. His actions cannot help but reflect on the country that has produced him and helped make it possible for him to attain such worldwide prominence. Publicity is not necessarily a bad thing and can, in fact, be quite beneficial; but notoriety of the type that recent champions have cultivated with antics and utterings that were in the worst possible taste helps give not only the sport of boxing but also our country a black eye. The real knockout blows delivered by recent champions were directed at and felt by the sport as a whole. Those landing on their opponents were by comparison mere love taps.

When I was in England shortly after the latest Clay-Liston fiasco, the first thing one outraged Englishman asked me was, "How can you as an American Congressman and the son of a former champion stand by and allow these men to kill boxing in America? These persons had, like others around the globe, stayed up until 3 a.m. to see the fight via Early Bird satellite and were understandably bitter about waiting so long to watch that 60-second spectacle.

The hour is late, but the cause is not lost. Boxing can survive as a viable sport if we in the Congress move now to control the activities of those who are associated with it. The days have passed when the public and the National Legislature could look the other way hoping that inertia would open the gates of change. National legislation can be the midwife of progress. Let us enact a law calling for the creation of a National Boxing Commission. Let us save a noble sport.

The CHAIRMAN. You may proceed as you desire.

Mr. TUNNEY. Thank you, Mr. Chairman.

I would like to say whereas I am in favor of a national boxing commission, I do not think it is sufficient if we only regulate TV and radio broadcasts of professional boxing matches. I feel that we have to go much further. I think that we have to have a national boxing commission which would license the prizefighters, the promoters, the managers, and the seconds. It is only in this way that we can guarantee that the taint of professional gambling will no longer be allowed to remain in the boxing game, as well as to provide health standards, for instance, which fighters have to maintain if they are going to be allowed to fight.

As it stands now, a person can be knocked out today and then next month fight in another State and get knocked out again, and perhaps suffer some form of brain damage which is impossible to heal, and perhaps even be killed.

We also see the sad, sad spectacle of a person who was once a great champion staying in the ring because he does not feel that he has any other method or means of earning a living, and fighting and fighting and fighting, absorbing more and more punches until he becomes punchdrunk.

I feel that we have to have some type of national health standards which would regulate the fighters.

I think that it is particularly important that we have this Commission because I for one feel that boxing is worth saving. I think that we can see throughout the world that a heavyweight boxing championship in particular is perhaps the most popular sporting event that can be held. I know that when I was in England shortly after the second Clay-Liston fight, several Englishmen came up to me when they learned that I was Gene Tunney's son and said, "How can you as a Congressman allow this type of a sham or a fraud to be perpetrated upon the world?"

All these people had gotten up at 3 o'clock in the morning to watch the Early Bird broadcast, and, of course, never got back to sleep that morning because they were so mad about the results.

I feel that because boxing is now such an internationally popular sport and because it is possible to bring a live contest to the people of the world via Early Bird, that we as a Nation cannot possibly stand still and allow shams or frauds to be perpetrated upon the world public.

They think that the people in the United States are only interested in making a quick buck. They are not interested in sportsmanship or any of the things that were so important in the past in boxing. So for this reason, too, I think that we have to have a national commission which will have the power to license the boxers.

I do not think that just the licensing or the inspection of fraud, possible fraud in championship matches, is sufficient, and I think that now we have a situation where only the championship matches are televised. I think we need much stronger legislation, which gets at the heart of the problem, which is the poor preliminary fighter who never really has a chance to get to the top. He has to be protected too.

I want to thank the chairman for giving me the chance to testify this morning. I think that the idea of this legislation as it has been introduced by the chairman is good, but I just hope that the committee will go much further.

Thank you.

The CHAIRMAN. Thank you very much, Mr. Tunney, for your statement and for the statement of your father. The committee is glad to have the benefit of the views that you have presented. We welcome your advice and counsel.

We are concerned about the extent that the Federal Government should go into this. I personally feel that the boxing commissions of the States can more adequately, if they will, govern most of the operations, where these are primarily a local matter. I do think that there is a Federal interest that should be manifested, and as I have indicated to some, what I am seeking is to find that line of demarcation, the extent to which the Federal Government should go into this business, and yet be in a position to perform its responsibility, and still without encroaching too much on those matters that are purely local. So I myself am seeking that line and I hope we will be able to arrive at it in some way.

Mr. Staggers?

Mr. STAGGERS. I have no questions, but I would like to compliment our colleague on his testimony. I think you have contributed immeasurably to the record, and I think you have given your testimony

in a forceful and persuasive manner, to help us make up our mind as to what should be done.

I was interested in your father's written statement. It is very forthright and pointed. I have some personal questions I want to ask you, but I will ask you those later. Thank you very much.

Mr. TUNNEY. Thank you.

The CHAIRMAN. Mr. Younger?

Mr. YOUNGER. Only one question, Mr. Chairman. You state you think the committee ought to go much further than the bill. In what way?

Mr. TUNNEY. Well, I had a bill that has been introduced which is now in the Judiciary Committee, and no hearings have been scheduled, nor do I think it is probable, from what Chairman Celler has said, that hearings will be scheduled, because of the hearings that are being held here in this committee.

My bill, which has been introduced by others in Congress, Henry Gonzalez for one, is basically the Kefauver bill that was introduced in the Senate some years ago.

This bill would create a National Boxing Commission which would have the power to license all prizefighters, all promoters, all seconds, and would, by the power of licensing them, have the power, of course, to set health standards and determine when there was perhaps gambler influence or gambler associations.

The great need for this I think is best illustrated by the Clay-Liston fight. New York State refused to license the match. California refused to license the match because Mr. Liston would not disassociate himself from certain individuals that both commissions felt were undesirable, and so they took the fight to Florida and the fight was held there.

I think it is clear that, in the second Liston-Clay fight, it was the feeling of the State of Massachusetts that the fight should not be held, for various reasons. We don't know those reasons, but that it was not going to be a good match, and so they went to Maine where they had less than 5,000 people in the arena, but I understand they made \$3 million at least, cleared \$3 million through the television. So we need to have a national control as long as you have this ability to play off one State against the other.

Mr. YOUNGER. By what authority do you think we can get into the control you recommend, other than through the broadcast of the fight or the broadcast through closed TV or something of that kind? Do you think that we can just go in on a Federal basis and require the licensing of any boxer, even if he didn't box outside of his own State?

Mr. TUNNEY. I think under the interstate commerce clause, the way it has been interpreted by the Supreme Court in recent years, that this Congress would have the power.

Mr. YOUNGER. Well, I agree with you the way the Supreme Court interprets it, you could have any authority you want to, I agree with you on that. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Rogers?

Mr. ROGERS of Texas. Mr. Tunney, as I gathered from your statement, you feel that the Federal Government ought to move into the field completely?

Mr. TUNNEY. In the licensing; yes.

Mr. ROGERS of Texas. In the licensing. Does that include the local-type boxing, the intermural boxing, things of that sort?

Mr. TUNNEY. I would say only with professional boxing.

Mr. ROGERS of Texas. Only with professionals?

Mr. TUNNEY. Yes.

Mr. ROGERS of Texas. You feel that unless this is gone into, your crop of boxers that are coming along may not be plentiful, or there may not be any opportunity for them?

Mr. TUNNEY. That is right. I think that you have the greatest danger of gambling influence at the lower level of the boxing rung, of the boxing ladder. I think that there is much less possibility on the championship level, because there is much greater public interest.

But when you have these preliminary fights in small towns with maybe only 400 or 500 people present, it is much more likely that you could have a gambler control of the fight.

Mr. ROGERS of Texas. I would certainly agree with you that there is a problem. However, I think the issue as pointed up by the chairman and by Mr. Younger, is primarily how far the Federal Government can or should go in this field.

Now I think we have an issue here that is very similar to many other issues. If the State legislatures and if the State boxing commissions don't meet this problem and do something about it, I think the clamor of the people throughout the United States is going to become so great that Congress will have to take some action. Hence I would hope that these boxing commissions, in the several States and in the legislatures, would take heed from the testimony in this hearing, and try to do something to clean up this situation.

Mr. TUNNEY. Mr. Rogers, as you know, we had hearings 2 years ago in the Senate, and it didn't do much good. This is the reason for these hearings today.

It seems quite clear where you have 50 States, 50 different sovereignties, and you have the ability of a promoter to play off one State against the other by moving a fight in or out of the State, depending upon whether that State will give the fighters and the promoter what he wants, you are just not going to be able to get effective control.

Mr. ROGERS of Texas. I think this is like so many other things, it is the failure of the local situation to be handled at the local level that people just in frustration come to the National Congress and say, "You must do something about this and bring it under Federal control in some way."

Mr. TUNNEY. Well, I think that perhaps years ago when a fighter would spend practically his entire career fighting in one State, that your argument that it should be within or under State control, as I understand your argument, would be a better one. But now where you have fighters moving all across the country and to foreign countries—

Mr. ROGERS of Texas. I think my argument, Mr. Tunney, is that not only should it be cleaned up but that it must be cleaned up, and if the States aren't going to do it, the Federal Government is.

Mr. TUNNEY. Thank you very much.

The CHAIRMAN. Mr. Curtin?

Mr. CURTIN. No questions.

The CHAIRMAN. Mr. Macdonald?

Mr. MACDONALD. No questions.

The CHAIRMAN. Dr. Carter?

Mr. CARTER. I just want to compliment our colleague on his excellent presentation.

The CHAIRMAN. Mr. O'Brien?

Mr. O'BRIEN. No questions.

The CHAIRMAN. Mr. Van Deerlin?

Mr. VAN DEERLIN. No, thank you, Mr. Chairman.

The CHAIRMAN. Mr. Williams?

Mr. WILLIAMS. No questions.

The CHAIRMAN. Mr. Pickle?

Mr. PICKLE. No questions.

The CHAIRMAN. Mr. Rooney?

Mr. ROONEY. I would like to compliment the gentleman. No questions.

The CHAIRMAN. Mr. Murphy?

Mr. MURPHY. I would like to compliment Mr. Tunney on his statement. I am sorry I did not have the opportunity to hear his opening remarks, but I think that we have no finer representatives of any industry or sport, than we do in the personages of Gene Tunney and Jack Dempsey. I did not get the opportunity to make the remark this morning, but my candidate from New York for the Federal Boxing Commission czar is Jack Dempsey. That is all I have, Mr. Chairman.

Mr. TUNNEY. Thank you very much.

The CHAIRMAN. You put the plug in at the right time. Mr. Gilligan.

Mr. GILLIGAN. No questions.

The CHAIRMAN. Mr. Farnsley?

Mr. FARNSELEY. Thank you, Mr. Chairman.

Early in my administration as Mayor of Louisville, I spoke to a man that one of the foundations sent to Europe for 2 years to complete his studies. I have asked him what can we do—what can the city do that would help most to cut down juvenile delinquency. He thought a long time. I am not going to say he said boxing. He said, "Have every boy in Louisville play a Thanksgiving Day football game every day."

That is a big game in Louisville. Our high school and college young people take it very seriously. The same thing applies to boxing.

I am very much for Federal subsidy and help for all. We don't hear much any more of the manly art of self defense. I think it is tremendously important. I think not only is it an example to our young people, but for the opinion that the rest of the world holds of us. I don't know anything that the Government ought to regulate. I think if it is necessary, it ought to subsidize it. I am all out, and thanks to you and to your dad and to that nice man I am very proud to be here today.

Mr. TUNNEY. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. I say to our colleague, we do thank you for your appearance here, and for the contribution you have made to this record.

Mr. TUNNEY. Thank you so much.

The CHAIRMAN. The next witness will be Mr. Joseph J. Miller. Those of us at the Congressional Club and in various sports, including golf, all know him as Jocko. Mr. Miller, we are glad to have you. I believe you were the first chairman or at least a chairman of the District of Columbia Boxing Commission. I think along with some other colleagues I had something to do with the District of Columbia Boxing Act. I believe I sponsored it many years ago when I was on the District Committee, and you were one of the first chairmen of the local Boxing Commission.

I believe you are a member of the National AAU Boxing Committee and have been for many years, and of course your further interest is shown by the fact that you are a former member of the Olympic Boxing Committee and have participated in the National Golden Gloves Contest over a period of years as an official. We appreciate your coming here and will be glad to have a statement from you.

#### STATEMENT OF JOSEPH J. MILLER, FORMER CHAIRMAN OF THE DISTRICT OF COLUMBIA BOXING COMMISSION

Mr. MILLER. Thank you, Mr. Chairman.

The office of the Federal Boxing Commissioner should have jurisdiction and control over professional, amateur, and all boxing. It should be the parent body and settle disputes which arise.

If Golden Gloves and AAU had a hassle, such as is going on now between NCAA and AAU, we would have anywhere from 25 to 30 thousand kids ineligible for amateur boxing. The Federal Commission should pass and adopt such rules and regulations as are necessary for its administration, amend, rescind, and modify such rules and regulations whenever changes are required.

A Federal boxing law should be written so as to call for assistance from the FBI if and when necessary. The scoring system should be the same everywhere. Today we use the 10 point system in the District of Columbia, the 5 point system in Chicago, the round system in New York, the referee only in New Jersey, and what have you in other States. Other sports are scored the same no matter where they are held or which part of the country they are played in.

A medical advisory board should be set up to establish the same kind of medical examinations for all boxers to keep commission physicians informed on what procedures to follow. The World Boxing Association has established a safety code outlining what type examination should be given.

I doubt whether a half dozen commissions abide by it because they do not have the examining rooms or the medical facilities for this type examination. I know that the District of Columbia doesn't have.

Government facilities should be made available to boxing commissioners who do not have at their disposal chest X-ray, EEG tests, electrocardiograms, blood tests, blood count for bleeding and coagulation time and other necessary medical equipment.

A fighter rated among the first 10 should have the chance to meet the next rated man above him instead of a continued repeat performance between the champion and the challenger of his choice. The Federal Commission could help some boxers avoid serious tax prob-

lems, which have seriously restricted many boxers of great earning reputations.

It should be mandatory for promoters to first furnish boxers who have performed for them with the form showing how much they have earned during the past year. The only organization that does that to my knowledge right now is Madison Square Garden.

They should have research on medical, legal, and tax problems. TV and theater TV should be licensed and taxed. The people have no one to answer to when a fight is broadcast. There were technical difficulties during the two short Patterson-Liston bouts. Very little of the fights were seen, in some cases only heard. No money was returned to the patrons.

I believe here in the District of Columbia they pay \$7 to witness those things. Who are the people to complain to?

Fighters who were not licensed in one State because they were unable to meet the requirements, performed in another State whose standards were not as strict, appeared on theater TV where they had been barred previously, earned money in that State and paid no taxes. There are many persons in this country wise and experienced in the way of boxing who are qualified and interested in the sport, who would make good Commissioners. Put their names in a bowl, draw out five names and let it go from there. For compensation you could place them on a per diem basis or pay them as consultants. I believe Stan Musial works that way, and he does a great job for Health, Education, and Welfare.

Thank you very much.

Mr. STAGGERS. Thank you, Mr. Miller. The chairman has asked me to congratulate you for your statement, and thank you for coming. He had to leave for a moment. He will be back.

I take it from your testimony you agree with Mr. Dempsey's testimony that something should be added to take care of fighters if something happens to them and that they should be more closely checked before they fight?

Mr. MILLER. They should, because I know these medical examinations are just a joke in some States. I have seen fighters examined for a fight where the doctor checks the fighter's hands, looks for old cuts, takes his blood pressure, checks to find out if he has a hernia, and that is all there is to it.

Mr. STAGGERS. You think then there should be a Federal standard set up?

Mr. MILLER. I believe so. I believe a Federal boxing law and Federal standards should be set up for medical examinations.

Mr. STAGGERS. Thank you.

Mr. Rogers?

Mr. ROGERS of Texas. Mr. Miller, do you agree that the situation in boxing has gotten to the point where there ought to be Federal regulation of it as contrasted to the State commission type of regulation?

Mr. MILLER. I believe we should have Federal control and State commissions should work under Federal control.

Mr. ROGERS of Texas. Do you feel that this matter you have outlined here about medical examinations is something that reflects laxity on the State commissions in not requiring better medical examinations and things of that sort?

Mr. MILLER. Well, all commissions do not have facilities at their disposal, and they do the best they can under the circumstances.

Mr. ROGERS of Texas. Of course that is really the point. A lot of the times boxing commissions in these States, as I understand it are not as fully supported as they probably should be to get the job done. They just don't have the facilities to do it. Has it been your experience, and I know you have had quite a bit, that this varies all over the United States? One State may be good at it and another one will be terribly bad at it?

Mr. MILLER. That is certainly true.

Mr. ROGERS of Texas. And do you feel that in view of this some basic standard ought to be set up because it involves the entire country?

Mr. MILLER. That is right, where everyone should follow the standards.

Mr. ROGERS of Texas. And that does not mean just those boxing matches that are associated with television and radio, but it should go to the whole boxing area.

Mr. MILLER. The whole boxing game.

Mr. ROGERS of Texas. Thank you very much, Mr. Miller.

Mr. STAGGERS. Mr. Younger.

Mr. YOUNGER. Thank you, Mr. Chairman. I am certainly glad to have you with us, Mr. Miller. Do you advocate a one-man referee or administrator or a commission?

Mr. MILLER. No; I believe they should have at least five men on the Commission with a Chairman.

Mr. YOUNGER. Five members?

Mr. MILLER. Five members.

Mr. YOUNGER. Do you believe that the Commission should have jurisdiction over the contracts which are executed between the fighter and his manager?

Mr. MILLER. I believe they should. Contracts are turned in to boxing commissions right now, and they are checked. But there is a lot of this under-the-table stuff going on that isn't turned in, and if it is controlled federally, they are going to be a little careful about what they are doing.

Mr. YOUNGER. You heard Mr. Dempsey's testimony. He advocated that there be no control over the contract, the making of the contract, only control over the execution of the contract. The contract is whatever the various individuals want to enter into. But once it is entered into, then the Federal Commission's duty is to see that the contract is carried out.

Now you differ somewhat from him. You think they ought to have jurisdiction over the making of the contract?

Mr. MILLER. I believe so, because if there is no return bout clause in there, and you are not examining that contract, how do you know what is in there?

Another thing, like the statement that was brought out about Jimmy Braddock having 10 percent of all Joe Louis' fights, if you don't know what is going on, you can't control it. I mean that would all have to be brought out before the Commission.

Mr. YOUNGER. Well, that is true, but the point that he made was that regardless of what kind of a contract it was, whether it is fair or honest or what, the Commission would have no control over

the making of the contract and the terms of the contract with one exception, and that was that there should be no contract entered into where a guaranteed return fight was in the contract. But otherwise the contract could provide anything that was agreeable to the parties, and the Commission should only see that the contract was carried out.

Mr. MILLER. No, I don't agree with Mr. Dempsey on that. If a contract isn't fair, I don't see why it should be approved.

Mr. YOUNGER. If you recall I asked Mr. Dempsey whether the Commission should have control over the amateur boxing, such as control over the Golden Gloves, for instance. You advocate a complete control over both amateur and professional?

Mr. MILLER. The Federal Commission should be the parent body of all boxing. You can work along with Golden Gloves, cooperate with them, but there are a great many hassles that go along with amateur boxing. There are hassles between the Armed Forces, between Golden Gloves and AAU. Now if they get out of hand, they come right to the National Commission who takes care of it.

Mr. YOUNGER. In other words, if there is any dispute between them, then you have got a court to appeal to rather than to let them continue to disagree?

Mr. MILLER. That is right.

Mr. YOUNGER. And that is the intent. The Federal Commission would not necessarily have any control over the boxing bouts themselves as they would over professional boxing?

Mr. MILLER. No. They would be the parent body of course. Let the AAU run the amateur bouts, but if they get out of line, why then bring that before the Federal Commission and settle it there.

Mr. YOUNGER. Thank you very much. I think you have added to the testimony from the experience you have had as a Commissioner here concerning boxing. Thank you very much.

The CHAIRMAN. Mr. Macdonald?

Mr. MACDONALD. Thank you, Mr. Chairman.

Since I take it you are going to be the only gentleman who represents a very difficult side of boxing, being a member of a commission, I would like to skip over what seems to me to be irrelevant, the part about the health of the boxers, their treatment for injuries and all that, and get to what seems to me to be the nub of this, which is the promotional side of boxing. I would like to ask you a few questions just about that.

Here in the District, and I take it you are a member of the Commission here?

Mr. MILLER. Former member.

Mr. MACDONALD. Well, as a former member?

Mr. MILLER. Yes, sir.

Mr. MACDONALD. I am sure you have a good deal of information about how the boxing business, as opposed to the sport, runs, and I was wondering whether you agreed with me that most of the difficulty comes from the promotion of the fights. Do you agree or disagree?

Mr. MILLER. In what respect?

Mr. MACDONALD. Well, it seems to me as Mr. Dempsey testified earlier, that nothing much happens to the fighters. I think the fighters of today are just perhaps as good as those of bygone years.

But do you agree that the radio, TV, and the side benefits of boxing now have changed considerably in the last 10 years?

Mr. MILLER. They have changed boxing completely. There is where your big money is, from radio, TV, and pay TV.

Mr. MACDONALD. Right, sir. And therefore do you feel that it is true that a boxer has to make the right connections shall we say, before he is able to ride the escalator to get a chance at the title?

Mr. MILLER. Well, it was that way in Mr. Dempsey's time, too, but I don't know whether Mr. Dempsey remembers or not, but whoever controls a heavyweight champion has a great deal to say about what is going on in boxing.

Mr. MACDONALD. In those days it used to be the manager of the fighter.

Mr. MILLER. That is right.

Mr. MACDONALD. Who would say who he would fight and who he would not fight. Is that correct?

Mr. MILLER. That is right.

Mr. MACDONALD. But now isn't it the promoter, who first sells the rights to TV and radio, who actually controls who shall fight?

Mr. MILLER. Not to my knowledge. First of all you have to get two fighters to agree to box one another.

Mr. MACDONALD. I understand that. Mr. Patterson was kept under cover for quite some time, and his manager, as a concrete example, didn't get along with what I suppose would be known here in Washington as the establishment, meaning in this case the Madison Square Garden establishment. Would you agree with that?

Mr. MILLER. Yes.

Mr. MACDONALD. And therefore he fought very little before he became champion?

Mr. MILLER. That is true.

Mr. MACDONALD. My point is, do you see a great danger to boxing in the fact that radio and TV especially are taking control over the business of boxing?

Mr. MILLER. Yes. I think that is where the fault of boxing lies today. Radio and TV, TV primarily, has killed your small clubs, where there is no—

Mr. MACDONALD. Yes, sir. I am not talking about small clubs, although I understand here in Washington they had one called the Bucket of Blood, et cetera, that used to do pretty well. I am now talking about a major championship, such as the heavyweight title of the world. This is controlled as far as who fights whom, not by the fighters or their managers, but by TV. Do you agree to that?

Mr. MILLER. Well, I don't know that much about what goes on. We haven't had any major fights here in the District, so I haven't got into that. I haven't gotten that far in dealing with those people. All I can go by is what you read in the papers and magazines, and they give you that impression.

Mr. MACDONALD. I would just like to ask you, as a former member of the Commission here in the District, a technical question. This bill goes to the control of people who are registered as fighters, managers, and I hope we can put in an amendment about promoters.

But how do you get to somebody like Frankie Carbo, who never was registered or an owner or a manager of a fighter, and yet to my knowledge controlled boxing for quite some time here in the United States.

Mr. MILLER. Well, I think right now Mr. Carbo, as we all know, is taken care of.

Mr. MACDONALD. Yes; unless he has a very good carrier pigeon system, he doesn't control the game from his cell. I understand he is incarcerated at the moment; is that correct?

Mr. MILLER. That is right.

Mr. MACDONALD. But during the period that he was in his heyday, I understand he ran boxing, more or less, here in the United States.

Mr. MILLER. Well, that came out in the Kefauver hearings.

Mr. MACDONALD. Yes. I don't mean to get into that.

Mr. MILLER. Yes.

Mr. MACDONALD. To disinter bodies that are laid to rest.

What I am asking is how does this bill change the situation so that somebody like Mr. Carbo could not still control boxing?

Mr. MILLER. Well, No. 1, these characters like Mr. Carbo, Mr. Blinky Palermo, and some of these others, want to have nothing to do with the Federal Government or anything that the FBI is connected with. If you had a Federal Commission, they wouldn't dare tamper with any of these fighters or try to control them.

Mr. MACDONALD. I hope you have read the bill, sir, and I am sure you have, but there is nothing in the bill that talks about somebody who is behind the person who is registered. How do you control that, or how would you suggest that it be controlled?

Mr. MILLER. Well, we would have to have someone with more legal talent than I have to go into this thing and get it written and put in the boxing law, but I would write a boxing law the same as all the States have, and along with your Federal Commission create a Federal boxing law which this Commission works under.

Each boxing commission in each State has its own law, and it spells out what you can do and what you can't do, and there is enough legal talent here to go into that and set up a law such as that.

Mr. MACDONALD. Well, I don't want to take the time of the committee, but I will ask one last question concerning testimony that has been given before. It was said that a referee should be in complete charge of everything that happens during a fight. Do you agree with that?

Mr. MILLER. To a certain point.

Mr. MACDONALD. Well, what would have happened if Mr. Walcott in Lewiston, Maine, were in complete charge of that fight?

Mr. MILLER. Mr. Walcott was, but Mr. Walcott fell down on his duties. Mr. Walcott didn't give Liston a count at all. He should have started to count the minute Liston hit the canvas, and then if he had trouble with Clay standing over Liston, he should have held his count up, pushed Clay back to the corner.

Mr. MACDONALD. Yes; I am aware of the technicalities, and I quite agree with you. If a referee loses sort of the sense of what is going on around him and is not told that somebody has been knocked out—let them go back to fight, as I recall—

Mr. MILLER. Well, all I can say there is that they didn't have a qualified referee.

Mr. MACDONALD. Wouldn't you say that there should be some screening of referees, and that it should not be just a popularity contest?

Mr. MILLER. I agree with that, but most commissions have qualified officials.

Mr. MACDONALD. In your opinion was Mr. Walcott—and I don't know him and I have never seen him, but do you think he was qualified to referee a title match?

Mr. MILLER. I don't believe he was. Mr. Walcott is not a regular boxing referee. Mr. Walcott was—

Mr. MACDONALD. Why would he be brought in for the most important—I am told it is worth about \$20 million to be heavyweight champion of the world—why would an amateur, so to speak, an amateur referee be brought in over qualified referees to referee a fight of that magnitude and importance?

Mr. MILLER. Well, that was only with the consent of the commission. If they did not consent to Walcott, they could not have brought him in.

Mr. MACDONALD. Do you think this was at the consent of the commission or at the consent of the people who were promoting the fight?

Mr. MILLER. Well, the people who were promoting this fight naturally asked Walcott to come in. Before Walcott could be approved, he had to get consent of the commission.

Mr. MACDONALD. How many title fights are held in Maine?

Mr. MILLER. That is the first and last one.

Mr. MACDONALD. I am sure it is the last. But what was the one before that?

Mr. MILLER. I do not know of any.

Mr. MACDONALD. Well, how important would you think being a commissioner, a boxing commissioner, is in Maine?

Mr. MILLER. Well, they have local boxing in Maine. Somebody has to run it. Somebody has to take—

Mr. MACDONALD. Well, I come from New England, and, as a matter of fact, I have a house in Maine.

Mr. MILLER. I came from New England.

Mr. MACDONALD. I have yet to hear of a professional fight in Maine. There may have been some held, but I do not know where.

Mr. MILLER. Lewiston used to hold them, Saco used to hold them; Bangor used to hold them. I come from that part of the country originally.

Mr. MACDONALD. The only reason I am asking you these questions is because you are the only member of a commission that I have had the chance to ask these questions of.

But would a commission from Washington, D.C., allow an outsider who did not know local conditions, who had never refereed in the State before, and to my knowledge, had not refereed very much before, appear as the very crucial third man in the ring during a heavyweight fight?

Mr. MILLER. That depends on who is on the commission. When I was on there, we had requests for people to referee preliminary bouts—

Mr. MACDONALD. I cannot hear you, sir.

Mr. MILLER. When I was on the commission, we had requests for former boxing greats to referee preliminary bouts that were held at the old Bucket of Blood, as you said. We turned them down because we did not feel they were qualified.

Mr. MACDONALD. Do you not think much of this controversy over the Clay-Liston fight is generated by the fact that they had a very inexperienced person refereeing the fight?

Mr. MILLER. I agree with you there. I agree with that part of it.

And another thing. When the bout went from Massachusetts to Maine, it was a pretty good payday for the commission. I mean if you have no boxing—

Mr. MACDONALD. What is a payday for the commission? I mean legal payday?

Mr. MILLER. Legal payday, in the District of Columbia, we get 10 percent of the gate receipts, the net receipts, and 10 percent of radio and television rights if a fight were held in the District of Columbia. I do not know whether Maine charges 10 percent or 5 percent, but all commissions charge a percent.

Mr. MACDONALD. Well, do you not think that this itself is a practice should be stopped? Because, as some witness said earlier, it will create a chance for the 50 States to compete against each other just for sheer money; not that boxing is not for sheer money, but the commission certainly should not be motivated by money; I hope not, anyway.

Mr. MILLER. Well, that is how your commissions are supported from these taxes that they receive from fights. If you set up certain standards, laws, rules, and regulations by the Federal Commission and the other commissions had to abide by them, I think you would be all right.

Mr. MACDONALD. Now, in this instance, do you think that if a Federal Board were set up, should they charge a percentage either of the TV or the radio rights to support themselves, or become self-supporting?

Mr. MILLER. Not necessarily. I think Dempsey had a real good idea when he stated that they should take a percentage and put it into a pension or a retirement fund for some of these fighters. How you could control that, I do not know.

Mr. MACDONALD. Well, that is what bothers me about the entire bill. I think everyone here, including myself, feels that something should be done. This is such an open ended bill that I think perhaps it would create more problems than it would solve. But that, once again, is not your problem, it is ours.

With that, I have taken my time. I thank you very much.

Mr. STAGGERS. Mr. O'Brien?

Mr. O'BRIEN. I have just one brief question, if I may. I think we are all agreed here that boxing, professional boxing, is pretty sick in this country. It seems to me the decline started when Rocky Marciano quit. Do you think boxing is worth saving?

Mr. MILLER. I believe it is. I believe it is worth saving. You take 20-25 years ago, when we had the depression, things were pretty rough. A fellow could not get a job. He went out and he fought for a living and it was a means of livelihood to him. The more successful he was, the more money he could demand and the more money he made.

First, we are in a different era right now. The kids will not go out and fight because they can make a hundred dollars a week or more driving a truck. Why should they go in and fight for \$50 a week—I mean for \$50 a bout as a preliminary fighter? Out of that \$50 he has

to give the manager a third, he has to pay for his training expenses, he has to pay for a second in there with him, and what does he have at the end of the fight? Twenty-five or thirty dollars, and he can only fight once a week. How is he going to live on that?

It also gives the underprivileged fellow a chance to get in and make some real money. It opens the door to a great many places that are denied to him.

Mr. O'BRIEN. That is true. So do baseball and football and basketball, and most any other sport that is not controlled by racketeers.

Mr. MILLER. Well, I do not believe, after that Kefauver hearing, I do not think you have too many racketeers involved.

Number one, they are in there for the fast buck, but there is not too much of that around now in boxing. Today you have one heavy-weight championship a year and you have just certain people in there that are controlling it and that is all.

Mr. O'BRIEN. Is it not true that boxing today would die if it were not for radio and television?

Mr. MILLER. You are right.

Mr. STAGGERS. The committee will have to recess until 10 minutes to 4. You may finish your questioning then, Mr. O'Brien.

Mr. O'BRIEN. I have finished, sir.

Mr. STAGGERS. I might say that Rocky Marciano is here and I assume will appear after you are through, Mr. Miller.

We are in recess now until 10 minutes to 4.

(Whereupon, a recess was taken until 10 minutes to 4.)

Mr. STAGGERS. The committee will come to order. When the committee recessed, Mr. O'Brien was questioning Mr. Miller. Mr. O'Brien is not back, and we have two members of the committee who were not present at that time.

Mr. KORNEGAY, do you have any questions to ask of Mr. Miller?

Mr. KORNEGAY. I have no questions, Mr. Chairman.

Mr. STAGGERS. Mr. Keith, do you have any questions?

Mr. KEITH. No; I am sorry I do not see him more often. I have no questions.

Mr. STAGGERS. I see you are acquainted with the gentleman.

Mr. KEITH. I think he was a constituent of mine at one time, as is the next witness.

Mr. STAGGERS. Do you have any further questions, Mr. Macdonald?

Mr. MACDONALD. No; thank you, Mr. Chairman.

Mr. STAGGERS. If not, Mr. Miller, we want to thank you very kindly for coming and giving us the benefit of your views. If you have anything you wish to state, please do, because we have other witnesses and we want to get on with them.

Mr. MILLER. Thank you. It was a pleasure to be here.

Mr. STAGGERS. It was kind of you to come. You have helped us and I am sure the questions you have answered will be of assistance to us in considering the bill before the committee.

Off the record.

(Discussion off the record.)

Mr. STAGGERS. Our next witness will be Rocky Marciano, the retired undefeated heavyweight champion of the world.

Rocky, would you come up and take the stand, please, and give us the benefit of your views? We are happy to have you here and want to

welcome you here, and to thank you for giving us the benefit of your views.

**STATEMENT OF ROCKY MARCIANO, RETIRED UNDEFEATED HEAVY-WEIGHT CHAMPION OF THE WORLD, NEW YORK, N.Y.; ACCOMPANIED BY STEPHEN B. ACUNTO, JR.**

Mr. MARCIANO. Gentlemen, I am here to support the Federal boxing bill because boxing is in such a bad position today. Hearings by various State legislators have come and gone and nothing has happened. People who have financial interest in the sport have contributed nothing and they repeatedly attempt to justify rather than rectify the existing malconditions to protect their own personal interests. It seems to me that men in boxing have inherited and continue to exercise devious and unwholesome methods of operations over the years and remain unabated.

Unfortunately, the people who support other major sports have, somehow, failed to take a deep-rooted interest in boxing's welfare. Gentlemen, the cold, realistic facts about boxing are that it is continuing its rapid plunge. I am deeply concerned about the future welfare of the sport.

The immediate passage of legislation to establish a Federal Boxing Commission under the Department of Justice and with the aforesaid honorable body's assistance would be the only possible solution. We must immediately synchronize and establish uniformity of operation on all matters pertaining to professional boxing in this country. We must set up its methods of operation and then implement in each State. I understand that there are a number of States that have indicated a willingness to accept a Federal control of boxing.

Amateur boxing must also be reviewed as it is from that source that the future professionals and champions emanate. Collegiate boxing is very important also because it brings boxing to another environment. In the future, tremendous emphasis should be placed on the science of boxing and the importance of its conditioning. For instance, in professional baseball, errors in defense are not tolerated because a very high standard of ability and performance is expected.

America has been and still is the boxing capital of the world, and our example in establishing a perfectly functioning National Boxing Board, will, I feel, be utilized around the world. Because boxing is one of the only worldwide major sports, the impact of its success or failure here in this country will affect the outlook of millions throughout of the world regarding the conduct of sports in a democratic country such as ours.

The man appointed to head such a Commission must not merely be a big man in boxing because this would not necessarily solve boxing's problems, but rather an all around boxing man—ready to surround himself with experts in the field.

Now to revert to some suggestions which I should like to outline at this time:

1. We must institute a plan for the incubation, protection, and development of young athletes interested in boxing as is done in little league baseball.

2. We must provide experts to train the referees, judges, managers, trainers, and other specialists associated with the sport of boxing and require the most rigid license qualifications. We would require the most scrupulous medical examination by doctors connected with boxing's governing bodies. As a matter of fact, it is my thought that a medical history from the very inception of a fighter's career should be kept; and not only should a boxer be examined before a contest, but after—whether he wins or loses that match. To give an example, in cases where a fighter has gotten a tremendous beating, he should be subjected to the most rigorous physical examination before being permitted to engage in another boxing contest so soon. He wouldn't have to be knocked out or be the loser to be examined—as is being done today.

3. Another reason why we must obtain national legislation to govern boxing rather than submit to the individual State regulations is that they are doing such a bad job of this sport.

4. We must arrange for group insurance, pension funds, and general care where needed for all former and present fighters, and others affiliated with the ring game.

5. Also, it would be wise to encourage industry, community clubs and fraternal organizations to develop amateur boxing programs, under the proper and correct guidance.

In short, gentlemen, we must become organized under one proper leadership.

I think a percentage of all gate receipts should be set aside for the welfare fund of boxers.

Radio and television media should contribute their fair share to this fund. We would like to be organized comparably to other sports such as baseball, basketball, football, and so forth. For example, I envision a championship fight to benefit boxers similar to the annual all-star game in baseball.

This Federal Control Board would, I feel, enable us to accomplish all the steps that I believe important and must be taken to pilot the boxing industry to the right direction. In so doing, we could ultimately convert the sport into the honorable, exciting, and colorful activity deserved by the people of this great country.

In conclusion, may I say that it would be unfair to condemn the sport of boxing per se. We simply cannot knock the sport out while it has its hands down because it has never really been administered properly.

(Mr. Marciano's prepared statement follows:)

#### STATEMENT OF ROCKY MARCIANO

GENTLEMEN: I am here to support the Federal boxing bill as I believe that boxing is now in a very precarious position. Millions of words have been poured out through every medium. Legislative hearings by the various State commissions have come and gone. Because of their makeup, State commissions and other governing bodies have failed to save boxing or prevent its rapid plunge to its present low estate. I also have felt that people who have any financial interest in the sport have nothing to contribute because they have repeatedly attempted to justify, rather than rectify, the existing malconditions to protect their own interests. It seems to me that men in boxing have inherited and perpetrated a devious and unwholesome method of operation over the years and it continues unabated.

It is indeed unfortunate that the respectable people in our society who support, protect, and concern themselves with other major sports have somehow been unwilling to delve into boxing.

If anyone questions this, may I offer as proof the present conditions in boxing.

Therefore, being coldly realistic about the situation in boxing at present is obligatory. We simply cannot continue to remain dilatory while the sport is disintegrating. We must get into this immediately. I feel that idealism about boxing is a "must" from now on and my own idealistic feeling about this sport is predicated on what it has done for me, personally. I am deeply concerned about its future and I stand here ready to offer my services to your honorable committee. I can also recommend outstanding boxing experts. In other words, gentlemen, I feel we have reached the point you do when training for a big fight—the conditioning, the planning, the advice is all in. We are now in the ring facing the reality of the biggest fight this sport has ever faced for its survival. The fight is for the survival of boxing in America.

Now, as to the positive action that must be taken. The only possible solution that I can see for saving boxing at this time is through the immediate passage of legislation to establish a Federal Boxing Commission under the Department of Justice and with the aforesaid honorable body's assistance. Specifically, we must synchronize and establish uniformity of operation on all matters pertaining to professional boxing in this country.

A model Federal Boxing Commission must be set up and its method of operation implemented in each State with their cooperation. I understand that there are a number of States ready to invite the implementation of boxing only after Federal legislation is passed.

Conditions in amateur boxing must also be reviewed, for it is from that source that the future professionals and champions emanate. Collegiate boxing is very important, also, because it brings boxing to another environment. In the future, tremendous emphasis should be placed on the science of boxing and on the importance of conditioning. For instance, in professional baseball, errors in defense are not tolerated because a very high standard of ability and performance is demanded.

America has been and still is the boxing capital of the world and our example in establishing a perfectly functioning Federal Boxing Board will, I feel, be utilized around the world. Because boxing is the only worldwide major sport, the impact of its success or failure here in this country must affect the outlook of millions throughout the world regarding the conduct of sports in a democratic country such as ours.

The man appointed to head such a Commission must not merely be a big name in boxing because this would not solve boxing's problems, but rather an all-around boxing man ready to surround himself with experts in the field. As a matter of fact, I would personally welcome the opportunity to insure the initiation of this program.

In conclusion, we must not delay passage of Federal legislation insuring prompt establishment of Federal controls for, really, gentlemen, it has reached an impasse—it is a now or perhaps never proposition for boxing.

Let's coordinate our efforts to achieve as soon as possible a sound Federal Boxing Commission.

Mr. STAGGERS. Thank you very much for giving us the benefit of your views.

You have been very explicit in what you have to say. I am sure that it will be helpful.

I might say to you that, for one man, you have given me many a thrill.

Mr. MARCIANO. Thank you, sir.

Mr. STAGGERS. I am presently a great admirer of yours, and I am sure that many millions across this land feel the same way, because I do not think anybody would be able to say you did not fight.

Mr. ROGERS, do you have any questions?

Mr. ROGERS of Texas. Mr. Chairman, I would yield to the chairman of the full committee.

The CHAIRMAN. Go right ahead.

Mr. ROGERS of Texas. Mr. Marciano, I appreciate your statement on this matter, because I think you are a man who has been through the ropes, literally speaking. You understand it. As I gather from your statement, you feel that the entire professional boxing category should be under Federal control rather than under State control.

Mr. MARCIANO. Yes, sir.

Mr. ROGERS of Texas. During your career, Mr. Marciano, did you have occasion where professional gamblers or other people tried to compromise you in your boxing career?

Mr. MARCIANO. No, sir; I consider myself very lucky in that I was protected by a jealous manager, very, very much, and did not really have any association whatsoever with anybody other than possibly someone in boxing, a trainer or manager or fighter.

Mr. ROGERS of Texas. So you, I am sure, are using the term, "jealous manager," did so from the standpoint that you realized, and I am sure that he did, too, that some things were going on in the boxing world that were not very savory and not conducive to the best interests of the sport?

Mr. MARCIANO. From time to time, sir, we heard stories and rumors and things of that sort. But again, I say I do not ever remember being in any of that crew.

Mr. ROGERS of Texas. I, of course, have heard lots of stories pro and con on this matter. I want to say this, but I want to compliment you, too. I have never heard any story of any shady activities, or even a mention of shady activities concerning Mr. Dempsey, Mr. Tunney, or yourself. I follow boxing very closely, and have enjoyed the contribution you have made to it.

Thank you, Mr. Chairman.

The CHAIRMAN (presiding). Mr. Springer?

Mr. SPRINGER. Mr. Marciano, the chairman of this committee has introduced a bill, and I dropped one in the hopper which is identical a few minutes ago. The one under consideration today is H.R. 8365. Have you read that bill?

Mr. MARCIANO. No, sir; I have not had a chance to.

Mr. SPRINGER. Could the staff give him a copy of the bill, please?

Mr. Marciano, would you please turn to page 2, line 14? Would you read lines 14 through 24, and I shall remain quiet.

Mr. MARCIANO. "The Commission shall exercise continuing surveillance over the field of professional boxing. Whenever the Commission determines that it is likely that a professional boxing event which is to be televised in interstate commerce, or an account of which is to be transmitted in interstate commerce by wire or radio (while such event is occurring), will be in any way affected by bribery, collusion to effect the result, intentional losing, racketeering, including terrorism, extortion, organized use of threats, coercion, intimidation, or use of violence, it may issue an order prohibiting such interstate transmission or televising."

Mr. SPRINGER. Now, in order for the Congress to have jurisdiction, it was our thought that we had to have control to control the television and the use of airwaves, which we do control. Now, this bill would not allow the Commission, as I understand it, to take jurisdiction unless one of these seven things occur which are mentioned here.

Now, in the case of the Clay versus Liston second fight, apparently the commission in Massachusetts believed that was not in the public interest and they refused to give them a license, or after it gave them a license, it took it away. We do not know what the reasons for that were, but we are inclined to believe that that State had a good reason for not allowing the fight.

Mr. MACDONALD. Actually, Rocky, that is not the case, if I may intervene. The commission never passed on the matter, it was the district attorney for Suffolk County who brought a court case. The commission never passed on it one way or another.

Mr. SPRINGER. Did they get a court order prohibiting the match?

Mr. MACDONALD. It was dropped in court.

Mr. SPRINGER. All right, it was dropped and they moved to another State.

Now, even in that case, from all the facts that I know, this bill would not give us jurisdiction. I have suggested or made a suggestion here this morning that the bill be amended so that any time that they do televise or telecast, by radio or television, or either one, a match in interstate commerce, that match had to have the approval of the Federal Boxing Commission. In other words, none of these would take place; you would just have to have approval any time you televise any interstate commerce. This would take place in all the big matches.

You understand what I am talking about?

Mr. MARCIANO. That is right.

Mr. SPRINGER. Because the gate receipts were negligible in Lewiston, but the closed-circuit receipts were over \$4 million in the Clay-Liston fight. Do you agree with me that section 2 is really the meat of this bill, the section which really gives the Commission jurisdiction? Could it take jurisdiction only under the seven instances set out here?

Mr. ROONEY. Will the gentleman yield?

Mr. SPRINGER. Yes.

Mr. ROONEY. I believe the champ does have legal counsel with him. Perhaps he might want to confer with him.

Mr. MARCIANO. I think I would like to. I do not really understand this too well.

The CHAIRMAN. Do you have your counsel with you, Mr. Marciano?

Mr. MARCIANO. I have an associate here who is not a legal counsel—

The CHAIRMAN. I think for the record, you should identify yourself first.

Perhaps Mr. Marciano, you would like to identify your associate.

Mr. MARCIANO. This is Mr. Steve Acqueto, and he has been associated with boxing most of his life. He is from Mount Vernon, N.Y. I think an amendment to the bill would be proper.

Mr. SPRINGER. All right.

Mr. Marciano, you have mentioned State commissions. Do you still believe State commissions should have a place in boxing?

Mr. MARCIANO. Not at the present level. The way things are being run, I do not believe that they are helping at all. In fact, they are probably hurting very, very much.

Mr. SPRINGER. In other words, it is your belief at this time that generally speaking, the State boxing commissions are not doing the job you think they ought to do. Is that an accurate statement?

Mr. MARCIANO. I say that at least 50 percent are not doing the job that is required, that should be done; at least 50 percent.

Mr. SPRINGER. In behalf of boxing or protecting boxers?

Mr. MARCIANO. In behalf of the sport. They are not too well versed on boxing. Most of them were not interested in boxing before they were appointed. I personally know many State boxing commissioners who are really not even interested in boxing today. They just go to a boxing match when it is proper to be seen, or whenever it is proper to entertain. I do not think that most of them are men who are interested in helping boxing. They do not seem to have the deep-rooted interest that they should have in a serious sport such as boxing.

Mr. SPRINGER. Do you feel that members of the commission ought to apply themselves rather vigorously to this job?

Mr. MARCIANO. Yes, sir. I think they should know every fighter in their State. I think they should at least have a rundown on every man that comes into their State to box. I think they should watch a couple of workouts, probably talk to the trainers, talk to the sparring partners, talk to the doctor examining them. They do not do this. There are many States where I have watched exhibitions where I hardly knew the boxing commissioner, and had absolutely no conversation whatsoever with the man in boxing. There does not seem to be any interest at all.

Mr. SPRINGER. The suggestion was made this morning by another witness as prominent as yourself, I may say, in boxing circles. He suggested that this commission on these fights, big fights, ought to license both the promoter and the manager and the fighter.

Mr. MARCIANO. Yes, sir; that is very true.

Mr. SPRINGER. Do you believe the Federal Boxing Commission ought to do that in those cases over which it has jurisdiction?

Mr. MARCIANO. Yes, sir; I think the Federal Boxing Commission should have a rundown on just anybody associated with boxing, from the promoter to the corner man or the second or the sponge man.

Mr. SPRINGER. Now, he made another suggestion. That he felt that any fighter, promoter, or manager who had a criminal record of a felony or more should not be granted a license. What do you think of that? I said felony, not misdemeanor.

Mr. MARCIANO. Yes; they should not be allowed in boxing.

Mr. SPRINGER. In any one of those three capacities—manager, trainer, or fighter?

Mr. MARCIANO. Yes, sir.

Mr. SPRINGER. Thank you, Mr. Chairman.

The CHAIRMAN. Well, you would want some saving clause to the effect that where you know a man might unfortunately have gone the wrong way and he has had an opportunity to rehabilitate himself and is now living a good life, then he should be acceptable and have that opportunity, would you not?

Mr. MARCIANO. Yes, sir; there are many fighters who have had minor offenses against them and honestly, boxing has brought out the best in them. I have known many big-name fighters who were thinking wrong before they entered boxing, and, of course, were not only straightened out but turned out to be very useful, good citizens.

The CHAIRMAN. That fellow at that time really needs good management, good guidance, and good direction from that element?

Mr. MARCIANO. Yes; they need a break.

The CHAIRMAN. Mr. Macdonald?

Mr. MACDONALD. It is my pleasure, Mr. Marciano, to welcome you here as a very sought after witness. Among your other titles, you can also say that you are one of the few people who have held up a congressional hearing for about 10 minutes. We waited for you to arrive and we are delighted to have you here.

Mr. MARCIANO. Thank you, sir.

Mr. MACDONALD. I have just a few questions.

Mr. ROONEY. I wonder if the gentleman will yield before he asks questions?

Mr. MACDONALD. Surely.

Mr. ROONEY. Will you tell him, Rocky, why you were detained, because of his leader in Massachusetts?

Mr. MARCIANO. Yes, I thought I would have a few minutes to see the Speaker of the House. I had more than a few minutes, and I could not quite get away.

Mr. MACDONALD. You could not have spent your time more profitably here in Washington, since a Texan now is in the White House.

I would just like to ask you a couple of questions which may be repetitive to those who have listened to much of the testimony. I know very well of your history in boxing and followed it, as everyone in Massachusetts did, with a great deal of local pride.

As a matter of fact, Mr. Chairman, you would be surprised to find out the number of people who remember Rocky not as a heavyweight champion, but as the rejected Cub catcher.

Mr. MARCIANO. You are so right.

Mr. MACDONALD. I can say that because I am a rejected Yankee outfielder.

But what I really wanted to ask you, Mr. Marciano, deals with the bill itself. I know you have had very little time to prepare it, and so on, and go through it. But I was wondering two things. First, do you think it is so open ended that in the long run, if passed in its present form, it would cause more problems than it would solve? And I specifically talk about the section which the gentleman from Illinois brought out, section 2, in which the words, "bribery, collusion, intentional losing, racketeering, terrorism, extortion," and so on, are concerned. To your knowledge, not that you have been involved in any of it, but are not those already crimes?

Mr. MARCIANO. Yes, sir; and it is really a shame that boxing has to carry this image. It was this way when I first started in boxing and it looks to me like it still carries the same bad image. It is really a crime that so much is made of all these words. That is why I so strongly want such a strong hold on the sport, because I believe that with the proper leadership, with an FBI watching over, I am sure that if there is any, it could be eliminated very, very quickly with strong leadership.

Mr. MACDONALD. Right, Mr. Marciano. One thing that I discussed with the Chairman of the FCC this morning was his complete power to make judgment as to what would be a proper fight in order to have revenue coming in from television and radio. Am I remiss in my memory when I saw you fight the light-heavyweight champion?

Mr. MARCIANO. Yes, Archie Moore.

Mr. MACDONALD. Yes.

Mr. MARCIANO. Yes, sir.

Mr. MACDONALD. Would that be a mismanaged fight?

Mr. MARCIANO. It really was not, because actually, our weights were 1 pound different. I weighed 1 pound more than Archie Moore for that fight. He kind of bloomed up to 186 and I kind of dropped down to 187.

Mr. MACDONALD. He was slower and you were faster?

Mr. MARCIANO. Yes, but he had so much experience that he actually made me look bad throughout many rounds. It turned out to be one of the better fights. I would have to classify that one as my second-best fight. Only the one with Jersey Joe Walcott was a better fight for the public.

But Moore gave me everything he had. He went in there and fought all the way. I threw, I think, about 600 or 700 punches and could not knock him out, and he was just worn out at the end. It turned out to be really a good match.

I want to say that Archie Moore was an underrated champion.

Mr. MACDONALD. This is my point. I happened to see the fight from ringside, and it was a rough fight for you.

Mr. MARCIANO. That is right.

Mr. MACDONALD. On paper, it did not look like it was going to me.

I said I would yield to the gentleman from California.

Mr. VAN DERLIN. Thank you.

I really wanted to make the point that my constituent, Mr. Moore, was the only man in history ever to knock the champ off his feet.

Mr. MACDONALD. I hear some of those Brockton High School football players did the same thing.

In any event, Mr. Marciano, I wanted to ask your expert opinion about whether or not you felt that the real source of much of this trouble is not between the fighters, because once again, I repeat that in my judgment, the fighters of today are just as good as they ever were, and an over-age man being hit is going to go down faster than if he were hit 10 years before. I was going to ask you if, in your opinion, much of these problems that beset boxing, and we all agree there are problems, are not generated from the promotion of the fights?

Mr. MARCIANO. In some cases, yes. But I would like to say that there is such a lack of talent today in boxing. Really, there are not many—I do not think we could name 5 good heavyweights in the country today, whereas years ago, Mr. Nat Fleischer always had the 20 top, best in the country, and always they were name fighters. Today, there just are not any contenders.

Mr. MACDONALD. But on the other hand, Mr. Marciano, I am sure we are both of the same age bracket that we remember Joe Louis and his so-called bum-of-the-month club in which he fought around the United States and knocked out, I suppose, whatever States he fought in, he knocked those people out. There was never any talk about collusion. Do you agree to that?

Mr. MARCIANO. Yes. I remember so well. Actually, if I may say, Joe Louis had the right idea in his day, and this is one of the reasons why I retired. Joe Louis kept active. He fought every month, whether it be a third-rater or a fourth-rater. He fought every month because there was not any good talent in the country at that time, also.

Mr. MACDONALD. This is the point that I tried to establish, that at any given time, there were probably only three or four really top heavyweight fighters. Would you agree to that?

Mr. MARCIANO. There have been as far back as 15 years ago, I believe—more than that, sir—there have been seven or eight good, big name, top contenders.

Mr. MACDONALD. Well, before we get away—I do not agree with you, incidentally. But in any event, what I was trying to indicate was the fact that the side things of boxing now, the TV, the radio, and the reruns of movies, et cetera, seem to control boxing. I was wondering, when you were boxing, did you personally ever pick out someone you wanted to fight?

Mr. MARCIANO. No, sir, I never—I had an agreement and I think that most fighters should have the same agreement that turned out so well for me. My agreement was to fight anybody that my manager named.

Mr. MACDONALD. Was that Al Weil?

Mr. MARCIANO. Al Weil, yes, sir. He knew boxing inside out and really liked it. I fought any opponent who was named, which at the time was the best possible match.

Mr. MACDONALD. Under this bill, Rocky, it says that the FCC shall have the power to cut off the TV and radio if they, indeed, in their expert judgment, feel that the match will not be a good one or there are indications that it will not project the best image of boxing.

Mr. MARCIANO. That is very good. That is very good.

Mr. MACDONALD. Do you think you were ever mismatched, that someone you could not whip with your left hand—and I know you never had much of a left hand—

Mr. MARCIANO. Did you say—I did not quite understand that.

Mr. MACDONALD. I am glad you did not.

But sometimes, do you think you were in a match that you could easily take out the person you were fighting?

Mr. MARCIANO. In the very beginning, I boxed men of equal experience—that is, the 4- and 6- and 8-round matches were for experience, sort of going to school. Then, when I reached a point where I was recognized or in the top 10, I just had a chance to fight Rex Lane, who was rated at the time, I guess, No. 2 or 3. After beating him, the only logical match at that time was Joe Louis, because Joe Louis had started a comeback and had won 11 straight victories. So this was a good match, Joe Louis and myself, although the age bracket was quite a difference.

But Louis, with his vast experience, and myself with not that much experience, made for a good match; at least, seven of the eight rounds were good.

From there, I just had to fight Harry Matthews, who was being avoided by all of—

Mr. MACDONALD. Who was that?

Mr. MARCIANO. Harry Matthews, Kid Matthews, who had had something like 200 fights and had a great record. In fact, I think they had a hearing at that time because nobody would fight him. His manager, Mr. Hurley, who knew how to get publicity, really did get some publicity on that one.

We did fight. It was a good match. We had a tremendous crowd. It did not turn out to be a good fight. It was one of my luckier fights.

From there, I could only fight the champion, who was Jersey Joe Walcott. After beating Walcott, we gave him a return match because the fight was so good.

The second one was not so good, and then came Ezzard Charles, who in my book was a very, very underrated fighter.

Mr. MACDONALD. Before you go into that, I would just like to ask you this: Was it written into the contract of your first fight with Walcott that you were going to have to fight him again?

Mr. MARCIANO. Yes, sir.

Mr. MACDONALD. Do you find that to be a bad practice in the fight game?

Mr. MARCIANO. Yes; it is very bad practice. I think that today, a man should prove himself.

Mr. MACDONALD. How can you prove yourself better than being champion?

Mr. MARCIANO. Well, after a bad fight such as Patterson with Liston, it was such a bad fight that the press and everybody connected with boxing could not see a second fight. But there was a return bout, and the champion naturally wanted to protect himself, or he did protect himself by a return match clause.

The same thing with Clay. That first fight was a bad one. A lot of people did not quite believe that Liston quit, but there was not too much enthusiasm about the second fight in Maine. There was not a big crowd, there was not a real blockbuster, as we say.

Mr. MACDONALD. Well, it was a blockbuster.

Mr. MARCIANO. In reverse.

Mr. MACDONALD. Actually, what we are talking about is just that, that the crowds no longer control where a fight is going to be. The fight fans themselves have nothing to say about it. It is the promoters who establish the TV and the radio outlets that pick the place. I am saying that as a statement, but I am actually asking you as a question. Do you agree with me on that?

Mr. MARCIANO. Yes, sir; I do.

Mr. MACDONALD. And do you agree that two men who could be very good fighters and still have opposite styles—and I know you know about that—one is a stabber and the other is a hitter and they are just going to dance for the regulation, that if the promoter of the TV—does not think that this is going to sell tickets—not in the stadium but around the country on TV—they will not allow such a match. Do you agree with that?

Mr. MARCIANO. Yes; certainly the promoter, who controls the fight, really, is looking for the most amount of money and the big attraction, and the big desire to see it.

Mr. MACDONALD. Do you not think that one of the things that could happen and should happen is that the fight game be given back to the legitimate fight promoters and not the TV people or the radio people?

Mr. MARCIANO. I doubt, sir, if there are any of the oldtime promoters left.

Mr. MACDONALD. You know one in Boston, Sam Silverman, who was used as a front, as a matter of fact, in this fight which was run out of Boston.

Mr. MARCIANO. He is one of the very few that is capable of promoting independent fights today. Really, there are so few good fight promoters throughout the country that it is frightening.

Mr. MACDONALD. I shall just close with this question: Do you have any suggestions that could be added to those that have been made already in these hearings; namely, to have the promoters bonded, to assure that promoters have no criminal records, to make the promoters liable if something does bomb out, as this one in Lewiston did? Because we are looking for help. We want to help boxing. I am sure everybody does. I speak for the committee, I am sure.

How you do it is another matter. My personal guess is maybe leave the whole thing alone and let boxing work its own salvation.

But it seems to go from bad to worse.

Do you have any suggestions?

Mr. MARCIANO. I am awfully sorry to hear that, sir, because we in boxing, I think, are depending on this group here to help us. The boxing game has cancer, and I think a good doctor would not kill the patient but try to help it get rid of the cancer. This is what we need.

I think our big problem here is we must help the young athlete, the young boxer, get started, and I do not think it can be done by the promoters that are now existing in this country. I think that we must in some way get some help there. I think there is where the big push will be. We are not going to get it if we do not get a National Boxing Commissioner.

I think that boxing is in for a bad, bad deal. I think that it could possibly be banned in many States, and when that happens, many other States will pick it up and before you know it, it will be just too late.

I think right now, we are standing on the threshold of either boxing surviving or dying right here.

Mr. MACDONALD. One last question. When you talk about the States, Mr. Marciano, I have noticed that there are many States that do not recognize Mohammed Ali, or whatever his name is—Cassius Clay—as champion. Does this bother anybody such as yourself, although you never had this problem? Clay is recognized as champion in how many States, four or five?

Mr. MARCIANO. I believe it is three States.

Mr. MACDONALD. So in essence, when everybody is talking about States rights here, they do not really know what they are talking about, which means that Clay is not champion in 47 States. That does not seem to bother him particularly.

Mr. MARCIANO. No, it really does not. This is something that is really hurting the whole game of boxing. That is why I said before there should be a uniform—the board must be uniform, every State, so that we have the same scoring system, the same rating, and all of that.

Mr. MACDONALD. Rocky, I do not mean to interrupt you, but other people on the committee want to question. I just have, as we always say, one more question. But why does it not bother the so-called heavyweight champion that he is not recognized in 47 of the 50 States? It would seem that he is a very minority member.

Mr. MARCIANO. I think, sir, that is this case, the emphasis is on money and power.

Mr. MACDONALD. And money and power come from the cable through which the fights are held, right?

(Mr. Marciano nods in the affirmative.)

Mr. MACDONALD. Therefore, it all directly goes back to who runs the TV end of it, who runs the radio. Would you agree with that?

Mr. MARCIANO. Yes, sir; I do.

Mr. MACDONALD. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Younger?

Mr. YOUNGER. Thank you, Mr. Chairman.

Not coming from Massachusetts, I still welcome you here.

I have some questions. One is, if the sport itself is cleaned up so that a young man feels that it is a clean sport, do you not feel that more of them will go into the boxing game?

Mr. MARCIANO. Yes, sir; and that is the reason for the decline of late. I visited a gymnasium shortly before in New York City, where one time there were 30 to 40 boxers training, trying to get in shape and ready for fights. Today, I saw six in the gymnasium. Again, there is such a lack of talent in the country that many States have not had boxing matches for years and years. It is because of the image, the bad image that has been shown in boxing in the last 5 or 6 years.

Before that, I remember I felt very proud to say that I was a fighter. Today, there are many times when I have to bite my tongue because a fighter is not given any credit at all; in fact, he is looked upon in a bad way.

Mr. YOUNGER. One other question. I know you have the idea that the State boxing commissions are not doing anything. But if you have a State boxing commission and that boxing commission should rule out a fight and say they would not permit a fight in that State, should not that be somewhat a governing factor for the national or the Federal Boxing Commission to say no, they are not going to override the State boxing commission and permit the match in another State?

Mr. MARCIANO. That is right, sir, exactly. It should be that way and it never has been that way. As long as I remember, a fighter could travel; if he were banned in seven States, he could go to another State and fight. There was always room for him to fight somewhere.

Today, of course, they can go overseas and to Europe and fight. This should not be allowed, either. I think that this country here should control the boxer so that when he is considered washed up, he should not be allowed to travel to Europe, where they still treat a man who has fought 10 years ago with a lot of renown. This is hurting boxing, too.

Some of our fighters who have had it go over to Europe and fight some of their talent and do not look so good, because our boys have had it and are washed up. They have carried a bad picture over there, too. This is something else I wanted to mention.

Mr. YOUNGER. Thank you very much.

The CHAIRMAN. Mr. O'Brien?

Mr. O'BRIEN. Mr. Marciano, I would like to congratulate you on your testimony, not only your prepared testimony but your response to the questions. I think you have handled yourself just as well at the witness table as you ever did in the ring.

I would like to say that your appeal for Federal action, almost as though it was the last hope, has influenced at least one member of this committee, because I came into these hearings inclined to agree with a

great many people that professional boxing should go the way of gladiators and bear-fighting and all that sort of business. But you have made it very clear to me, especially in the last two sentences of your statement, that professional boxing is still struggling. In other words, it is not dead and it is entitled to the protection of a Federal Commission, and the boxers are entitled to full protection of the Federal law.

Of course, it could be very simple. This committee and the Congress could probably outlaw the transmission of fights on radio and television. That would kill boxing?

Mr. MARCIANO. Just about. As it stands today, it would just about.

Mr. O'BRIEN. Do you believe that the very fear of the Feds, as they are called, would bring an awful lot of order and decency into the boxing field?

Mr. MARCIANO. I have never been so sure of anything in all my life, sir. When the Federals take over, a lot will disappear.

Mr. O'BRIEN. Thank you very much.

The CHAIRMAN. Mr. Keith?

Mr. KEITH. Thank you, Mr. Chairman. I join with my colleagues in complimenting my former constituent for his very intelligent, informed, and helpful testimony. He has, as Mr. O'Brien said, handled himself as well here as he did in the ring. This is sometimes quite an accomplishment, too.

We have had, as other commissions have been established, many expert witnesses and, oftentimes, when the legislation that is under discussion becomes law, they are asked if they would serve because of their interest and fine presentation of the case. I would hope that if you were asked to serve on this Commission or as its Chairman, you would accept such an invitation.

Mr. MARCIANO. It would be a very, very great honor, sir.

Mr. KEITH. I have no more questions, Mr. Chairman.

Mr. MACDONALD. I second the nomination, Mr. Chairman.

The CHAIRMAN. Mr. Rogers, do you have anybody to propose?

Mr. ROGERS of Florida. Thank you, Mr. Chairman.

Mr. Marciano, it is great to see you again. As a member of the committee, I can claim your being a former constituent of mine, too. Your testimony has been most helpful.

I wonder if it would be advisable also, if a Boxing Commission is established, not only to have them license promoters and fighters and all associated with the game, but also to have the contract approved by the Boxing Commission, or at least open to the scrutiny of the Boxing Commission to see what terms are involved, to make sure there is no return bout, for instance?

Mr. MARCIANO. Absolutely.

Mr. ROGERS of Florida. Do you think this would go a little bit toward cleaning up the game?

Mr. MARCIANO. Yes, sir; it would, and believe me, it would do a great justice to the fight fans, who sometimes have to go and see a return match when they know well that it is not going to be much of a match. But believe it or not, they are there pretty strong, hoping they can see a good fight.

Mr. ROGERS of Florida. Let me ask you this: Do you ever recall having heard before a fight that a fight was fixed, or does it go around the boxing circles.

Mr. MARCIANO. Sir, there are always rumors to the effect that some gamblers made a cleanup and a sweep, and stuff like that. But actually, what happens a lot of times, and it is something that we could help here, is sometimes a fighter is matched at the last moment. I have seen many matches, especially when TV was going strong, twice a week, when a man had to pull out of a fight because of an injury and a substitution was made, a last-minute substitution, when a fellow was contacted 3 days before the fight to fight a top television battle. I personally know of four or five young, good prospects who were hurt in this kind of a maneuver when they were called on at the last minute because they could not turn down the good offer, the good television offer, sometimes as high as \$7,500, to fight. They could not turn it down. They took the match on 2- or 3-day notice and of course, it was a mismatch, and if anything is a fix, that is it. But that is the closest I have come to hearing of anything being fixed.

Mr. ROGERS of Florida. Is this normally done, this television approach, by the promoter?

Mr. MARCIANO. It was being done by the people who handle the television fights. In other words, the match was made months ahead of time. Something could have happened at a training camp, where a man ruined his thumb or sprained his finger or his wrist, and a substitution had to be made. Naturally, they would try to pick the best substitute for that match.

But many times, they called a man who was in between fights and when he received a good offer like that, he figured, well, let me take this, and it would probably be something I could handle anyway. Nine out of ten times, the substitute was knocked out.

Mr. ROGERS of Florida. Was not prepared because he had not had enough notice?

Mr. MARCIANO. Not prepared, that is right.

Mr. ROGERS of Florida. Most of his programing, then, would have been done by whoever was running the television program as such by contacting him or the manager of these people?

Mr. MARCIANO. Yes, sir.

Mr. MACDONALD. Would the gentleman yield?

Mr. ROGERS of Florida. Yes, I yield.

Mr. MACDONALD. In that area, how would people in the fight business explain the rise of someone like that left-handed fighter from Michigan, Chuck Davey? Do you mean to say that was just an accident?

Mr. MARCIANO. Chuck Davey was brought along by a very clever group management. He was put in there quite often. He fought more than anybody else, I believe, at that time. He was tricky and fast. Being a "southpaw," sometimes he was hard to figure out by the opposition that he faced. Lots of times, he did not face the best opposition for a television fight, either. Our sponsor should get the best out of a match, but a lot of times, he did not get the best out of the Chuck Davey fights. He is lucky enough to get by many, many fights until he was exposed by Kid Gavilan.

Mr. MACDONALD. You think it was just luck?

Mr. MARCIANO. No, I would not say it was just luck. He was helped along, brought along pretty carefully. He did not face any tough guys. Most of his fights were on TV. Instead of taking the occasional

match outside of TV, he did not, he just waited for the TV fights and built up this reputation.

Mr. ROGERS of Florida. Just one last question, Mr. Marciano. Do you feel that the present policy of putting fights on TV is mainly arranged by the television people or by the boxing promoter himself?

Mr. MARCIANO. I think the sponsor has a lot to say about that.

Mr. ROGERS of Florida. The sponsor of the television program?

Mr. MARCIANO. Yes, sir.

Mr. ROGERS of Florida. That seems to be the current feeling about how this is now arranged?

Mr. MARCIANO. Well, sir, today, of course, we have so few television fights. I am talking about just the last year or so. We have so few television fights, either a championship fight or an exceptional match. But a few years back, when television was going strong, I think the sponsor did have quite a bit to say about the matches.

Mr. ROGERS of Florida. In other words, you feel, for instance, where this last fight was turned down in one State, it is possible that if the TV people had not wanted to, they would not have let it go on TV if, in fact, something had been wrong?

Mr. MARCIANO. Yes.

Mr. MACDONALD. Mr. Rogers, would you yield?

Mr. ROGERS of Florida. Yes.

Mr. MACDONALD. I would just like to clear up the record for all times, that it was not called off because of any evidence or any thoughts of "hanky-panky." It was called off because the law of the Commonwealth of Massachusetts was broken. That law states that the promoter of the fight in Massachusetts must be registered within the Commonwealth of Massachusetts, and the people who were promoting this particular fight were not so registered. It was on that basis and that basis alone that the fight was sent out of Massachusetts to some other place.

Mr. ROONEY. Would the gentleman yield?

Mr. MACDONALD. Yes.

Mr. ROONEY. Why was it originally scheduled there?

Mr. MACDONALD. I suppose it was originally scheduled, and really I should not answer, since I do not know, but I am sure that the producers of the fight, the Nilon brothers, I believe, were unaware of that fact. They thought that—I would judge that they must have felt that getting Sam Silverman to front for them would cover the law. The district attorney thought otherwise. It was on that legal basis with no evidence of collusion or anything else, that it was put out, or not allowed, shall we say, to be performed within, and I use the word "performed" advisedly—it was not allowed to be performed within Suffolk County.

Mr. ROGERS of Florida. Thank you, Mr. Chairman.

The CHAIRMAN. I do think that effort was made, was it not, to comply with the law. Apparently, that did not work out. There was some suggestion, as I understood it, where the promoter could not qualify under your law, and he would not step aside for someone else. That is my understanding, if we are going to pursue that particular matter. Maybe it will be cleared up as we go along.

Mr. KORNEGAY?

Mr. KORNEGAY. Thank you, Mr. Chairman.

Mr. Marciano, I would like to join my colleagues in welcoming you to the committee and say I appreciate your statement very much. I have admired you for years for the fine record and the good reputation you have had in the fight business. I have two or three questions I would like to ask of you.

One of them has been broached by at least two members of the committee, and I do not know whether I quite understood what your thinking was on it. The bills which we have under consideration, H.R. 8635, Chairman Harris' bill, in section 2, says that whenever the Commission determines or feels that likely a professional boxing match which is going to be televised will in some way or any way be affected by chicanery, and I use the word advisedly—collusion—to the effect that it will result in intentional losing and that sort of thing—in other words, under this bill or this approach to the problem, the Commission would have authority to prevent the televising of the match only if they thought or were suspicious that something wrong was about to happen in the fight.

Now, the suggestion has been made that maybe the boxing commission should have the power and the authority to approve or authorize the televising of any fight. Now, the difference, of course, is, one, that they cannot step in unless they have reason to believe that something is wrong with the fight, and the other approach would be that they would authorize the fight—in other words, do the investigating—to see that everything was “hunky-dory” about the fight and it was all aboveboard, and then approve it.

Now, which of those two approaches would you prefer?

Mr. MARCIANO. I like the second approach.

Mr. KORNEGAY. In other words, you feel the Commission should have the authority to investigate and approve any fight before it is televised?

Mr. MARCIANO. That is exactly right, sir.

Mr. KORNEGAY. Thank you very much.

We have talked about TV and boxing on TV. There was a day when boxing was on free TV; in other words, you could turn on channel so-and-so and each week see boxing matches. But on the big fights, the championship fights, of course, most of these are on closed-circuit TV. You go down to a coliseum or to a theater and you see the fight. It does not come over the home set. Do you feel there is any distinction or that there is one type of televising that is better than any other so far as fights are concerned?

Mr. MARCIANO. No, sir; it should be available to everybody, and I have heard many, many complaints because television would reach a market and develop quite a few fight fans, and then all of a sudden, they would have to pay to go see a championship fight. This did not help, either. This is one of the things that hurt way back then.

Mr. KORNEGAY. It sort of takes the fight away from people; does it not?

Mr. MARCIANO. Yes; it does.

Mr. KORNEGAY. When Joe Louis was fighting, we did not have TV, but you could always hear the fight on radio, as I remember. Is that not a fact, that they were broadcast over radio back in the thirties, before World War II?

Mr. MARCIANO. Yes; that is all they were.

Mr. KORNEGAY. Do you feel that that type of exposure to the general public was beneficial to fighting?

Mr. MARCIANO. Yes, very, very much. In fact, I am sure it influenced me. I would get so excited listening to those radio fights that I just could not wait to get in the gym and learn something. I am sure that TV did the same thing to a lot of youngsters. That is why, for about 10 years, from 1950 to 1960, you had a lot of good fighters, a lot of good matches. It really was the golden era for boxing. In the last 5 years, we have seen what has happened and it is because of the many things that we have discussed here.

Mr. KORNEGAY. Do you know when this closed-circuit television started as far as boxing is concerned?

Mr. MARCIANO. I do not know exactly when it started. I think Willie Pep was the first one on TV.

Mr. KORNEGAY. It is closed-circuit TV I am talking about. When did they start using closed circuit?

Mr. MARCIANO. When I was fighting, sir, in 1952. In 1952, we were just starting the closed-circuit program. There were not too many theaters available, as I remember, less than 100. Today, I think they can reach pretty close to 500 theaters or more.

Mr. KORNEGAY. One other question relative to TV. Of course, people other than TV people make money out of these closed-circuit TV shows.

Mr. MARCIANO. Yes.

Mr. KORNEGAY. In other words, a portion of the TV gate goes to the fighters, the promoters, everybody connected with the fight?

Mr. MARCIANO. Yes; and people who put the shows on in a different area.

Mr. KORNEGAY. Do you know at the moment as to how the division of profits from the closed-circuit TV is handled?

Mr. MARCIANO. I do not have the exact figures, but I think the fighters get the same amount of money ratio as they would in the match itself, such as if a champion got 40 percent, for instance, of the total gate receipts—

Mr. KORNEGAY. You would get 40 percent of the net profits from the TV operation?

Mr. MARCIANO. I believe very close to it, sir. It would come to about 60 percent between the two fighters. Then the promoters would get the rest, and—

Mr. KORNEGAY. Well, the TV people get some?

Mr. MARCIANO. Yes, of course, the TV people—exhibitors—get some, and then the promoters. They cut up to the other 40 percent.

Mr. KORNEGAY. And that has gotten to be a big pie to split up?

Mr. MARCIANO. It has gotten to be the biggest business in the world, I guess.

Mr. KORNEGAY. I want to thank you very much, Mr. Marciano, and state again my appreciation.

That is all, Mr. Chairman.

The CHAIRMAN. Reference has been made to the fact that the television people have been getting so much out of this. I think that is in error. I do not believe the television people have gotten anything out of it, except perhaps the one station they contracted with to send it through the circuits. These people who are engaged in closed-

circuit operations, piping it to the theaters, are not the broadcast industry at all. I think that should be brought out.

Mr. KORNEGAY. If the chairman will yield, that is the reason I wanted to bring out the fact that the money taken at the gate was divided up and down the line—fighters, promoters, and others.

The CHAIRMAN. Yes, that is true; but reference has been made again to the broadcasting industry, getting so much out of it. But they, as I understand it, get nothing out of it. It goes to closed-circuit operation, which is not the same thing.

Mr. KORNEGAY. Probably we did not differentiate between the broadcasting industry and the closed-circuit people.

The CHAIRMAN. Mr. Van Deerlin?

Mr. VAN DEERLIN. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Pickle?

Mr. PICKLE. I wanted to ask Mr. Marciano, when you say fighters or managers and promoters should be licensed, do you mean by the State or by the Federal Government?

Mr. MARCIANO. By the Federal Government. I think this would be the answer, again.

Mr. PICKLE. I would like to ask this question, either of you or perhaps of the chairman.

What is the legal right available now with respect to these national bouts if it is found that there is good reason to believe that bribery or collusion is taking place? Do we have any legal right to go into court? What agency does it now, can do it? Is it strictly up to the State?

Mr. MARCIANO. I thought the fight purses would be held up if there were any reason for—

Mr. PICKLE. And any remedy, as far as you know, would have to be taken in that State where the fight occurred?

The CHAIRMAN. There is no Federal regulation or rule on it at all now. It is strictly, if there is any authority, it is left with the State commissions and State laws.

Mr. PICKLE. I have a feeling from hearing the testimony on this bill that whereas section 2 is all right as far as it goes, I think perhaps we might add to it a provision that it would be unlawful for anyone to participate, make it a crime to participate in any contest that later would be found to have any kind of bribery or shadow to it.

Now, the last bill in this section says that whoever violates an order of the Commission shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both. That is a pretty good deterrent, I would think. But how would you feel about a Boxing Commissioner if he were given the power to disbar anyone from participating in the fight racket, whether he is the fighter, manager, or promoter, for a period of time if there is any question about this?

The Boxing Commissioner might not want to go so far as a conviction or fine and thus say, "I cannot be certain of this; I do not know whether I can make this conviction stick." But he can say, "I will disbar you and you cannot fight or manage for a period of time."

How do you feel about that?

Mr. MARCIANO. I would think if he were suspended and investigated, he might have an answer. I thought, too, sir, that a Federal Boxing Commissioner would have regional directors in different parts

of the country that were able to look and see into the character of any fighter or the promotion of any fighter in an area. Some regional directors would perhaps be like a policeman on the corner and stop anything from even starting.

Mr. MACDONALD. Would the gentleman from Texas yield to me?

Mr. PICKLE. Yes.

Mr. MACDONALD. Rocky, is it not true that in a fight, one person is in on the fix, so to speak, if he is going to take a dive, and the other person could go out there not knowing anything about it, take a swing, hit him, knock him down, and the guy takes a dive but he figures that it was all on the up and up? And yet, under this bill, he would be a coconspirator, since the fight was fixed, shall we say?

Do you not think that should be changed?

Mr. MARCIANO. I have heard the same story that you did.

Mr. MACDONALD. I am not talking from experience. I just made it up.

Mr. MARCIANO. I think, if I may, that was said about when Primo Carnera was fighting. This is where I first heard it. But I think that a commission could look into that phase of it very, very much and take care of that, I am sure.

Mr. MACDONALD. Do you think so? Carnera could fight 15 fights, or whatever number he did, without being defeated—this is no reflection on you—and still think that he could beat the people he was fighting?

Mr. MARCIANO. I understand Primo Carnera had absolutely no education at all. He was a circus strong man and believed he was the strongest man in the world. I have heard stories of where he would sometimes miss a guy and have the guy fall down and he thought he was getting to be Superman. I doubt very much, though, if anybody could ever be fooled to that extent.

Mr. MACDONALD. My last question, if you will still yield—why would not boxing, if it continues at its present course, end up the way Carnera does? He is now wrestling. In some States, I guess he is called the wrestling champion of the world.

Mr. MARCIANO. Exhibitions.

Mr. MACDONALD. Why would not this happen to boxing? Why would not the seeds it has sown come back, to mix a metaphor, to reap the bad wheat?

Mr. MARCIANO. I do not believe it could happen with a strong leader. I believe again the Federal man here is going to save boxing and it can be saved. So many little things could be done to help boxing, and believe me gentleman, that is all it would need, direction.

Mr. MACDONALD. Thank you.

Mr. PICKLE. Mr. Marciano, I want to thank you for your testimony. I appreciate what you have said, just as I appreciate, as all of us, the wonderful record you have made in this field.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Rooney?

Mr. ROONEY. Mr. Chairman, I want to take this opportunity to congratulate the witness, Mr. Marciano, on his excellent statement. I might say that Rocky did a little sparring in my district during the last campaign, and I am certainly happy it was not with me. I want to say he was certainly helpful in my campaign, of which I am most appreciative.

At that time he addressed the Old Time Boxers Association in Lehigh Valley and my good friend, Charlie Ettinger, who was associated with the Call Chronicle newspapers in Lehigh Valley, invited him to address this Old Time Boxers dinner. At that time he gave practically the same statement he has given today. I think he is to be lauded for his statement, especially with his comment on amateur boxing in the United States, and also the insurance phase of his statement, along with the retirement moneys that should be set aside for boxers.

I would now like to refer to Mr. Marciano to comment on the statement that my distinguished colleague from Massachusetts made, that once you become a heavyweight boxing champion it is automatically worth \$20 million. I have known you for some time, Rocky, and I didn't realize your vast wealth.

Mr. MARCIANO. I think maybe today it would be worth about half of that. In my day it certainly was not worth anywhere near that. I held the title for 4 years and fought six times as the champion, and I do not think I even came close to the \$2 million mark. At that time we did not have the tax benefit that the fighters enjoy today—that is, the 5-year period, being able to spread the income over a 5-year period and taking a benefit period. In my day, unfortunately, I fought for 8 years. In my first 4 years I hardly made enough to buy a good wardrobe. In the following 4 years I made close to \$2.5 million. I was taxed each year on the big purse and paid, I believe, 92 percent of my money, receiving no tax benefit whatsoever.

It was one of the reasons why I thought of retiring at that time, because there was just no way of keeping the big money earned. So I had to make a big decision, and I did. And I am happy I did, because there was not any talk of a tax plan for the fighter.

I must say that the fighter was the only athlete that paid the heavy price. In a game where really, you only have a short period of productive years, boxing really was not such a good business at that time. Today a champion, a heavyweight champion if he became popular or could become popular, could make a lot more money and keep it today.

Mr. ROONEY. Rocky, in your opinion, do you not think that further tax breaks by the Internal Revenue Service would help the boxer and at the same time, keep corruption out of boxing?

Mr. MARCIANO. Yes, I do. I think that the champion of the world, if he were able to keep, or if he were able to help his fellow fighters, he would fight more often. Today, we have only had 12 heavyweight championship fights in 10 years of boxing—or in 10 years. Since I retired in 1955, there have only been 12 heavyweight fights, or less than 60 rounds of boxing, and probably less than 20 good rounds of boxing. Because of this inactivity, the fighters themselves have hurt themselves in their ability.

That is why Patterson, I believe, looked so bad in two fights, because of not fighting more often. I think that is why Liston looked so bad. I think he got something like 10 rounds in 3 years, or 12 or 15 rounds in 3 years of boxing.

You just cannot be at your best when you have this type of space in between fights.

And it was strictly because of the tax angle. Their attorneys told them, what is the sense of fighting this year? You are not going to be

able to keep anything, so we will go around the country boxing exhibitions, picking up \$5,000 here, \$8,000 here and we will be able to keep some of it and enjoy it. Why take a chance and risk your title when you are not going to be able to keep anything? That was the story, I believe, in the last four or five fights.

Mr. ROONEY. Rocky, in 1952 and 1953, at that time, did your father ever travel with you at your training camps throughout the country?

Mr. MARCIANO. Yes; he did.

Mr. ROONEY. Were you permitted to deduct your father's expenses and put him on the payroll as a tax deduction?

Mr. MARCIANO. No, sir; I was not able to, because I was told that he was not a necessary source, or necessary in my business, that because it was my dad, he could not be put on the payroll. I had no benefits whatsoever in that direction, not being able to put any of my friends or any of the people that I would have liked to on the payroll. It was strictly a manager, a trainer, sparring partners, eating expenses, and wardrobe.

Mr. ROONEY. I have one final question. I would like to commend you on your fine endorsement of Chairman Harris' bill and the other members of this committee who have cosponsored it along with the chairman. But I would like to ask you, in your opinion, in what way do you think that the challenger can meet the best qualified boxer? Do you think that this Commission should be the sole determination of who is going to be his next fight? I do not feel that this decision should be made by the Commissioner. I would like to have your views on the subject.

Mr. MARCIANO. Yes, sir; I would like very much to suggest that practical men in boxing are men from the ranks of boxing. They do not necessarily have to be heavyweights, they do not necessarily have to be champions. But men who have spent a lifetime in boxing should help in this, their favorite sport. I would like to see a three-man committee of qualified men from the ranks of boxing who know of the ills, who know of the things that have happened in the past that probably are happening today. They would insure, I believe, this Commission making the right decisions.

Mr. ROONEY. No further questions, Mr. Chairman.

The CHAIRMAN. What is your native State?

Mr. MARCIANO. Massachusetts.

Mr. MACDONALD. I thought Mr. Keith and I made that abundantly clear.

Do you still carry those plates, KO?

Mr. MARCIANO. No, sir; I sort of lost the privilege, I think. I have moved down to Fort Lauderdale, Fla., for 5 years and have just moved back to Boston.

The CHAIRMAN. How old were you when you began to engage in boxing?

Mr. MARCIANO. I started very late, sir. I actually started boxing in the Army, in the U.S. Engineer Corps. I had my first 12 amateur fights there. When I was discharged, I took up professional baseball and could not make it and went right into the Golden Gloves in Lowell, Mass., and won that and immediately turned professional at the age of 22.

The CHAIRMAN. You became a professional boxer at the age of 22?

Mr. MARCIANO. Yes, sir.

The CHAIRMAN. How many fights did you have on your way up?

Mr. MARCIANO. I had something like 18 amateur fights.

The CHAIRMAN. Was that before you became champion?

Mr. MARCIANO. Yes, sir; I then had 49 professional fights.

The CHAIRMAN. Before you became champion?

Mr. MARCIANO. Yes—well, I won my championship on my 42d fight.

The CHAIRMAN. Forty-second professional fight?

Mr. MARCIANO. Yes, sir.

The CHAIRMAN. In other words, you were engaged in how many fights working your way on up, professionally speaking?

Mr. MARCIANO. Forty-nine professional fights, sir.

The CHAIRMAN. That is a very good record.

I am very much impressed with your presentation, and I want to thank you for it. The response of the members of the committee, I think, has been quite obvious. You and others who have appeared today who are renowned in this field and who have made such an outstanding record in this field of sports have given, at least to me, the impression today that you are terribly discouraged and quite concerned about the future of your sport. But I do not believe that we should get too discouraged about it. I think we have these moments of up and down in any sport.

The American people, I think, are hungry for a good fight, very frankly.

Mr. MARCIANO. Yes, sir; I am sure of that.

The CHAIRMAN. In my judgment, if we would get the right kind of organizational setup to provide the image that we should have, the right guidance, and there was a supervisor watching over it, I firmly believe that we do not necessarily need a lot of Federal regulations. In my judgment, the regulation of encounters of this nature should more properly be left to the State commissioners. I do think that if there should be a Federal referee, so to speak. I think if we provide the proper image, this great professional sport can come back.

I think reference has been made here today about certain elements getting control. There must be something to it. Undoubtedly, it may have had something to do with the weekly TV fights that caught on throughout the country and I thought were very good, generally speaking. But evidently, it went the same way as it is with so many other things where there is an opportunity for somebody to step in. I have seen this in other fields, the communications fields, for example. Some years ago, when pay TV was proposed, we were about to fall into a national situation which, in my judgment, would have accelerated this kind of thing. But I have as firm a feeling now as I did when I introduced this bill that if we get at the economic heart of it and put somebody in charge with authority to investigate and arm them with the tools and the equipment and machinery to go in and develop the facts, and, if necessary, cut off the economic possibilities, then I believe it will be taken care of. I just think that exposure is probably the greatest penalty that you can provide in fields of this kind.

So I am somewhat encouraged by the contributions that have been made here today by people like yourself who have fought their way up. Certainly you have made a record on your own, and we are thankful that we live in a country where that can happen.

I say that with this kind of support and advice and counsel that you bring us here today, the committee should come forth with some program that will clean it up, that will bring about a change in the image, that will encourage these youngsters to get into this kind of thing, go to the gymnasium, get involved with Golden Gloves, the various kinds of amateur boxing of this kind, and you will see people being to emerge again.

In my judgment, I think there is no reason why there should not be a great future in this outstanding public interest field down through the years.

I want to thank you on behalf of the committee for the contributions you have made today.

The committee will adjourn until 10 o'clock in the morning.

(Whereupon, at 5:25 p.m. the hearing recessed until the following day, Wednesday, July 7, 1965, at 10 a.m.)

The first part of the paper is devoted to a discussion of the general theory of the subject. It is shown that the theory is based on the assumption that the system is in a state of equilibrium. The second part of the paper is devoted to a discussion of the experimental results. It is shown that the experimental results are in good agreement with the theoretical predictions. The third part of the paper is devoted to a discussion of the conclusions. It is shown that the theory is in good agreement with the experimental results.

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## FEDERAL BOXING COMMISSION

WEDNESDAY, JULY 7, 1965

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
*Washington, D.C.*

The committee met, pursuant to recess, at 10 a.m., in room 2123, Rayburn House Office Building, the Honorable Oren Harris (chairman) presiding.

The CHAIRMAN. The committee will come to order.

As previously arranged, in order that this record will reflect a certain continuity in the presentation of the problems, the first witness today will be Mr. Fred Brooks, president of Sportsvision, Inc. Mr. Brooks, before you begin your statement, I should like to recognize the presence of and welcome a 4-H group from many of the States of the Nation. Only a short time ago, I had the very great privilege of extending a cordial welcome to the 4-H boys and girls from my own State. I referred to the fact that we were glad to welcome some of the future voters from the Fourth District of my own State. I regret I cannot say the same to you. But who knows—someone out there may move to the Fourth District in Arkansas one of these days, and, if so, I would welcome you there just as cordially as I do welcome you here today.

I am informed that some of you come from the great State of Kentucky. Actually I don't know how Arkansas would have ever made it had it not been for Kentucky. But we do have the historical association between our States.

We are fortunate to have one of our distinguished colleagues from the great State of Kentucky as a member of the committee, and he might want to say good morning and greetings to you.

Dr. Carter?

Mr. CARTER. I am just happy to welcome the group from Kentucky among this group. I also see a man with whom I practiced for many years, one of the best surgeons within the State of Kentucky, sitting there. I am happy to welcome these people here and certainly hope they enjoy their visit in Washington. I feel sure they will.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. We are very glad to have you visit us. We are considering proposed legislation for the Federal regulation of professional boxing. This committee room is one of the places where your legislative branch of the Government operates. This is the way legislation is developed. We hope that you will stay with us as long as your time will permit and learn as much as you can about the operation of your Government. Of course, you may feel free to go on to other commitments as your schedule requires.

Mr. Brooks, I believe you have a statement that you would like to present.

**STATEMENT OF FREDERIC H. BROOKS, PRESIDENT, SPORTSVISION, INC.; ACCOMPANIED BY RICHARD Z. STEINHAUS, COUNSEL**

Mr. BROOKS. Yes; I do, Mr. Chairman.

The CHAIRMAN. You may proceed.

Mr. BROOKS. First I would like to introduce Mr. Richard Steinhaus, counsel of Sportsvision.

The CHAIRMAN. Mr. Steinhaus, we are glad to have you with us.

Mr. BROOKS. Mr. Chairman, we have heard a great deal about boxing and yesterday and a great deal about the television interests. I thought it might be advisable if I gave some background as to the field, and I have a prepared statement to that effect.

The potential gross income on a major heavyweight championship fight is approximately \$6 million. Of this amount some 90 percent is generated by the ancillary rights. These rights include large screen theater television, community antenna television, foreign radio and television, prefight and postfight shows, domestic and Canadian radio, and motion pictures.

For a closed-circuit telecast of these proportions some 260 theaters and arenas in the the United States and Canada would be utilized and some 5,000 people employed. These include television technicians, telephone company personnel, sound engineers, ticket takers, ushers, and projectionists, as well as the personnel of Sportsvision, Inc.

The largest coaxial cable and microwave system in history was put together to handle the closed-circuit telecast of the Clay-Liston heavyweight championship bout on May 25, 1965. The various American, Canadian, and Mexican telephone companies serviced 331 points throughout North America. Of these, 253 points were large screen locations, and 78 points were community antenna systems and other outlets. This compares with 202 points which are serviced for commercial television's top-rated show "Bonanza."

Approximately 1 million seats in theaters and arenas were available and the fight was seen in some 400,000 community antenna homes.

Simultaneous radio broadcasts took the fight throughout South America, Great Britain, Australia, New Zealand, Germany, and Austria, among other countries, in their native languages.

Delayed kinescopes and video tapes were rushed by plane all over the world and were shown the next day in such places as Nigeria, Kuwait, the Philippines, and Sweden, in addition to most of the above.

A new vista was opened in international telecommunications with the live telecast of the heavyweight championship fight via Early Bird Satellite to most of Western Europe. Millions of people watched the fight at 3:30 in the morning in Great Britain; there was a large screen paid theater telecast in Paris.

The potential additional income as the European market grows is probably at least as great as the American and Canadian income.

**FINANCES**

The income from a major heavyweight championship fight is divided according to certain formulas which have developed as the business has grown. For purposes of illustration, we shall assume a fight with a gross of \$5 million, including a live gate of \$500,000.

This would be based on the sale of approximately 600,000 closed-circuit seats at \$6 a ticket, radio income of \$250,000, motion picture income of \$400,000, community antenna income of \$100,000, foreign radio and television income of \$100,000, prefight shows and miscellaneous income of \$50,000, for a gross ancillary income of \$4 $\frac{1}{2}$  million.

From the live gate, admission taxes and certain other fees are deducted leaving a net gate of approximately \$425,000. Closed circuit income is also reduced by admission taxes and the local exhibitors' share, which is 45 percent of the balance in most cases. Motion picture revenues would be reduced by distributors' fees, print costs, and advertising costs. Sportsvision, Inc., receives a fee and a percentage of all of the ancillary income. Based upon these figures, the net income from ancillary rights paid to the promoter would be approximately \$2 million. The net live gate is added to this for a total of \$2,425,000. Of this the fighters generally receive 60 percent, leaving approximately \$970,000 for the promoter. Expenses, such as rent, ushers, tickets, publicity and promotion, travel, legal, and accounting, run to several hundred thousand dollars.

#### SPORTSVISION, INC.

Sportsvision, Inc.—which, with the conclusion of the recent Clay-Liston bout has grossed approximately as much money in this industry as all other companies combined have grossed since 1960—continues its leadership of the field. The company, an outgrowth of GRS Enterprises, Inc., presently holds the record for any single sporting event with its performance on the first Patterson-Liston fight, September 25, 1962, which grossed \$4,200,000 for closed circuit television and other ancillary rights. The Liston-Patterson rematch, which was held in Las Vegas, Nev., on July 22, 1963, is the event in which the company takes its greatest pride. Most of the experts expected the closed circuit telecast to be a financial failure. Sportsvision grossed \$1,200,000, and, equally important, almost all of the local exhibitors found the event profitable.

Sportsvision, Inc., is owned by Frederic H. Brooks, president; Roy Garcia, vice president; and Robert Rosencrans, also vice president. Although your witness and his associates are comparatively young men, they have had many years of very practical business and administrative experience, which has helped them to bring some sound business techniques to the administration of a major fight. This experience includes several years with three top Wall Street investment banking firms; considerable insurance and credit experience; and investigation experience for a Senate subcommittee.

Mr. Rosencrans formerly was head of closed circuit operations for TelePrompster Corp. and has booked over \$12 million in closed circuit revenue—an unchallengeable record. Through his ownership of Box Office Television, which has televised Notre Dame football and industrial events, he pioneered the field and was responsible for the development of many of today's closed circuit techniques.

#### OPERATIONS

Upon successfully negotiating a contract for the ancillary rights with the promoter, Sportsvision's various departments commence to

contact and contract with large screen exhibitors, domestic and foreign radio and television networks, and community antenna systems, which eventually exploit the various areas, which make up the ancillary rights.

With respect to the large screen exhibition a master plan is evolved projecting anticipated seat sales in cities throughout the United States and Canada. This plan is developed from records of previous promotions and judgments as to the merits of the upcoming event. Following agreement on the overall plan, prospective exhibitors are contacted, relevant items discussed, and matters then proceed to the preparation and execution of contracts for the exhibition of the telecast. There is a basic contract applicable to all exhibitors stating the terms and conditions for the presentation.

In making its choice of exhibitors, Sportsvision relies on the cumulative experience which is available to it. We maintain meticulous records of past fights, location by location. We evaluate a promotor or theater operator by comparing the results achieved by him with results achieved by others on the same events and with results in the location in his city on previous events.

Financial stability is, of course, important and Sportsvision has had an unusually low percentage of bad accounts. Theater chains, because of their experience, availability, low cost of operation, and financial stability are often our preferred choice. We supplement them with outstanding local promoters where we can find experienced and reliable individuals.

Sportsvision supports its local exhibitors' promotional efforts with a national publicity campaign. Our publicity department supplies the exhibitors throughout the country with press kits containing advertising material, fight background information, articles on the current fight and the fighters, and instruction on how to best utilize the material given them. This kit is supplemented with weekly, semiweekly, and eventually daily newsletters from both training camps and from the fight site. All of this information is also sent to hundreds of local sportswriters across the country.

Sportsvision is, of course, responsible for the telecast of the fight and for insuring the quality of transmission and projection.

Simultaneous with contracting for the right to exhibit the telecast, Sportsvision analyzes the exhibitors' equipment and A.T. & T. facility requirements. Survey requests or orders are entered with the long lines division of the American Telephone & Telegraph Co. and projection equipment is made available. Sportsvision offers the exhibitor an equipment package including projector, RCA service engineers, union projectionists, and the local telephone company facilities.

While the large-screen network is being assembled, a similar operation is going on to create a network of community antenna television systems to service the more remote areas in the county where large screen showings would be economically impractical. In these cases, a price per home service is negotiated and A.T. & T. connections, similar to the large-screen connections, are arranged. Because of the remoteness of many of these CATV systems extensive special construction of telephone lines is necessary to connect the system to Sportsvision's long line network. The CATV network and the large-screen network include both the United States and Canada.

Sportsvision also sells radio and television rights to the fight in foreign countries, either directly to a network, through a domestic agent, or to a sponsor. The fight is shown either simultaneously via relay satellite or cable, or through the use of video tape or kinescope. Many countries also purchase the right to broadcast the bout on radio in their own languages.

Sportsvision also negotiates the sale of domestic radio rights and with commercial television networks for the prefight and postfight television show.

Our final responsibility is to collect and account for all funds arising from the exploitation of rights, and to pay to the promoter and/or the fighters their proportionate shares.

#### COMMENTS ON H.R. 8635

Your witness respectfully suggests that there is an urgent need for this committee and the Congress to take action. Your witness has read Representative Harris' bill and believes it to be commendatory, insofar as it goes. However, your witness asks leave to suggest that an amendment, which would increase the powers of the proposed Federal Commission on Boxing, is needed, for the following reasons:

Presently we have too many boxing commissions. The rules vary from State to State, not only insofar as eligibility is concerned, but insofar as the actual rules of conducting the bout are concerned. No other major sport is conducted under such chaotic conditions. It is common practice for commissioners or legislators to make it impossible for anyone but the locally favored promoter to obtain a license. The recent heavyweight championship bout was challenged in the State of Massachusetts because the promoter, Intercontinental Promotions, Inc., a Delaware corporation, had failed to obtain a license in that State and it was using the license of copromoter, Sam Silverman. Massachusetts statutes prohibited Intercontinental's receiving such a license, since they provide that licenses are granted only to citizens of the State of Massachusetts, or companies whose members are citizens. Furthermore, some States have taxed revenues from ancillary rights, not earned within the State. We know of no other industry in which a State taxes out-of-State earnings or revenues of a corporation on a gross basis.

Boxing is a national and international industry and clearly demands regulations by the Federal Government. Its present status has led to chaos. The World Boxing Association, a self-appointed organization, has sought to deprive Cassius Clay of his title as heavyweight champion of the world, despite the fact that Clay is so recognized in such States as New York, Massachusetts, Maine, Oklahoma, and California, most foreign countries, and, most significantly, by the public. This is demonstrated by the fact that the fight for the World Boxing Association title drew a live gate of \$47,000 and attracted under 2,000 people to the closed circuit telecast in 9 theaters across the country, while the Clay-Liston world heavyweight championship fight drew approximately 500,000 people to 253 theaters and arenas. Some of the World Boxing Association membership sought to strip Cassius Clay of his title in March 1964, because he was a Black Muslim. This met with such public outrage that the plan was abandoned. However, in

August 1964, they finally succeeded in withdrawing recognition from him on the grounds that he had violated their ban on rematch clauses by agreeing to fight Sonny Liston again. The World Boxing Association took no such action against Sonny Liston when he fought Floyd Patterson under a similar rematch agreement, or when Johansson and Patterson fought two rematches.

Your witness believes that rematch clauses are harmful to the sport. He believes that a dethroned champion should fight a recognized contender and be victorious before being entitled to a rematch. But this is not a matter for consideration by this committee. This is but one area of regulation that should by its nature be conducted by a Federal Commission.

We are on the threshold of a new age of communication. It will soon be economically feasible to hold a fight outside of the borders of the United States and telecast it back via Early Bird satellite into theaters throughout the country. As a matter of fact, Floyd Patterson fought Tom McNealy for the heavyweight title in Toronto, Canada, on December 4, 1961, and the fight was telecast via closed circuit to the United States.

Constitutionally, State commissions cannot conduct negotiations with foreign governments to effect the ban of a fight. Recent U.S. Supreme Court decisions have held that States have no authority to censor the closed circuit telecast of a fight. Thus, we can see it is essential that a Federal commission on boxing be established; that it supplant the authority of the local commissions where a professional boxing event is to be televised in interstate commerce, and that it have the authority to grant licenses for said match and insist that it be conducted according to rules set by the commission.

Thank you.

The CHAIRMAN. Thank you, Mr. Brooks, for your statement regarding the part that your particular business plays in this important matter. Did your company have the Clay-Liston fight in May?

Mr. BROOKS. Yes, we did.

The CHAIRMAN. How many such companies as yours do we have engaged in this kind of business?

Mr. BROOKS. Well, sir, this is a business in which if you have a contract, you are in the business, and if you don't have a contract, you are not in the business.

There are, I would say, basically two leading companies in our field, Theatre Network Television, which handled the first Liston-Clay fight, and Sportsvision.

The CHAIRMAN. Sportsvision and Theatre—

Mr. BROOKS. Theatre Network Television.

The CHAIRMAN. They have been engaged in closed-circuit operations in various fields, haven't they?

Mr. BROOKS. Yes, they have.

The CHAIRMAN. Is yours limited to sports?

Mr. BROOKS. Yes, it is.

The CHAIRMAN. Well, I for one appreciate your factual statement here reflecting the experience that you have had in this field. To me at least it seems to confirm that we in this country have embarked on a course that—though I do not think I am a prophet—I could see was

coming on about 7 or 8 years ago. If no action had been taken by the Congress we would have embarked on a procedure of pay TV in the country, and it doesn't make any difference to me what approach you use to get there. If you are going to have the same results, we ought to recognize it for what it is. I told the Federal Communications Commission in 1957, I think it was, that to remove the box office and put in the home you get the same results.

Mr. Brooks. That is right.

The CHAIRMAN. And the way to make it successful is just what you are doing. I want to compliment you for your farsightedness, although I do not agree with the long-range objective. I think if we are going to pursue this, I say to the gentlemen, and I know this is not in your field, you are taking advantage, legitimately, of the free enterprise system, and you are making a success out of it. But as I told the Commission at that time, what we are doing is permitting the cream of the programs to be siphoned off from those freely available to the public and reserving them for viewing by a privileged few. I say this not only with regard to your own organization but the same applies to all kinds of pay TV including CATV. That is just another form of pay TV.

There is room, in my judgment, for all of these businesses, but they should be brought under the kind of surveillance and regulation that will insure the protection of the public interests. If we are going to let the thing go harum-scarem as it is—and you see what has developed here as just one example—then we ought to change the basic policy of the Federal Communication Act. Instead of saying that this is to be administered in the public interest, we should say that it is to be administered for the benefit of a chosen public few.

As I see it, all this has much broader implications than just the transmission of boxing matches. In hearings not long ago on the question of CATV, we had various types of techniques—Teleprompter and Phonovision and what have you. We are embarking here on a new concept of broadcasting. If this country doesn't wake up and these warring forces are not brought together, who can see only what they might be able to get out of it, and if they do not help to bring about some kind of order out of this, we are going to see such things as pay TV develop.

I do not intend to imply that I have come to any hasty judgment insofar as the recent so-called championship fight is concerned. I would need more information. But if the allegations are true and if all the reports have any substance to them whatsoever, in my judgment the communication media of this country—and we are letting them just go along without doing anything about it—are more responsible than any other single factor because it would not have hurt if we had not let a situation prevail that enticed the participants and promotes and everybody involved including your own industry to proceed to get the most out of it from the pockets of the public. Well, I didn't intend to engage in a lecture but I just saw these broader implications in this whole thing. I appreciate your appearance here and your giving us a complete description of what happened.

You can imagine what is going to happen if we let something like this go on. In about 2 or 3 years instead of having 268 theaters, or what was the number?

Mr. Brooks. 253.

The CHAIRMAN. We will probably have 600 or 700 or a 1,000.

Of course, the people are going to try to see what they have a great interest in. They have always had an interest in this kind of sport and other sporting events.

You mentioned your success with the great Notre Dame football team. Those are the things that I have used over the years as an example of where we are heading.

It is my fervent hope that not only this committee but the Congress and the Nation will look and see that we do have some kind of program which will be aimed at serving all of the people.

Mr. Macdonald?

Mr. MACDONALD. Thank you, Mr. Chairman.

I just would like to get cleared up in my own mind on this thing about Notre Dame. I don't want to expand this hearing into other fields but do you make the statement that Notre Dame has a closed-circuit TV?

Mr. BROOKS. No, sir. Some years ago some Notre Dame games were telecast by closed-circuit television, one of the earliest attempts at box office television.

Mr. MACDONALD. That hasn't happened for quite a long time, has it?

Mr. BROOKS. No, sir. It was not a successful attempt.

Mr. MACDONALD. I see on page 3 of your very fine statement you say that upon successfully negotiating a contract for the ancillary rights with the promoter. (a) I would like to know what are the ancillary rights?

Mr. BROOKS. The ancillary rights are basically, we might say, everything but the live gate; they include motion pictures, radio, closed-circuit television, foreign sales, community antenna, and practically everything else that we can conjure up.

Mr. MACDONALD. How about concessions, that sort of thing?

Mr. BROOKS. No. The concessions at the live gate would belong either to the promoter or more than likely to the owner or operator of the building. The concessions around the country would either belong to the theater owner or the arena owner or operator.

Mr. MACDONALD. In the early stages of the so-called Cassius Clay-Liston fight, which promoter were you dealing with? The promoter of record had no authority as far as I can see to give the type of ancillary rights that you are speaking about. Sam Silverman certainly in Boston didn't control those sort of rights.

Mr. BROOKS. No. We negotiated exclusively with Intercontinental Promotions, Inc., and with the Louisville Sponsoring Group which is a group of 11 citizens of Louisville, Ky., who manage Cassius Clay.

Mr. MACDONALD. Well, then, you weren't dealing with a promoter. You were dealing with the owners of the fighter.

Mr. BROOKS. No, Mr. Macdonald, Intercontinental does not own fighters to the best of my knowledge.

Mr. MACDONALD. The group in Louisville does, doesn't it?

Mr. BROOKS. Yes; but they have the right to agree in their contract with the promoter, with Intercontinental, they had the right to withhold approval of the television sale. This is not unusual, particularly in the case of a champion. And they exercised that option favorably.

Mr. MACDONALD. If that group had said no, there would have been no closed circuit—

Mr. BROOKS. Well, I would say if that group had, I think the term is that they had the right to—they could not unreasonably withhold approval.

Mr. MACDONALD. Well, then, there would have been a fight whether or not it was going to be closed circuit or not.

Mr. BROOKS. I think it is always contemplated to be closed circuit. Home television simply has not indicated that they would pay anything near the money that closed-circuit television brings. The only question was which company would be engaged to handle the rights.

Mr. MACDONALD. How much money was collected on this fight? Maybe it is in here in your statement some place. If it is, I didn't see it.

Mr. BROOKS. I don't have the final figures as yet and to a certain extent I would rather not disclose them publicly, but I can say this, that they were—well, just to give a comparison with home television, we might say they were well, well, well above \$1 million.

Mr. MACDONALD. I don't know how high well, well, well is, but—

Mr. BROOKS. Well, let me be broad and say between a million dollars and \$2 million.

Mr. MACDONALD. My last question, and it is a small matter, but you point out that the World Boxing Association title fight—who was involved in that?

Mr. BROOKS. That was Ernie Terrell and Eddie Machen.

Mr. MACDONALD. You say they only drew a live gate of \$47,000.

Mr. BROOKS. That is right.

Mr. MACDONALD. How much did Clay and Liston draw in Lewiston?

Mr. BROOKS. Clay and Liston drew about a bit over a hundred thousand dollars, but I think that is subject to some interpretation. The live gate on the Terrell-Machen fight was in Chicago. To compare that with another Chicago title fight, the Patterson-Liston fight in Chicago drew \$650,000.

In Lewiston, Maine, it is just a different situation in a small town like that.

Mr. MACDONALD. I have been in Lewiston. Actually, what you are doing in effect is what Mike Jacobs said many years ago, that there will come a time that the only people watching the fight will be the trainers, the managers, and a handful of spectators.

Mr. BROOKS. Actually we came very close to that.

Mr. MACDONALD. I mean in person.

Mr. BROOKS. We came very close to that on this fight but it was not intentional and I for one am a believer in a big live gate. I think that this is not a television show. This is not something that we could put on in a studio. This is the heavyweight championship of the world. Part of what the audience comes to see in the theaters is the spectators in the arena. There has to be local excitement. I think this is why the site of the fight is terribly important. In this particular case, the problem was that the fight was in jeopardy in Massachusetts. We did not want to change the date of the fight because exhibitors all over the country had suffered great losses in November with the hernia cancellation and would now suffer great losses again if we were to change the site. So we now had to find a State which would invite the fight in, which would have a building available on May 25, and this is quite a problem 10 or 15 days in advance.

Mr. MACDONALD. Isn't that what is wrong, that it is the tail wagging the dog, that closed circuit now runs the whole show?

Mr. BROOKS. Well, Mr. Macdonald, I would say no. It was the tail wagging the dog because of the conscience of the promoters and the fighters. It is knowing that—

Mr. MACDONALD. The what?

Mr. BROOKS. The conscience of the promoters and the fighters dictated that this fight be held on May 25 even if it means a certain financial sacrifice. In other words—

Mr. MACDONALD. Was Mr. Margolis' conscience bothering him about the fight?

Mr. BROOKS. Well, frankly, I didn't discuss it with Mr. Margolis. I did discuss it with—

Mr. MACDONALD. As I understand it, he is one of the owners of Liston, isn't he?

Mr. BROOKS. Well, I can't testify on that as an expert. He is a stockholder in Intercontinental Promotions. To the best of my knowledge, Liston has no owners.

Mr. MACDONALD. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Younger.

Mr. YOUNGER. Thank you, Mr. Chairman. You recommend a Federal Commission, Boxing Commission, as I understand your testimony; is that correct?

Mr. BROOKS. That is correct, sir.

Mr. YOUNGER. If we have a Federal Boxing Commission, do you anticipate that they will have control over the contracts that are made for the broadcasting and ancillary promotional deals?

Mr. BROOKS. Well, sir, I would think it would be up to the Commission to formulate certain rules. They could either, for example, say that rematches are allowed or rematches are not allowed. They could say that it is legal to sell radio rights or it isn't legal to sell radio rights. It would then be up to the promoters and the fighters and broadcasters to get together and set up their contract in such a way that it did not violate the Federal law by the rules and regulations of the Boxing Commission and then these contracts would be submitted for approval so that the Commission could be assured of the fact that there was nothing in the contract.

I would also say that there should be a penalty for failure to disclose any side agreements or failure not to fully disclose all circumstances surrounding the fight to the Commission.

Mr. YOUNGER. You made the statement that if you have a contract, you are in business, and if you don't have a contract you are not in business. Now, how do you get the contract?

Mr. BROOKS. Well, sir—

Mr. YOUNGER. Is it by a bid for money? Does it go to the highest bidder or how do you get your contract?

Mr. BROOKS. Well, personally—I think I should clarify my statement about if you have the contract you are in the business.

Actually, since a promoter is a private citizen he could conceivably grant the ancillary rights on any basis he would choose subject to the approval, I suppose, of the fighters, to anyone. As far as how you get the contract, it is by a combination of bidding and negotiation. It is very difficult to bid on a situation like this.

First, the only way you could bid, I presume, would be to offer a guarantee. Now, the last several fights have been held but without guarantee. For the simple reason that the risk to the guarantor is so great that he would have to get paid for it and it seemed more reasonable to the promoters in question to pay less and go without a guarantee.

As far as a percentage bid is concerned, that becomes difficult because it is the old question of percentage of what?

If we agree to do a fight, let us say, for 15 percent of the net, and somebody without our experience agreed to do it for 10 percent of the net, I presume the promoters probably would receive more net dollars having dealt with us. So it is up to us to establish with the promoter our experience, our knowledge, and hope to convince him that we are the best company in the field and convince him and the fighters, if they have any say in it, that they will in fact receive the greatest number of net dollars into the purses from dealing with Sportsvision.

Mr. YOUNGER. Do you anticipate that the Federal Boxing Commission would be looking over your shoulder at the time the contract was made or simply exercise their authority in seeing that the terms of the contract are lived up to? There is a difference in approach as to whether or not the Commission is going to supervise the contract before it is signed and give their okay to the contract or merely sit aside and then after the contract is negotiated and signed, to see that the terms are carried out.

Now, which of those two horns of the dilemma do you think that the Federal Commission ought to undertake?

Mr. BROOKS. Well, I would say this, that the Commission should establish all of the rules which they feel are necessary to insure the proper conduct of a boxing match. Insofar as the contracts do not violate those rules, they shouldn't be involved in them other than to receive a copy under a full disclosure section under which they would insure the fact that the contract does not in fact violate any of their rules. I don't think it is up to the Federal Commission to insure, for example, that we pay fighters. I think it would be very nice.

I wish the Federal Government would assure the fact that the exhibitors would pay us but I think that might be too much to ask for.

Mr. YOUNGER. You make the statement on page 5, in regard to the rematch clauses, and then you say "but this is not a matter for consideration by this committee."

Yesterday, you probably heard Mr. Dempsey's testimony where he was very certain that there should be a prohibition in any contract for a rematch. Now, you say that is none of our business.

If we are going to make a law and are going to carry out the recommendations of Mr. Dempsey, we are going to specify in there as one of the prohibitions that there shall be no contract for a rematch and that is what both of the champions advised yesterday. They say that is one of the acts which kills the business.

Mr. BROOKS. Well, Congressman, I don't disagree with either of the champions who were here yesterday. I personally believe that rematches are harmful. I believe they should be proscribed, at least in the nature which they are now. I do feel that this is merely one of many so-called evils that has to be corrected.

I think it should be the job of the Commission to establish rules and perhaps have those rules subject to the approval of this committee or the Congress. I think too much is being made of this one area. I think there are probably five or six or seven equally damaging problems in boxing that need—

Mr. YOUNGER. Would you care to name those?

Mr. BROOKS. Well, I actually hadn't given them too much thought but I would say some of them would be—I don't feel that a boxer should be allowed to have any interest whatsoever directly or indirectly in the promoting company or in the television company or in a location, an exhibition location. I think this is extremely harmful.

A third would be—might be, I believe, that any fighter who is licensed by the Federal Boxing Commission should be allowed to fight anywhere in these United States. If a man is going to fight for the championship and win it, I think he should be recognized as champion anywhere in these United States.

Another area is that I believe a promoter or a manager who is licensed by the Federal Boxing Commission should be able to promote or manage in any part of this country. You do not have to, to the best of my knowledge, be a citizen of the State of Massachusetts in order to own a candy store in that State or to print a newspaper or to engage in almost any other type of activity. I fail to see why you have to be a citizen of the State of Massachusetts to conduct a boxing match in that State. It seems to me rather ludicrous that any Joe on the street who can put up, I think, a \$5,000 bond with the boxing commission can get a license in Massachusetts but Madison Square Garden, which for many years was either promoter or sponsor for the promotion of a fight every week of the year, could not get a license in Massachusetts.

This is an evil which must be corrected.

Mr. YOUNGER. Would you say that the commission should do that by rules and regulations rather than having it in the law creating the commission?

Mr. BROOKS. Congressman, I am not an attorney and I would not be able to advise you on that.

Mr. YOUNGER. Would your attorney be able to advise us?

Mr. STEINHAUS. Not at the moment, sir. We would have to consider that.

Mr. YOUNGER. That is all.

The CHAIRMAN. Mr. Kornegay?

Mr. KORNEGAY. Thank you, Mr. Chairman.

Mr. Brooks, I am sorry I wasn't here to hear all your testimony. I had to attend another meeting this morning for a few minutes.

As I understand it, you are the President of Sportsvision, Inc.?

Mr. BROOKS. That is right, sir.

Mr. KORNEGAY. And your corporation, Sportsvision, Inc., arranged for the closed-circuit television showing of the Liston-Clay fight?

Mr. BROOKS. That is right, sir.

Mr. KORNEGAY. How many similar productions have you put on in the boxing area?

Mr. BROOKS. Two prior to this.

Mr. KORNEGAY. How is that?

Mr. BROOKS. Two prior to this.

Mr. KORNEGAY. Two?

Mr. BROOKS. Yes.

Mr. KORNEGAY. And what were they?

Mr. BROOKS. The first Patterson-Liston fight and the Liston-Patterson rematch.

Mr. KORNEGAY. How many other companies in the country are in a similar business?

Mr. BROOKS. Well, currently I would say there are three companies that have handled a fight of some nature in the past 2 years. Theatre Network Television handled the first Clay-Liston fight, pardon me, the first Liston-Clay fight in Florida in 1964. Lester Malitz, Inc., also handled a double bill of Pastrano and Torres as well as Griffith and Stable. That was, I believe, in March, if I am not mistaken, of this year.

Lester Malitz, Inc., handled this Terrell-Machen fight. It also handled the Patterson-Chuvalo fight which took place at the very beginning of February of this year.

Mr. KORNEGAY. Your company, then, is the main company in the business of promoting closed-circuit television fights.

Mr. BROOKS. Well, we have accounted for—we have handled three out of the last four heavyweight championship fights and this is where the money is.

Mr. KORNEGAY. That is the basis of my conclusion that you are the primary company in this business. It is a revenuemaking enterprise, isn't it?

Mr. BROOKS. Yes; it is.

Mr. KORNEGAY. Now, I believe you make a statement in your prepared text that the way you get the contract is through negotiation with the promoter of the fight itself.

Mr. BROOKS. That is right.

Mr. KORNEGAY. Are there any set formulas as to the distribution of the money that is brought in from the closed-circuit television?

Mr. BROOKS. Well, there are set formulas within a certain area as between the exhibitor and the closed-circuit company. But as between the closed-circuit company and the promoter, this is strictly a matter of negotiation. We have received as high as 22½ percent on a fight and as little as 15 percent.

Mr. KORNEGAY. That is all rights?

Mr. BROOKS. That is right.

Mr. KORNEGAY. Now out of that 15 to 22½ percent, do you pay the exhibitors and the theater owners?

Mr. BROOKS. No. Let's assume that a dollar comes in at the box office after excise taxes. In this last fight the exhibitor would keep 45 cents and send 55 cents to us. We take all of that money, and the proceeds of radio fights, the foreign rights, and all other rights to it. We have a certain very moderate expense allowance which is also subject to negotiation, and then keep 15 percent for ourselves and pay the balance over to the promoter.

Mr. KORNEGAY. Well, the exhibitor keeps 45, you take 15, that is 60, and in addition to that, of course, you have these rights that you are talking about.

Mr. BROOKS. No sir; our 15 percent is of what we get. In other words, it is approximately 7 percent of the gross, 7 or 8 percent of the gross.

Mr. KORNEGAY. I see. 15 percent of the 55 percent is turned over to you.

Mr. BROOKS. That is right.

Mr. KORNEGAY. Do you have any say-so or control over how the promoter splits his share between the fighter, promoter, managers, and anybody else connected with the fight?

Mr. BROOKS. No, sir. As a matter of fact, it is the usual course that a fight is signed with a specific promoter and the site of the fight is set and all those deals are made first. Then we are brought into the picture.

Mr. KORNEGAY. Now, I see that you favor this legislation. In fact, I gather from what you say that you wish it went a little further.

Mr. BROOKS. That is right, sir.

Mr. KORNEGAY. Now, the legislation—the bill provides that in effect if in the opinion of the Commission, or let me put it this way: If the Commission determines that it is likely that a professional fight in any way is to be affected by bribery, collusion, or other malfeasances, that the Commission can prohibit the televising of the event. What would you think of a provision that gave the Commission the authority to check out and determine beforehand whether or not any boxing event is televised, in other words, rather than waiting for some evidence or some suspicions to arise that would indicate something is wrong before the Commission actually approves whether or not the fight is to be televised.

Mr. BROOKS. I would say this, sir. I think naturally the Commission must have the ability to take preventive measures. I think there should be a full disclosure obligation on behalf of the fighters and promoters. I think that the Commission's rights and obligations, however, must go much further. It would appear to me that they should have the right to license or refuse to license a fighter on the same basis that the present commissions have the right to license or refuse to license a fighter. Sonny Liston was refused a license by Mr. Krulewitch in New York State and without commenting whether I favor that or look upon it with disfavor, I certainly look upon this, his authority to do this with great favor.

I feel that the Federal Boxing Commission should have that authority, should have the authority to make sure there are no gangsters or mob people or anyone so connected in any way connected with the promotion.

Mr. KORNEGAY. Well, I take it, then, you think that if the Commission had the authority to license the fight, then that would take care of a lot of problems that presently exist in the business?

Mr. BROOKS. I think it would. I would extend that to the right to license the promoter and the managers as well.

Mr. MACDONALD. Will the gentleman yield at that point?

Mr. KORNEGAY. Yes, I will be happy to yield.

Mr. MACDONALD. Wouldn't you be in a better position, talking as we all are, against collusion if you hadn't gone through a dummy promoter in Massachusetts?

Mr. BROOKS. Well, sir, I never was—

Mr. MACDONALD. Isn't that collusion in itself?

Mr. BROOKS. No, sir. No. 1, I might say this, that we at no time had any direct dealing with Mr. Silverman. There was no collusion involved. I would also say that there was—

Mr. MACDONALD. He was listed, just to keep the record straight, he was listed as the promoter of the fight.

Mr. BROOKS. Actually, Congressman, that is where Intencontinental got into trouble. He wasn't listed as the promoter of the fight. Intercontinental was.

Mr. MACDONALD. But when they got into trouble they listed him as the promoter of the fight.

Mr. BROOKS. May I say this, that all of the contracts between Sam Silverman and the Intercontinental Promotions, Inc., were reviewed and approved by the Massachusetts State Boxing Commission and by Governor Peabody. And there was no, I believe—collusion implies some degree of secrecy. Historically it had been the practice to have a local promoter in Massachusetts who could promote the fight and this was believed to be an acceptable means of conducting a fight in that State. If memory serves me correctly, the International Boxing Club and Madison Square Garden have promoted fights in the State on a copromotion basis. It was planned that Championship Sports would promote a fight in that State with Sam Silverman as copromoter and I don't think there was any attempt to be secret here.

The Patterson-Liston fight in Chicago had Irving Schaeuwald of Chicago as a copromoter. The Patterson-Liston rematch in Nevada had Silver State Sports Club as a copromoter.

Mr. MACDONALD. Without going into the history of that, what did Sam—and incidentally I know Sam Silverman. He is a decent nice man and a good matchmaker.

Mr. BROOKS. May I add my thought to that.

Mr. MACDONALD. What did he do to earn the title copromoter? What were his duties?

Mr. BROOKS. I speak merely as an observer at this point because we were not involved in these negotiations. I think Sam's job was in the first place to make sure that everything operated properly in the Boston Garden. He was to supply I believe the undercard.

Mr. MACDONALD. You mean the lights and that sort of thing?

Mr. BROOKS. Not so much the lights but make sure that the ring was set right according to the rules, make sure that the seconds were there and the managers and everyone else was there when he was supposed to be, provide the preliminary card.

Mr. MACDONALD. How much did he get paid for doing those very arduous tasks?

Mr. BROOKS. Congressman, I really don't know what exactly happened with regard to that because the fight of course never took place in Massachusetts.

Mr. MACDONALD. Fortunately.

Thank you.

Mr. KORNEGAY. Thank you.

Let me ask you one final question, Mr. Brooks. In your opinion should there be any prohibition against Sportsvision or any other organization similar to yours having any financial interest in the promoter, the fighters, or any other aspects of the fight itself?

Mr. BROOKS. Well, if I may divide that, I would certainly say that there should be no interest in any of the fighters. As far as an interest in the promoting company would be concerned, I think this is something we would not want to do because if we were allied with or tied into one single promoting company, we could hardly expect their competitors to do business with us.

Mr. KORNEGAY. Well, that is definitely my reasoning. If you had an interest in the promoters then you couldn't negotiate at arm's length so far as any contract is concerned.

Mr. BROOKS. Well, I would think we couldn't negotiate at arm's length and more importantly, we certainly would be at a disability in negotiating with a different promoter.

Mr. KORNEGAY. Thank you very much.

That is all, Mr. Chairman.

The CHAIRMAN. Mr. Curtin.

Mr. CURTIN. Thank you, Mr. Chairman.

Do I understand that Sportsvision, Inc., is the largest company in this particular field?

Mr. BROOKS. Sir, "largest" is a difficult word. We have since 1960 without doubt, been the leader, leading company, in gross volume.

Mr. CURTIN. Do you bid against any competitive company in seeking these contracts?

Mr. BROOKS. Well, sir, I don't think it has actually been a question of bidding. Well, on one occasion it was.

Mr. CURTIN. I would presume a promoter would make a contract with the company that gave him the best terms.

Mr. BROOKS. Actually no, because as I said, if we agree to do a fight for 15 percent and someone without our experience agreed to do it for 10 percent, I think the promoter would presumably choose Sportsvision on the theory that the net dollars would still be more. If the promoters can get 85 percent of \$2 million from us because of our ability, and he is going to get 90 percent of \$1 million from the fellow down the street, obviously he is going to choose us. He is going to take the company where he feels he will make the most number of net dollars.

Mr. CURTIN. Then, because of your reputation for being able to deliver in this field, when you decide that you are interested in a particular athletic event, do you not pretty much have a monopoly? You will get it if you go after it?

Mr. BROOKS. No, sir. I wish it were true. We were not chosen to handle the first Liston-Clay fight. A new promoter came on the scene and they chose Threatre Network Television. We are pleased to say when it came to their second time around, they chose Sportsvision.

Mr. CURTIN. What criteria do you use to determine whether or not you are going to seek the contract for these closed-circuit fights, or other athletic events?

Mr. BROOKS. By and large we are interested in boxing only in the heavyweight championship of the world. This is the volume. The number of people who will go to the theaters for a heavyweight championship is far more than for any other bout. We have to use a subjective evaluation and decide how much we think the bout is worth. We discuss it with various newspapermen and people in boxing in our various exhibitors and theater chains around the country and bring to bear some of our own experience. We try to rate the fights, I say, well, the forthcoming Clay-Patterson is not quite as—

Mr. CURTIN. What do you mean "not quite as good"—that it makes you more or less money?

Mr. BROOKS. We don't think this is as big an attraction. Whereas we might expect to sell 550,000 tickets to one event, we might expect to sell 250,000 tickets to another.

Mr. CURTIN. Well, then, I presume from that, that your main criteria is on what particular event could you make the most money?

Mr. BROOKS. That is right.

Mr. CURTIN. Assuming that there would be another Clay-Liston fight, would you seek the contract for closed-circuit facilities for that fight?

Mr. BROOKS. Well, I think that is so remote that I haven't given it any thought. I certainly would hope that unless Sonny Liston did something, and I can't imagine what it would be, to redeem himself, and I am not trying to imply that there was anything wrong with the fight but merely redeem himself as a fighter, I can't see a Clay-Liston fight as being very much of an attraction.

Mr. CURTIN. With the setup as it is—apparently the live gate being a very minor part of the revenue to be derived from one of these athletic events—when you work out closed-circuit arrangements, the locale of the fight is pretty much unimportant, isn't it?

Mr. BROOKS. No. I wouldn't say that. I would say because of the large closed-circuit moneys, the locale of the fight becomes very important. For example, on the forthcoming Clay-Patterson fight, I would suspect that we would be able to turn over to the promoter at least \$300,000 from the New York metropolitan area which otherwise would be blacked out if the fight were in New York. It would now be up to the promoter or the managers of Cassius Clay in choosing a promoter to decide upon the site of the fight keeping in mind that it would mean a loss of some \$300,000 in closed-circuit revenue to go into New York.

On the other hand, a New York gate might be, say, a million dollars, and the best we might do, let's say, in Lewiston, Maine, might be \$300,000.

Mr. CURTIN. Then isn't it to your advantage to have a fight in an area where there would be a small gate, or more inaccessible location, because that means more people would go for the closed-circuit television?

Mr. BROOKS. When we get paid on a percentage, it wouldn't really matter. If the fight, for example, were going to take place in New York or Los Angeles, we might insist on receiving, let's say, 20 percent. If the fight were to take place somewhere else we might be willing to do it for 17 percent.

Mr. CURTIN. Do you get a percentage of the live gate?

Mr. BROOKS. No, sir. My point being if the fight were in New York, thereby reducing our revenues, our gross revenues, we might simply ask for a higher percentage so that our net revenues came out the same.

Mr. CURTIN. Would you have anything to do with the preliminary arrangements as to where the fight is going to be held, or any of the other arrangements for the actual fight, or do you get in after all those arrangements are concluded?

Mr. BROOKS. Well, I might say this, the promoter and/or the managers have from time to time requested our opinion. I don't think it is any secret that the Louisville sponsoring group, for example, has

sought our opinion as to what we thought this forthcoming fight might do, where we think might be a good site, which would be the best fight, Clay and Patterson or Clay and Chualo or Clay and Terrell. This is merely—I am sure we are merely one of many different advice givers.

Mr. CURTIN. But you don't actually enter into the contract for these rights until after all of those arrangements have been concluded, like where it is going to be, and when?

Mr. BROOKS. That is right.

Mr. CURTIN. Do you think that the legislation being here considered should include Federal supervision of all contracts as, for example, between your company and the promoter, contracts between the fighters, contracts between fighters and managers, and all of the contracts that go to make up a fight?

Mr. BROOKS. Well, Mr. Curtin, I would say that they should—the Boxing Commission should supervise these contracts to this extent. There should be a set of rules which these contracts may not violate. If they do, then the contracts should be submitted to the Commission and the Commission should be in a position to determine whether these contracts do or do not violate their rules. Just as now, all these contracts are submitted to the Massachusetts Boxing Commission or New York State Athletic Commission.

Mr. CURTIN. That is all, Mr. Chairman.

Thank you.

Mr. MACDONALD (now presiding). Mr. Pickle?

Mr. PICKLE. Mr. Chairman, I believe we have other witnesses and I don't want to prolong the questioning but I do have two or three I would like to ask you.

The first Liston-Clay fight left something to be desired. And both in the fight, with respect to the fight itself and with respect to the conduct of these gentlemen. Now, the second was scheduled and you broadcast it as a business venture.

Now, what precaution or what rule did you go by in saying you wanted to broadcast this fight? What precaution did you take to assure yourself that this was a good title bout, would be a good fight, and that it would be a wholesome fight, and be good for the public?

Mr. BROOKS. Well, sir, let me say this, that the primary responsibility for the conducting of a fight lies with the promoting company. We have no say as to anything to do with the gloves or the choice of officials or anything else. Our sole responsibility in that arena is the lighting and the pickup, the television origination. I happen to believe that Cassius Clay is one of the great fighters. I discussed this matter with many of the top sports writers in the country. I can't help but feel that Sonny Liston is no longer a great fighter but I might also point out in the opinion of most people, he was, he was the tiger.

The problem in boxing 2 years ago was after Liston knocked Patterson out in the first round, who were we going to get next? That was supposed to be the death knell of boxing at that time because Sonny Liston was unbeatable.

I could not determine how the fight would actually turn out. We are not experts in the field and I might say that I don't think any of the experts predicted such an ending to the fight.

Mr. PICKLE. Well, Mr. Brooks, I think what you are saying is that you don't go beyond the reasons why this should or should not be broadcast if a heavyweight fight is scheduled, you try to get the contract and you don't try to say to yourself this is good or bad. There is not much way that you could lose in this proposition, you just want to get the contract. If you get it, you don't have any responsibility in that field, that lies somewhere else, doesn't it, primarily?

Mr. BROOKS. Well, I would like to say this. I appreciate the Congressman's reference to there is no way that we could lose in this. On November 14, 1964, we were faced with a horrendous loss as a result of Cassius' hernia. So that certainly there is a tremendous risk in this business.

As far as the conduct of the bout specifically, that is the responsibility of the boxing commission in the State in which it is to take place as well as the promoter.

Mr. PICKLE. Do you think closed circuit television of these sport events is the best media to broadcast this?

Mr. BROOKS. Well, sir, I am glad you asked that question. A lot has been said here about what has happened to boxing—

Mr. HARRIS. Well, the Chair is going—I am sorry, I don't want to interrupt but I promised the chairman of the New York Boxing Commission that we would get to him this morning and there are several other members of this committee. I wonder if we hadn't better at a convenient point let him step aside and get the other witnesses when we get to him because our time is going to run out on us and this other gentleman has got to leave here, and I know we want to hear him.

I wish you would make your answers a little shorter if you could, Mr. Brooks.

Mr. PICKLE. May I ask one other question?

Mr. HARRIS. I cut him off. He was going to say something. I thought he was going to take off on a good long discourse.

Mr. BROOKS. No, sir. Actually it wasn't my intention to do that. I simply say that I think home television which exposed the best fights in the country to the public for free got the public out of the habit of going to the boxing clubs. One time we had some 300 boxing clubs in the country. I don't think we have more than about 5 or 10 active ones today.

Mr. PICKLE. What other sporting events other than boxing does your company telecast?

Mr. BROOKS. We have none.

Mr. PICKLE. None?

Mr. BROOKS. The only successful—

Mr. PICKLE. Boxing constitutes 100 percent of your revenue in the sporting field.

Mr. BROOKS. No, sir. It constitutes a hundred percent of our closed circuit revenues.

Mr. PICKLE. You broadcast no other sporting events?

Mr. BROOKS. We have closed circuited no other, yes.

Mr. PICKLE. I don't suppose this is any concern. Are you engaged in any other business, your company, in televising projects?

Mr. BROOKS. Yes, sir. We are in community antenna television.

Mr. PICKLE. CATV?

Mr. BROOKS. That is right.

Mr. PICKLE. How many outlets do you have?

Mr. BROOKS. Two.

Mr. PICKLE. That is all, Mr. Chairman.

Mr. HARRIS. Gentlemen, I suppose there are a good many questions to be asked yet by members. Would it be agreeable to let Mr. Brooks step aside and call him back later?

I am sorry about the time element but I did promise Mr. Krulewitch that we would get to him before noon. I understood this witness had a short statement that wouldn't take very long and we did want to get it in first.

Mr. BROOKS. Mr. Chairman, it is an honor to step aside for Mr. Krulewitch.

Mr. HARRIS. If you would accommodate us, we would appreciate it.

Mr. Melvin L. Krulewitch is chairman of the State Athletic Commission, State of New York.

I did send word, General, to you yesterday that we would get to you this morning since you did have a schedule that would necessitate your having to leave here today by noon, but we did want to hear your testimony. I said earlier we wanted to develop this thing as it should be and it was in our judgment I think better to have this other testimony before we got to the State commission.

We are glad to have you. We know this is not your first trip to Washington in connection with matters of this kind out of the experience that you have had as chairman of the New York State Athletic Commission.

We would be glad to have your statement.

#### STATEMENT OF MELVIN L. KRULEWITCH, CHAIRMAN, NEW YORK STATE ATHLETIC COMMISSION

Mr. KRULEWITCH. Well, first of all, I want to thank you for your courtesy in permitting me to testify this morning and to the previous witness who yielded to New York for the moment. And I want to thank you for inviting me here to give you whatever benefit you may derive from the experience of New York in regulation of professional boxing.

I have prepared no formal statement. Your letter of invitation came yesterday and I have in mind several lines of discussion that perhaps would be interesting to the chairman and the honorable gentlemen of this committee.

Perhaps I ought to say a word of what the New York State Athletic Commission comprises. We have three commissioners appointed by the Governor with the consent of the Senate for 3-year terms and we have a staff including our referees, judges, and inspectors of about 300.

We have seven deputy commissioners and we assign a deputy commissioner to every single show. We assign at least one to the large shows and since we supervise professional wrestling exhibitions, we assign a commissioner even to a small show with a gate of \$300 or \$400 perhaps in some small hamlet of the State.

Our inspectors are per diem employees, a large group of them scattered all over the State. They serve in the dressing rooms, in the corners, and in the box office and throughout the promotion itself. They are State officials but as I said before, they receive a per diem only when they are assigned by the commission for a job.

Our work is divided into three categories. One, the administration itself. Second, the licensing department. And third, the medical department.

The licensing department has a regular procedure for licensing of professional boxers and I want here to announce our appreciation of the cooperation that we have gotten from the law enforcement agencies of the Federal Government, notably the FBI.

Every single applicant for a license in the State of New York is fingerprinted and processed. Even the ushers and the special policemen. We license the special policemen in the State of New York for professional boxing. And our material goes down to Washington as well as to Albany where we have a State department of corrections and we get a report on an individual.

You are interested closely, I notice from the questions, in the Liston-Clay bout recently held in the State of Maine. We accepted Liston's application for a license in the State of New York some years ago, 1961, and we processed it just as we do to every applicant, and we made a comprehensive examination of his background. We sent investigators to the State of Pennsylvania where he was perhaps known better than in New York, and we utilized the reports of the Kefauver Commission in which Liston testified, and we used our own files, and we wrote an opinion in the Liston matter of which I have a copy here. It may be interesting for you gentlemen to see what we said at that time. But in that opinion, summing it up, and I won't read from this lengthy memorandum except for that single paragraph,

the history of Liston's past associations provide a pattern of suspicion. His association with Vitale, Palermo, Mitchell, and others is a factor which can be detrimental to the best interests of professional boxing and to the public interest as well. We cannot ignore the possibility that these longtime associations continue to this day. The wrong people do not disengage easily.

And so we denied the license and, of course, the reactions were mixed.

This was an important promotion which would bring into the State of New York millions of dollars in income, hotel, restaurant, and all the activities of visitors. But we made our decision and perhaps wisely.

In any event, Liston has never boxed in the State of New York since that time and I don't recall even before our administration whether he ever boxed in the State of New York.

Now, that processing is part of our regular procedure. We try to get the background of these things.

May I offer you a copy of this opinion? I would add one little commentary on that. We say here that Liston will be 29 years old on May 8 of this year. That was the date mentioned in his application to us. We reserve our opinion as to his exact age in view of the fact that the newspapers said after the first Liston-Clay bout that he had a daughter in the 20's. So may I submit this.

Mr. MACDONALD. Let it be received and we will determine whether it should go in the record.

Mr. KRULEWITCH. It is an official opinion of our State body.

Mr. MACDONALD. Let it go in the record of the proceedings.  
(The document referred to follows:)

STATE OF NEW YORK,  
DEPARTMENT OF STATE,  
DIVISION OF STATE ATHLETIC COMMISSION,  
*New York City, April 27, 1962.*

RE CHARLES SONNY LISTON

On April 17, 1962, Charles Liston, ring name Sonny Liston, made application for a license as a boxer to this commission. Liston will be 29 years old on May 8 of this year. He has been a professional boxer since 1953 with a ring history of 34 professional contests.

He has been licensed over the years in the States of Pennsylvania, Texas, Colorado, Missouri, Illinois, Washington, and in parts of Florida. On occasion his license has been suspended because of arrests in Missouri and (this past year) for 5 months in the State of Pennsylvania after two arrests to which we shall hereinafter refer.

Liston's offense record has been widely publicized and we refer to it only to indicate that his first offense which included robbery and larceny from the person, occurred when he was 17 years of age. Some 6 years later, he was sentenced to 9 months in the workhouse on a charge of assault to kill, and was released after serving approximately 4 to 5 months. These are the only convictions in Liston's record. There are listed a number of arrests but comparatively few in number as indicated by our department of correction report. Two of the arrests took place in 1961, the charges being the impersonation of an officer and disorderly conduct, both of which charges were dismissed.

We express our appreciation to Commissioner Paul D. McGinnis of the State of New York, Department of Correction, and Director Paul D. McCann, of the division of identification, for their courtesy in promptly processing the fingerprint application in this matter so that the results could be available at the earliest possible moment.

Liston's background is of importance in this proceeding. He is one of a household of 25 children, his own mother having had 13. He has had very little schooling, if any. As early as the age of 14, he was in the house of detention in St. Louis, and at the age of 17 began serving his prison term of some 4 years. In prison he learned to box and his ability in the ring brought him to the position of the No. 1 contender for the world's heavyweight title.

The investigation conducted by the U.S. Senate's Subcommittee on Antitrust and Monopoly of the Committee of the Judiciary included testimony by Liston; John Vitale, of St. Louis; Frank Palermo, of Philadelphia; and Frank Mitchell, of St. Louis, all of whom were well known to Sonny Liston.

A contract had been entered into between Joseph Pep Barone, manager, and Sonny Liston, boxer, dated March 11, 1958, for a period of 5 years, but during those hearings which explored the background of Sonny Liston, Barone was not able to testify because of ill health. Frank Palermo, John Vitale, and Frank Mitchell, all of whom have extensive arrest records, took the fifth amendment when questioned on all subjects, including their relationship with Sonny Liston.

Frank Mitchell was one of Liston's early managers; Vitale was his employer in St. Louis; and Palermo recently sentenced to 15 years after trial in the U.S. district court in California (from which an appeal is pending) was a friend.

Sonny Liston was represented at the Kefauver hearings by Jacob Kossman, an eminent attorney in Pennsylvania, who was recommended to Liston by Palermo, and his present attorney in this proceedings; Morton Witkin, Esq., represented Palermo before the Senate subcommittee. These attorneys are gentlemen of standing and we refer to them without derogation as to their good reputation and standing in their community.

It was through Pep Barone, Liston's manager, that he met Blinky Palermo in 1958, and in that year the Pep Barone-Liston contract was executed.

The history of the Barone-Liston contract is of interest. In 1961 it was dissolved for a consideration of \$75,000 to be paid by Sonny Liston within 2

years to Pep Barone. A portion of these moneys was paid to Barone out of the December 1961 Liston-Westphal bout, leaving a balance still due to Barone of some \$57,000.

George Katz subsequently entered into an agreement with Liston as manager under which the division between manager and boxer was 10 percent-90 percent, a most unusual distribution. Out of the Westphal fight, Katz received some \$7,500.

In the present proceeding before this commission, George Katz, the manager under the contract dated April 24, 1961, between Katz and Liston, does not appear either as manager or in any other capacity although his name is mentioned. Liston states: "In connection with this bout with Floyd Patterson, Mr. Katz has not and will not act in my behalf. I am represented and advised by my counsel, Morton Witkin, 911 Finance Building, Philadelphia, Pa.

We address ourselves to the issue before this commission. Liston, the No. 1 contender for the world's heavyweight title, has proved himself an outstanding performer in the ring. Outside of the squared circle, he has not been so fortunate. A child of circumstances, without schooling and without direction or leadership, he has been the victim of those with whom he has surrounded himself. As Senator Kefauver said to Liston, "You have undoubtedly been taken in my many improper people who made connections with you whether you knew it or not."

We do not take the position that Liston's police record alone bars him from a license in this State. We do on occasion in the processing of rehabilitation, license applicants with records. Important figures in the boxing world have achieved distinction, despite an original unsavory background including a police record. Since the Kefauver hearings, Liston has been twice arrested.

The history of Liston's past associations provide a pattern of suspicion. His association with Vitale, Palermo, Mitchell, and others is a factor which can be detrimental to the best interests of professional boxing and to the public interest as well. We cannot ignore the possibility that these longtime associations continue to this day. The wrong people do not disengage easily.

There would be more than a calculated risk in the issuance of a license on this application.

The commission unanimously disapproves the application and denies the license to Charles (Sonny) Liston.

MR. KRULEWITCH. I spoke a moment ago about our medical department. We have two phases of that. We have the top medical advisory board which consists of attending surgeons of great hospitals in the city. The chairman of that board is Marv Stevens, professor of orthopedic surgery, who was a famous Yale football player and Yale coach, and there are outstanding doctors on that committee.

That is the medical advisory board which is appointed by the Governor.

We have a working panel of doctors. They are the working doctors who examine the boxers and who are at the ringside during the bout and who examine the boxer both before he boxes and after he boxes in a bout. That is the medical panel of our commission.

All of these main event boxers receive three physical examinations before a fight. One, 5 days before the fight examination, the examination at the weigh-in, the examination at the ring the night of the fight, and before the fight, and examination after the bout.

Our medical panel are active working physicians and I have here 5 or 6 or more of the reprints of monographs on boxing "Boxing Injuries," and so forth, prepared by doctors on our panel.

For example, "Boxing Injuries," by Dr. McCown, our medical examiner; "Control of Swelling in Sports Injuries," by Dr. Marv Stevens and our medical director; "Consideration in the Management of the Traumatic Injury in Professional Boxers"; "Renal Trauma in Sports," Dr. Kleiman on our panel. And here is an article in Scope Weekly of an interview with Dr. Marv Stevens.

The question always comes up, the melancholy question about injuries in professional boxing, and thank God, and I hereby knock on wood on the fact that for the last three and a half years there hasn't been a serious injury or fatality in professional boxing in the State of New York.

As a matter of fact, I think in the last 10 years we have only had three, and that—I have some statistics on injuries in contact sports and other sports where the underwriters rate professional boxing way down the list.

Our problem, and the problem that has occurred to you gentlemen, I am sure, is the fact of control. We are only 1 State in 50 and we hope that we have a good professional and State administration of professional boxing here. But when we refuse to license a Liston or someone else and he crosses the State and is licensed by another State and the bout goes on and then through closed circuit we have the unhappy melancholy experience of seeing a bout in the closed circuit theaters of our State in which a contestant has been denied a license to box.

Now, I had the honor and the privilege of testifying at the request of Senator Kefauver before his committee and we submitted a statement at that time, carefully prepared statement which was the position not only of the State athletic commission but the State of New York as well, and I recall in that bill, and I haven't had the pleasure of seeing Senator Hart's bill, but I recall in the Kefauver bill, and someone here today told me they are substantially alike but they have incorporated in the bill some of the comments that the State of New York made with regard to that bill, in that bill there is a provision reserving to the States sovereign control of boxing within the State itself.

Boxing is not limited to just licensing or sifting through the applicants for licenses. There is the actual conduct of the bout itself. We assign two doctors to every bout. We assign inspectors and judges and referees in our State.

The CHAIRMAN. Do you think two doctors are necessary?

Mr. KRULEWITCH. Well, we have adopted it for this reason, because if a boy has a cut after a bout and one of the doctors goes down to take care of the boy and he is giving him the physical examination after the bout, the whole show would then have to be held up until the doctor comes to the ringside if we had only one. So that we have two doctors placed at opposite corners of the ring during the contest and as soon as the bout is over and one boy goes down to the dressing room, the doctor will go with him and the other doctor remains at the ringside and takes over. So from that standpoint, I think it is a good practice.

The CHAIRMAN. Do you think three judges are necessary?

Mr. KRULEWITCH. We don't require three judges in the State of New York. I understand that that is the requirement in the State of Maine or the Main State Athletic Commission with which we have had little or no contact over the years.

We have two judges in New York and a referee. Each of the three has a vote in the decision.

In the State of Maine, and again I only know it by hearsay and have rarely visited the State of Maine except during the time when I was in

Congressman Macdonald's State in the Charlestown Navy Yard when we sent out detachments to Maine during the war, I understand that the referee doesn't vote. He merely conducts and supervises the bout itself and the three judges get together and vote.

The CHAIRMAN. Well, you have in New York two judges and a referee.

Mr. KRULEWITCH. Yes, sir; and we also have a practice in New York where the referee of the semifinal bout counts for the knockdown. We have an experienced professional referee who sits at the ringside after he has completed his work in the semifinal bout prior to the main event and he counts for the knockdown, and that is an invariable practice in some of the States.

The CHAIRMAN. Did I understand you to say that the concept of the boxing match itself should be left with the boxing commission of the State?

Mr. KRULEWITCH. Yes, sir; and I believe that that is carefully delineated in the Senate bill. We are not—

The CHAIRMAN. Do you think that there should be a Federal responsibility in this field?

Mr. KRULEWITCH. Yes, sir.

The CHAIRMAN. Do you think we should have a Federal Commissioner or Commission?

Mr. KRULEWITCH. Well, whether you call him boxing commissioner or a commission, there will be a chairman of the committee. This is the Harris committee, with the greatest deference to the gentlemen from Massachusetts and Virginia and Michigan and Pennsylvania and North Carolina and Texas here, but you get the name—whether you are chairman of a commission, they call you the commissioner, although I have two very distinguished commissioners that sit with me, so whether you call it a boxing commissioner or a commission, someone will be the chairman of it and it will be called—he will be called by this name at times. Although I will say that nobody in the world has ever called New York Commission the Krulewitch Commission.

The CHAIRMAN. The point is you do think that there should be a Federal regulatory establishment?

Mr. KRULEWITCH. Yes, sir. I do think so, and I think that your bill is a shot in the right direction. But if I may humbly say so, I think it doesn't hit the bull's eye. I think that—

The CHAIRMAN. Tell us how we should hit the bull's eye.

Mr. KRULEWITCH. Well, I think that you should not wait until the question of closed circuit comes up. This bill is designed to regulate closed-circuit television of professional boxing, but you could protect professional boxing by extending the provisions of this bill so that you could control the licensing of individuals before.

The CHAIRMAN. That is what I wanted you to get to. Do you think that there should be a State licensing procedure and Federal licensing procedure, too?

Mr. KRULEWITCH. I think that there should be some prohibition under which the Federal Commission should have the authority to refuse approval to an individual boxer whom it feels is detrimental to the best interests of professional boxing.

Incidentally, that clause added to all of these details, bribery, collusion, intentional losing, words of that sort, if you put in there the

comprehensive statement, and it would be a clause that would cover many of the acts detrimental to boxing, you put in there "acts detrimental to the best interests of professional boxing," you would then use the same type of language that we use in the State of New York and you wouldn't have to define what is wrong. You would find what is wrong.

For example, where Congressman Macdonald brought up the point of a certain gentleman by the name of Margolis who was reputed to have received from Sonny Liston a slight token of his appreciation for the lunches in the form of \$100,000 worth of stock, I am only quoting that from the newspapers and I do not commit myself to that as the facts, but if that were known before and if you had other information, this Federal Commission might refuse to license some individual of that sort.

There is another point that I noticed. There is a loophole in this bill because you have a phrase in there "While such event is occurring." Did you notice that? It is in parentheses but I assume that this has the force of any other part of the bill. You regulate and control the transmission in interstate commerce by wire or radio, while such event is occurring.

Now, that means that you control according to this bill only when contemporaneously with the boxing bout itself something is transmitted by wire or radio, while such event is occurring. Well, now, suppose in a State, intrastate, they have a bout that you would never approve and many other States would never approve and the bout is taped.

Now, 2 weeks later that thing is broadcast in interstate commerce throughout the country and it wouldn't come within the purview of that because that event is not occurring at that time. And I thought that perhaps that might be something that you would care to—

Mr. MACDONALD. Could I ask you a question? Would you agree with me while you are talking about individual fighters who are detrimental to boxing, don't you think the real problem comes from the promoters?

Mr. KRULEWITCH. Well, there are problems in every area of professional boxing and it is only by careful regulation, careful medical supervision, and eternal vigilance that you acquire the price of safety in this. It isn't only promoters.

Mr. MACDONALD. You speak of—

Mr. KRULEWITCH. And it isn't only managers.

Mr. MACDONALD. Many members I know want to ask questions of you, so I would just like to ask you this. During this period of vigilance that we all agree has to be there, for a while boxing was controlled out of Madison Square Garden.

Mr. KRULEWITCH. Well, there was a time, and perhaps even today, that Madison Square Garden was the heart of professional boxing in the world.

Mr. MACDONALD. I always wondered, and I am just interested in athletics and I have no connection in boxing, but I was always very confused at the report that came out of New York dealing with Frankie Carbone and "Blinky" Palermo and even Mr. Norris. I was always amazed that something wasn't done within the State of New York to take care of that situation.

Mr. KRULEWITCH. Well, I have been the chairman of this commission in the last 6½ years. During my period of tenancy in that office, Mr. Norris has gone, Mr. Carbone has gone, Mr. Palermo has gone. Mr. Liston has gone. Mr. Antonucci and some of the others, they have gone. And we don't have them in the State of New York any more.

Mr. MACDONALD. For which you are to be congratulated, and I know it was perhaps before your time that these things went on, but what I am trying to point out is that it is in the promoting of the fights. It seems to me the fighters themselves merely are victims. They are at the end of the chain and somebody tells them what to do and they do it.

Don't you think that the bill ought to take within its surveillance the promoters of fights even more carefully than it has your surveillance over the fighters?

Mr. KRULEWITCH. Well, first let me say this. I don't limit—I hold no brief for anybody that is wrong, whether he is on top of the pile or way down low. I think that all participants ought to be licensed. But also remember this, that there have been in professional boxing—the history of compulsion and control of underworld hoodlum elements that had even promoters and boxers by the throat. They are gone now. We are no hatchetmen. We are conscientious people and we have assisted in sending people to jail if they were, as you lawyers call it, animus furandi people.

I was going to say one thing further about this Federal control. We are not members of any association but we do have working agreements with States in the Union and with foreign countries and foreign associations, a "gentlemen's agreement," according to a formula which we have prepared. The State of Virginia, for example, has a working agreement with the State of New York. The State of California. Idaho is now negotiating with us. We have an agreement with the British Boxing Board of Control. The Latin American Union. And with the Japanese Boxing Commission.

So we work together in a group. There are no sanctions, no disciplines except the discipline that decency and honor and gentlemanly conduct provide, and that is a small group of people today.

Mr. MACDONALD (now presiding). Mr. Springer.

Mr. SPRINGER. Mr. Krulewitch, to get down to this bill, section 2, if you will look at section 2 which I think is the meat of this bill, now, the only way under this legislation that the Commission could take jurisdiction would be that this event first is to be televised in interstate commerce or to be transmitted by wire or radio.

Now, there are seven things set up here whereby they can get jurisdiction. Only those seven. If none of those seven occur, I take it nothing could happen.

Do you believe that we should put in the words which you have mentioned, "any actions which are detrimental to the welfare of good boxing,"?—we are interested in the bouts that are televised and this apparently is as far as the jurisdiction of this committee would go under this bill, or could go.

If we licensed the fighter, the promoter, and the manager, and in order for them to use television in any bout it would be necessary for the promoter to come to this Commission and get a license, these would

take care of all the bouts that are going to be televised and these are the ones we are seeking to get jurisdiction on, do you believe that would be a good move?

Mr. KRULEWITCH. Well, it certainly would be a move in the right direction. It would take care of all of the boxers and the managers and the promoters of a bout that was thought sufficiently worth while from a business standpoint to be worthy of closed circuit. You wouldn't get a preliminary four-round bout or semi-final eight-round bout for closed circuit.

Mr. SPRINGER. What we are seeking to do is not take power away from the State commissions. We think that the State commissions ought to essentially supervise boxing in that State. What we do say is that where this big money is being transferred from one hand to another through television that there ought to be some kind of regulation in this area and this is what we are seeking to do.

I think that we would get control of all of those championships. All of those that are going to be big fights where there would be a sufficient interest that you were going to televise it. These are the ones we think we ought to have jurisdiction of and in the public interest we think we could give some good direction to the boxing, which would be helpful to State commissions, and that is what we are trying to do.

Do you believe if we licensed a promoter who was going to televise or use radio in interstate commerce, any one of those instances where he is going to sell these rights to these people whom we just heard from a moment ago testifying, he would have to come to this Federal Boxing Commission and get a license. In addition to that, the manager would have to come to this Commission and get a license, and in addition, the fighter would have to come to this Commission to get a license.

In my estimation this would probably be limited to less than 50 fights a year. Now, I take it in New York you have fights every week, don't you?

Mr. KRULEWITCH. No.

Mr. SPRINGER. Most every week?

Mr. KRULEWITCH. No, sir. We don't have fights every week now but we have a regular schedule which varies a little. We have fights every month now and they have gone very well.

Incidentally, in your talk I trust you didn't limit it only to championship fights. We had a very fine fight at the Garden, a sellout at the Garden, the Patterson-Chuvalo fight which was televised too. Now, that was not a championship fight.

Mr. SPRINGER. That would be one that would come to this Federal Boxing Commission because they were going to use television.

Mr. KRULEWITCH. Closed circuit.

Mr. SPRINGER. I remember I used to watch the "Fight of the Week." A great deal of those took place in the St. Nick's Arena.

Mr. KRULEWITCH. Some took place?

Mr. SPRINGER. Some, as I recall. I don't know whether that is what we are looking for or not but it seems to me the only way we can do anything is through those bouts which are televised.

If those three people had to get a license, then I think we have control of this thing to the point where we can get some direction na-

tionally and give assistance to State boxing commissions in keeping boxing clean. That is what we are trying to do.

Mr. KRULEWITCH. That is very interesting. What would you say about the question of home television? That would be—home television was in effect in the State of New York for many years up until a year or two ago and it brought the professional boxing to the view of small hamlets and small villages and small towns throughout the United States which could never have a boxing show. What would you do about licensing these individuals in the home television shows where you had a show from 10 to 11 every Friday night?

Mr. SPRINGER. Well, I think that is the type that ought to be within the jurisdiction of this Commission because they are using television in interstate commerce. I don't think this is going to be anything that is going to burden this Commission down with thousands of fights—or hundreds of managers or hundreds of promoters. I think this is going to be limited, but we would get jurisdiction of the major portion of the fighting in this country to a point where we could direct it in the right way, and I think these troubles that are occurring appear to me to be in this one where this large amount of money is being transacted. I don't hear about this in the little ones. Maybe it is still going on there just as bad, but I figure that is something the State commission ought to regulate.

This is the form of the amendment which I have sort of taken a fancy to yesterday and today and I think I have got a good reaction yesterday from Mr. Dempsey and Mr. Marciano. At least, they felt it ought to go a little bit further than that bill, and I dropped this bill in the hopper yesterday as a starter. But I was very much interested in knowing what your reaction was to this question of licensing the promoter, the manager, and the fighter where the fight is televised.

Br. KRULEWITCH. Well, I think that—I said that this bill is a shot in the right direction and I think with that addition, the range has been extended.

Mr. SPRINGER. Would you then recommend that kind of an approach as one approach?

Mr. KRULEWITCH. I think that your approach would be inclusion of a licensing feature in the bill, which it doesn't contain now, would help the regulation of professional boxing throughout the United States. I haven't seen the new Sente bill. I do know the Kefauver bill and I recall they required the licensing of all professional boxers, whether main event or semifinal or four-round boxers. In other words, they would rely to a very large extent on States processing but they would nevertheless conduct their own investigation on the licensing.

That is a very broad bill. It is much broader than the one you suggest which is limited to such important bouts as are deemed in the profession worthy of closed-circuit television.

Mr. SPRINGER. I am including home television, too. I am not just including closed circuit because I think there is a lot of money to be made in home television also.

But let me ask just one further question and then I will be through. Has there been anything in the suggestions I made or Mr. Macdonald made or the chairman made in these bills that would in any way end the activity of you as chairman of the New York State Boxing Commission?

Mr. KRULEWITCH. No; in my opinion there is no interference in State sovereignty whatsoever in view of the fact that you operate within the sphere over which the State has no jurisdiction whatsoever, and that is interstate television. We require these contracts to be filed with us for approval where there is television in the State of New York and they come before us and we approve them when we deem them proper. But the promoters have always contended that we have exceeded our jurisdiction by approving or holding for approval or disapproval a filed contract involving interstate television, and the very fact that you are discussing this kind of a bill indicates that perhaps there isn't even Federal jurisdiction over closed-circuit television at the present time within the purview of this bill.

If there is no jurisdiction in the State because they can't superimpose their will on interstate commerce and there is no jurisdiction in the Federal Government at the present time, then this is a no man's land in between that should attract regulation.

Mr. SPRINGER. Thank you, Mr. Chairman.

The CHAIRMAN. Any other questions Mr. Murphy?

Mr. KRULEWITCH. How do you do, sir.

Mr. MURPHY. It is a pleasure to welcome you, General Krulewitch. We in New York certainly appreciate the close supervision you have had over the sport in our State.

The CHAIRMAN. Would the gentleman permit me to say this? I think we have in General Krulewitch one of the most outstanding individuals with a record that probably is unsurpassed. If I remember correctly, you are one of the two living Marines that went through the campaign of Belleau Wood in World War I. And you are one of those who survived the very tragic and yet successful campaign at Iwo Jima. And just as if that wasn't enough in serving your country, General, I understand you also served in Korea during that campaign.

I think that is a remarkable record, and maybe you are the right man for the job you have.

Mr. KRULEWITCH. Thank you, Mr. Chairman. Very nice to—

The CHAIRMAN. I wanted to call that to the attention of the committee members.

Mr. KRULEWITCH. Very nice of you to remember some few little incidents in the background of my life.

I will say this, that once at the height of one of the investigations that we had here in the State of New York, I happened casually to say that Iwo Jima was never like this, and it became a frontline notice in all the papers.

Mr. MURPHY. General, I am glad that the chairman has let everyone know that your fame has preceded you and he made some of the remarks that I would have made.

General, have you found in your experience in New York State that you have rejected bouts because of managers or promoters and then have seen those people take the fighters into another State where the laws are more lax or not as strictly supervised?

Mr. KRULEWITCH. That is correct, sir. We have had that sorry experience, Congressman Murphy.

Mr. MURPHY. They probably have gone from State to State to try and find the softest and easiest State in which to put on their bout.

Mr. KRULEWITCH. Right.

Mr. MURPHY. And the adoption of the measure such as Mr. Springer has proposed would help in tightening up on, let us say, the undesirable element.

Mr. KRULEWITCH. I think it would be helpful. And Congressman Springer has outlined it very carefully in what he says is a new bill that he has put in the hopper in the last couple of days.

Mr. MURPHY. Thank you, General.

Mr. KRULEWITCH. Thank you. Nice to see a warm, familiar New York face again, but I must say that I appreciate the courtesies of all of you gentlemen and the hospitality of this committee.

The CHAIRMAN. Mr. Satterfield had a question.

Mr. SATTERFIELD. I have one brief question. Along the line of Mr. Springer's remarks, should we—if we go into this type of legislation—confine licensing to the three parties he named or should we make it stronger by extending it to other people in the profession such as seconds, handlers, financial backers, and so on?

Mr. KRULEWITCH. Well, I think perhaps Congressman Springer had that in mind, that he would extend the jurisdiction under this bill to promoting corporations, managers, and boxers, and—did you have in mind seconds or trainers? They are usually people of lesser status, but the managers and the promoting corporations which include the financial backers, because they make a full report of who owns the stock, and so forth, would be included in that and would be very good.

Mr. BROYHILL. Mr. Chairman, I just want to ask one question.

The CHAIRMAN. Mr. Broyhill.

Mr. BROYHILL. General, other commissions and regulatory agencies set up by the Congress have the power and prerogative of setting fees for services. These fees in part have defrayed the costs of operating the commission. And I wonder if the Congress is going to set up a boxing commission, if you feel that this commission should be given the power to charge fees to help defray the costs of this commission.

Mr. KRULEWITCH. Well, that is an interesting point. Our New York commission is not an income-producing commission, although at times we have earned more money than we have spent. But I think it would have to be a fee for that service, a carefully considered fee for the fling of documents and for the issuance of Federal licensee approvals, and perhaps you might consider—I was going to say a Federal tax but there is a Federal tax already imposed on—all promotions pay a Federal tax and pay a State tax. We charge 5 percent of the gate including television in the State of New York. So you would have to consider whether an additional Federal tax is too much of a burden on an activity already taxed. But the fees we charge for filing these papers, applications, \$5, \$20, and so forth.

Mr. BROYHILL. Thank you very much.

The CHAIRMAN. Mr. Gilligan, did you have any questions?

Mr. GILLIGAN. No.

The CHAIRMAN. Mr. Watson, do you have any questions?

Mr. WATSON. No, thank you.

The CHAIRMAN. General, thank you for your appearance here and your very interesting presentation expressing your views as to what should be done on a general basis and how we might be able to work together in providing the kind of controls that should be in order to

bring increased integrity and honesty into this business so that we can strengthen this outstanding sport.

Mr. KRULEWITCH. Thank you very much for your very courteous reception and your kind remarks.

The CHAIRMAN. We hope that we have not detained you too long and that you will meet your other commitments.

Mr. KRULEWITCH. No, not at all. I am hoping to meet my son who has the Laos desk here in the Department of State, and he has come back from 2½ years and is leaving this weekend for abroad, and that was one of the pressing things, not too official.

The CHAIRMAN. It perfectly justifies the action that we took in permitting you to come on now.

Mr. KRULEWITCH. Thank you, sir.

The CHAIRMAN. So, the call of the House has just sounded. The committee will be in recess until 2 o'clock this afternoon, at which time if there are any further questions of Mr. Brooks, we will have him back to start with. And then we have two or three other witnesses following Mr. Brooks.

(Whereupon, at 12:15 p.m., the committee was recessed, to reconvene at 2 p.m., this same day.)

#### AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

Mr. Van Deerlin, do you have any further questions of Mr. Brooks?

Mr. VAN DEERLIN. No, I don't, Mr. Chairman. I wasn't here this morning.

The CHAIRMAN. Mr. Keith, do you have any questions of Mr. Brooks?

Mr. KEITH. I am sorry, sir, I was not able to hear his testimony, and I will have to read the record and read your own questions.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Brooks, did I understand that you are in favor of a Federal boxing commission?

#### STATEMENT OF FREDERIC H. BROOKS, PRESIDENT, SPORTSVISION, INC.—Resumed

Mr. BROOKS. Yes, I am, Mr. Chairman.

The CHAIRMAN. The approach to this problem in the proposed legislation is based on the utilization of broadcasting facilities plus the use of interstate wire services such as comes under the jurisdiction of the Federal Communications Commission.

Now, presently you are not required to obtain the approval or some other clearance from either any regulatory body of a State or of the Federal Government.

Mr. BROOKS. That is true.

The CHAIRMAN. In other words, you make your contracts to promote closed circuit without having to report the charges as if you were operating a public utility service in interstate communications?

Mr. BROOKS. Well, of course, we do report completely to the Internal Revenue Service. Our charges with the telephone company, our telephone company bill is based upon tariffs which are filed with the Federal Communications Commission by that company.

The CHAIRMAN. That is the responsibility of the telephone company?

Mr. BROOKS. That is right.

The CHAIRMAN. In other words, you are pretty much in the position of an advertiser. You control all the stakes, and you call all the shots, but you do not have to assume the responsibility before a regulatory agency either of Federal or State.

Mr. BROOKS. Mr. Chairman, I would say that certainly in an indirect way we are responsible to the athletic commission or boxing commission of the State in which the fight takes place. Were we to do anything in any way which would violate the agreement between the promoter and the State or embarrass the promoter in any way, I think the sanctions taken against us would be very serious.

In other words, we would certainly not be the closed circuit company or ancillary rights company involved in the next fight.

The CHAIRMAN. Well, under the present procedure suppose there are two people who wanted to engage in this.

Do you have an exclusive contract with the promoter of the fight?

Mr. BROOKS. Yes, sir; our contract would be exclusive. But it is not a long-lasting contract. It is for one specific event.

The CHAIRMAN. Do you think that a Federal Boxing Commission or whatever you might want to call it, having jurisdiction over certain interstate problems with reference to professional boxing, should likewise have jurisdiction and control over the utilization of, say, communications media such as broadcasting or closed circuit wire use?

Mr. BROOKS. Mr. Chairman, I would say that the extent to which the Federal Commission should have control is to make sure that none of the contracts involved in a fight, and this includes those between the fighters and the fighter and the manager, the manager and the promoting company, or the promoting company and the closed circuit company or broadcasting company, violate any of the rules of the Commission, and to that extent, I think our contract with the promoter should be submitted to the Commission as part of the record.

As far as the specific charges or percentages that we get or our arrangements with the exhibitors, I feel these are dictated by business commonsense.

The CHAIRMAN. In other words, the terms of the contract insofar as the charges and division of profits and so forth should not be a matter which should concern the regulatory agency.

Mr. BROOKS. I would say that the right, provided there are no hidden or open relationships between, let's say, one fighter and the television company or one fighter or the promoter and the television company. You can see that it would hardly be much of a negotiation if Cassius Clay or that the Louisville sponsoring group controlled Sportsvision or vice versa, we might ask for and receive 50 percent of the gross to the detriment of the contender.

The CHAIRMAN. It is your feeling that this procedure should be approved on an interstate basis, and the Commission armed with broad, general authority?

Mr. BROOKS. I would say that it is a question of the commission granting or refusing to grant a license for the bout and to the individuals connected with the bout.

If the commission felt that the fight was not within the broad, general public interest because of, let's say, a habitual criminal record on

the part of one of the participants or something that—some bad mal-character on the part of one of the owners of the promoting company, why I would say it would be up to the Commission to demand correction of that situation or withhold a license.

The CHAIRMAN. If it developed a fight is promoted and about to take place in one State and the people involved in it—the promoters, participants, and so forth—either could not or would not meet the requirements of that State, do you think they should be permitted to move it to another State?

Mr. BROOKS. I think that this should not occur, period.

I think that the licenses for bouts that we are discussing here today, namely, those that are telecast across State lines should be Federal licenses, so that a man, a fighter, or a promoter who is licensed by the Federal Boxing Commission would not have to apply for a license in, let's say, the State of Ohio and then have it denied and move across a State line.

In my opinion, either a fighter is eligible to fight in the United States or he is not.

The CHAIRMAN. In other words, for licensing purposes you are suggesting then that the Federal Government preempt the States.

Mr. BROOKS. In the area of interstate commerce, yes, sir.

The CHAIRMAN. On licensing of the participants?

Mr. BROOKS. The participants—the promoter and the managers.

The CHAIRMAN. It is very interesting, indeed.

Any further questions, Mr. Springer?

Mr. KEITH. I have just a comment. I believe that was the substance of Mr. Marciano's testimony yesterday, where they are big enough to command a radio or television audience it would put them into the interstate commerce the Federal Commission should have that licensing authority.

The CHAIRMAN. Yes, I think that was the distinction. I assume what Mr. Brooks is recommending is that there be wider authority given to the Federal Commission even if the activities would not be licensed by the Federal Commission.

Mr. KEITH. It raises, Mr. Chairman, and Mr. Brooks, a question of amateur fights would occasionally be broadcast as an incentive to increase the interest in the local community. You might even have, if the sport develops the way Mr. Marciano hopes it would, considerable more interest at the local level and as is the case with local football games and basketball games, it is conceivable that these fights might find their way into radio which immediately would put it within the confines of this area. It would require—it would seem to me you would even have to have professional fights only.

Mr. BROOKS. I would agree that certainly at this time there is no particular reason for Federal control of amateur boxing. I think it is important that we not build a monster in the Federal boxing commission.

Obviously when a bout is contemplated it is important that an immediate answer be given. It has to be known right away before the promoter and the closed-circuit company and everybody else invests a lot of time, money, and effort in the bout, even whether this is an approved bout or not. I would like to see the Commission's scope of authority narrowed but the extent of his authority great.

The CHAIRMAN. Thank you, Mr. Brooks.

On behalf of the committee we want to extend our appreciation for your appearance here and for the information you have given the committee on this subject.

Mr. BROOKS. Thank you, Mr. Chairman.

The CHAIRMAN. The next witness, Mr. Nat Fleischer.

Maybe I did or did not pronounce your name correctly.

**STATEMENT OF NAT FLEISCHER, EDITOR AND PUBLISHER, THE RING, NEW YORK, N.Y.**

Mr. FLEISCHER. Yes, sir.

The CHAIRMAN. You are editor and publisher of the Ring?

Mr. FLEISCHER. Correct.

The CHAIRMAN. Is this a publication?

Mr. FLEISCHER. It is a publication that has been in the field for 43 years.

The CHAIRMAN. Very well. I think your testimony will be very interesting and we are glad to have you.

Mr. FLEISCHER. Mr. Chairman, I would like to read here why I favor a national commissioner of boxing.

Boxing has reached a stage where no longer should the control be left in the hands of State boxing commissioners alone. Most of such legalized bodies repeatedly have displayed a lack of firmness in dealing with boxing's problems, to assure proper regulation of the sport.

I believe that a national commissioner of boxing as supervisor of the sport is a must if we are to save boxing.

A national commissioner would see that regulatory powers in each State were the same in all respects.

If we had uniformity in rules and regulations, we could avoid the difficulties boxing has gone through in the past few years.

With a national commissioner and his aids, we could rid boxing of its unsavory characters, because under Federal control the States would function under national rules, alike in all respects. In my opinion, such regulations would not interfere with States rights, one of the chief objections thus far offered by State boxing commissions.

Under a National Commissioner, present commissions would operate as they now do, except under national regulatory powers set by our Government agency.

Boxing will remain a part of the American sports scene so long as our people want it to remain so. Toward the end of "The Television Era," ratings of nationally televised bouts dropped; but surveys indicated that the public had not lost interest in boxing. There was merely lack of faith in those controlling the sport, resulting in the decline of the television devotee.

Poor contests with insufficient insight into the problem of promoting and national authority with the power to control this problem resulted in the decline. A National Commissioner is the solution.

their way into boxing promotion or into the ownership of top boxers. would give a firm hold on those involved. It would make it impossible for one to become a ruling power in the sport merely because of his possession of wealth or affiliation with a gangster-infested organization.

Amateur and professional boxing are healthy, vigorous sports if conducted properly, under supervision with the control resting in the

hands of persons qualified in physical education and free from domination by politicians or unsavory characters who have bought their way into boxing promotion or into the ownership of top boxers.

Of all sports, boxing is reputed to have the closest affinity to the denizens of the underworld. New York and California have been the vanguard in attempts to police professional boxing and each State has succeeded in doing so with effectiveness.

But their efforts are not enough. Though their licensing provisions are very stringent, the ban placed on applicants in those States is too often waived by commissions in other States, as was most recently the case in the Cassius Clay versus Sonny Liston world heavyweight championship matches.

This confused, undesirable situation, condoned in our country by many commissions seeking publicity and the financial gains from what they consider is an outstanding gate attraction, must be eliminated if the future progress of boxing is to be considered.

How can this best be accomplished?

By a National Commissioner with regulatory powers with teeth that give him an iron hand in the control of boxing.

The role hoodlums have played in the past in ruling the sport is well known to your honorable body. Five of the leading culprits, as a result of the U.S. Senate investigating committee's report, are now serving long prison terms in California. But others are taking their places.

Since the Kefauver committee had its hearings, the fear of God has been put into the racketeers who hitherto have been active in trying to corner the market on top boxers and trying to influence promoters and matchmakers to use their fighters. The majority of such racketeers and their undercover agents have run to cover. To keep them out for good, it is necessary to supervise the sport through national legislation. Only through such intervention, through the medium of a National Commissioner, can boxing be ruled intelligently with justice and honesty. Boxing is an industry—a vast international industry. As such, it should receive the same national protection given to all others—protection through national legislation.

There is a vast boxing setup in every service installation in the United States of America and overseas. It is a valuable asset to recreation in the Armed Forces. We hear of no scandals in these organizations.

Why?

Because proper precautions are taken through the medium of thorough investigations in which my organization has frequently taken part. Those in control act as would a National Commissioner in our Government-controlled professional boxing.

That's why I favor a National Commissioner.

No sport has more safeguards than has boxing, with one great exception—the greed of boxing commissions, a desire to grab at any cost what other commissions have ruled out. They do so because of a mistaken sense of prestige a major boxing match carries.

Such was the case when Governor Peabody, of Massachusetts, rushed forth to accept the Clay-Liston fight for his State. With a National Commissioner to guide the sport, he would not have rushed to the rescue of Inter-Continental Sports Promotions Inc., so rapidly.

Boxing, the oldest of sports, has had its seeds sown in every part of the world. It has gained in international prestige, although its

importance in the United States has declined. In Thailand, Korea, Japan, and the Philippines, bouts are staged almost nightly, and we hear of no scandals in these countries.

I helped to organize the Asiatic Federation of Boxing, which includes the aforementioned countries, and in each the government plays a major role in the regulation of boxing.

Whenever proper regulation of the sport is furnished, boxing flourishes in an atmosphere of sportsmanship.

The world heavyweight championship bout between Liston and Clay brought forth the following points:

(1) It restored boxing as a legitimate sport to legitimate promoters by freeing the champion for the first time in many years from his first defense obligation to a group that held control of one of the contestants in such title bout.

(2) It terminated the hold which the racketeers had on heavyweight championship matches.

(3) It delivered boxing from the clutches of electronic go between who, through copartnership with the legitimate licensees, have been able to take over major boxing events with the aid of commissions that have winked at such operations, despite their illegality.

(4) It strengthened the need for an international rule prohibiting a return bout in a championship match until such time as the loser has proved his right to such a bout by eliminating one of the top contenders. Although all States have such a rule, it is ignored by most because of the lucrative financial returns they foresee.

(5) It has helped to bring about the elimination of undercover promoters whose background cannot stand the scrutiny of public examination.

(6) It showed the need for competent, tried officials whose capability has been fully proved and tested.

(7) It brought to public attention even more than ever the need for a National Commissioner of Boxing.

Given the collaboration of the Federal Government and State commissions, boxing can again be restored to decency and public support.

That is the way I feel about the boxing situation today, Mr. Chairman. I have analyzed the situation very thoroughly. I am in close contact with Commissions throughout the world. I travel a lot, I have been around the world 13 times aiding boxing and I feel that boxing is too good a sport, too good an entertainment for us to let it slide and get out of hand and eventually disappear.

I do not think that the bill as it now reads has sufficient teeth in it to enable us to go through what I have just referred to. It is my personal opinion that a Commission or a Commissioner with his aids, should be such as to police the sport. This Commission should act as a supervisory body. It should act as an appeals and review court with power to subpoena and overrule State commission acts following a thorough investigation indicating that such action is essential for the good of boxing.

It should keep national records of boxers. It should make it mandatory for all commissioners to take and file with the National Commissioner the fingerprints of all licensees, such as we do in New York State today.

It should make the Commission a clearinghouse for boxing information. It should have State commission records of all hearings of boxing commissions filed with our National Commissioner.

The CHAIRMAN. Well, thank you very much for your statement and suggestions and recommendations. I don't quite understand, however, in your statement the first three points on the result of the recent fight.

In other words, "It restored boxing as a legitimate sport to legitimate promoters"——

Mr. FLEISCHER. By that, sir, I mean——

The CHAIRMAN (continuing). "By freeing the champion for the first time in many years from his first defense obligation to a group that held control of one of the contestants in such title bout."

Mr. FLEISCHER. I can explain that as follows, sir.

Up to the time that the heavyweight championship came into the hands of a group, such as we had in the case of the group controlling Cassius Clay, another controlling Sonny Liston, those who had charge of the Johansson-Patterson affair, another in charge of Patterson, we had national promoters operating such as Madison Square Garden, and in my opinion they were legitimate promoters. But that type of national promotion was taken over by these groups, as in the case, for example, of this last fight. People who never had any notion of going into boxing before, took hold of Liston, exploited him, then took over the management of the fight with Clay on a national basis.

I say by eliminating such promoters, promoters who have not been registered as legitimate ones in the past, and putting the promotion back in the hands of those who have had experience, we would not have had the kind of confusion such as we had up in Maine.

The CHAIRMAN. What makes you think it has been put back in the hands of the people you are talking about?

Mr. FLEISCHER. What makes it? Because as I said, the management, the control that this group had over a champion in the last 5 years or so, where a champion was compelled when he signed for a fight, to be subject to the whims of those who handled that contest. He could not fight for any other promotion except for those who promoted that particular affair. That has been done away with. Now the champion is free. Clay is free, for example, from the management of the Liston group, which, under the terms of their last contract, the prior fight, made it mandatory for him to fight under the promotion of the Inter-Continental Club and no one else. There could be no bid for his services by others.

The CHAIRMAN. I think I get your point, but I can't see that we could necessarily say that this has resulted from it. I cannot see that we have any assurances that something like this will not occur in the future.

Mr. FLEISCHER. I think if your law, if you established within your law such a proposition——

The CHAIRMAN. Oh, yes, if we were to do that, yes, if we were to do that, of course.

Mr. FLEISCHER. In my opinion that should be done.

The CHAIRMAN. What you say here would very likely happen.

Mr. Keith?

Mr. KEITH. No questions.

The CHAIRMAN. Mr. Van Deerlin?

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

Mr. Fleischer, I believe you were the chief timekeeper of the Clay-Liston fight?

Mr. FLEISCHER. No, sir; I was not a timekeeper at all. I was no official whatsoever. I have had to explain that time and again to the newspapermen immediately after the fight.

I had a seat in the front row assigned to me. When I came to take the seat assigned to me, I found there was no arrangement made for such occupancy. There was no chair there, and there was no table for me to do any writing on. Therefore, the official knockdown timer and the official timekeeper agreed to move in, squeeze in a bit, and give me half of the seat so that I had a portion of the official knockdown timer's seat and the rest of my body was squeezed in against a Sports Illustrated photographer.

Now in that fight, when the knockdown took place, the official knockdown timer attempted, as he should have done under the rules, to rise and motion with his hand the count—1, 2, until 10. He couldn't do it because we were squeezed in so tightly. He counted 10, then he went right on and counted two more, then counted up eight more. He counted to 20 and finally he said to me, "See if you can get Walcott's attention."

So, I jumped up and I shouted to Walcott, "He is out," and I motioned that the official knockdown timer wanted him. That gave everybody the notion that I was the official knockdown timer and that I had stopped the fight. I simply aided the official knockdown timer to get the attention of the official referee, whose back was turned away from him instead of toward the official timer. It was turned in the opposite direction, where he didn't even see the timekeeper. That's the story of the fight.

Mr. VAN DEERLIN. The word put out on radio certainly was that you had been—you were the man responsible for this quick windup.

Mr. FLEISCHER. The general story was that Mr. Fleischer stopped the fight but I had no part in stopping the fight other than calling the attention of the referee to look at the official knockdown timer and get the opinion of the timer.

Now, if Walcott had not lost his head—in my opinion, he is a very nice fellow but was incompetent for that world heavyweight championship fight—when he was told that the count of 20 had gone on, he could have immediately stopped both Liston and Clay, who had resumed fighting, from going any further, ordered Clay back to his corner and started the count up to eight according to the rules and then started the fight over again.

But when he heard from the official knockdown timer that he had counted to 20, Walcott jumped up, threw his hand like that and said, "It is over."

Mr. VAN DEERLIN. The situation here was somewhat akin to the second Dempsey-Tunney fight in the seventh round, wasn't it?

Mr. FLEISCHER. In some respects but not entirely. In that particular fight the referee had counted up to four when Dempsey still stood over Gene Tunney. Then he waved Tunney to remain down and he waived Dempsey aside and told the official knockdown timer to stop counting. That was Sheldon—I forget his first name. Mr. Sheldon stopped counting until Dempsey got to a corner, then he started over again from the count of one. So there was really a 14 count, though some people got it up to 18. I had it up to 14.

Mr. VAN DEERLIN. The referee on that occasion did insist on getting Dempsey to a neutral corner?

Mr. FLEISCHER. Right. Referee Barry insisted on the rule being obeyed by Dempsey. Jack Kearns at that time had insisted on putting in the rule. Up to that time they had no such rule. But at a meeting they held with the Commission, Dempsey's handlers insisted that a count be started only after the man who scored the knockdown went to the neutral corner, or that the count be picked up in the event that the fighter went to a neutral corner. It was to be picked up from the official knockdown timer.

Since that was not obeyed, Referee Barry just carried out his instructions and stopped counting, waved Tunney to stay down and resumed counting after Dempsey had gone to a neutral corner.

Mr. VAN DEERLIN. Are there any rules in the State of Maine so far as you know that would not have required—

Mr. FLEISCHER. No, sir; the rules up there, as I inquired from the chairman of the commission, are the same as they are in New York or elsewhere.

Mr. VAN DEERLIN. Fighter scoring the knockdown goes to the nearest neutral corner?

Mr. FLEISCHER. Correct.

The fighter was to go to a neutral corner before the referee picked up the count from the knockdown timer.

Mr. VAN DEERLIN. But the timekeeper was unable to rise.

Mr. FLEISCHER. He couldn't rise. He couldn't even hold his hand up. We were wedged in, in that little corner, and that is why he asked me to help. I was in a position to do so. I pushed the Sports Illustrated photographer aside and I jumped up to call the attention of the referee that he was wanted by the timekeeper, and that gave everybody the impression that I had stopped the fight.

Mr. VAN DEERLIN. Who was responsible for the utterly erroneous report that the official time of the match was 1 minute flat?

Mr. FLEISCHER. The official timer was responsible for that. I had a watch on that, too. My watch showed 1 minute and 42 seconds. The official—the time of the official knockdown timer was 1 minute. The time that the pictures showed, I believe was 1:48. They took the time according to the frames, so much per second, and they got it 1:48. There was no doubt in my mind that the time was beyond 1 minute. But officially when I get out my record book, I will put it as 1 minute because that is the official time of the commission and the commission refused to alter that time.

Mr. VAN DEERLIN. It will go down as 1 minute flat?

Mr. FLEISCHER. It will go down as 1 minute, but I also will have in brackets beneath that a statement that there was confusion regarding the time and I will give the three stages.

Mr. VAN DEERLIN. Well, in addition to improving its methods of selecting referees and selecting chief ushers to provide for spacious enough quarters for timekeepers and such, what else would you recommend to the State of Maine as a result of the fight?

Mr. FLEISCHER. I would recommend to the State of Maine first that they have a loudspeaker for the timer, which they did not have. If they had had a loudspeaker, perhaps Mr. Walcott would have heard the time. They had no loudspeaker.

Now, that is very essential, especially when you have such an important contest.

In the second place, I don't think that anybody associated with the running of that contest other than Harold Conrad, who was their publicity man, was too well acquainted with the rules of boxing. There was a new commission from what I understand, and the fact that they only had less than 10 days within which to gather their men together and arrange matters to carry out the contractual agreement, they failed to take cognizance of a lot of things that the normal good commission would have watched very carefully before permitting that fight to go on.

Mr. VAN DEERLIN. Would you propose Federal supervision over commissions on other than heavyweight championship fights?

Mr. FLEISCHER. Definitely. It is my frank opinion that a National Commission or a National Commissioner of Boxing is absolutely essential today, and that such a Commission should have full control of boxing throughout the United States, acting in a supervisory capacity over the various State commissioners.

In no way would I take away the work of the present commissions. Let them carry on as they have heretofore, with the exception that I would have a National Commissioner regulate the sport by having uniformity of rules, have every State put through its regulations a national rule which all would follow. That rule would pertain to the knockdown timer, to the eight count, to the neutral corner. It would pertain to the use of a loudspeaker.

In fact, anything that would help—

Mr. VAN DEERLIN. The methods of judging a winner?

Mr. FLEISCHER. For judging the fight.

Mr. VAN DEERLIN. And for reaching a decision.

Mr. FLEISCHER. I have refereed, I would say, about a thousand fights in my time, all over the world. A lot of championship fights, and this was the first time that I encountered in 62 years of association with sports such a confused affair as I did up in Maine.

Mr. VAN DEERLIN. Just too bad that so many were watching.

Mr. FLEISCHER. Yes. Too few at the ringside but too many watching it outside.

Mr. VAN DEERLIN. And you bring your own chair next time. [Laughter.]

Thank you.

The CHAIRMAN. Mr. Macdonald?

Mr. MACDONALD. Thank you, Mr. Chairman.

I don't have many questions. I would like to compliment you for coming here and also I would like to compliment you for the terrific interest you have shown in the boxing business for these many years.

Mr. FLEISCHER. Thank you very much. I just came out of a hospital where I was stationed for 10 days in order to attend this session.

Mr. MACDONALD. We doubly appreciate it.

One thing that I have wondered about, we don't have a commissioner of boxing which perhaps we should have and perhaps we will have in the near future, but as I understand it you do the ratings on who are the contenders?

Mr. FLEISCHER. Yes, sir; I do.

Mr. MACDONALD. Who are the first 10 in each division?

Mr. FLEISCHER. I have done that since 1926.

Mr. MACDONALD. Is this official or is this unofficial?

Mr. FLEISCHER. No, sir; it is just our own, but it is accepted by the commissions around the world. In fact, if we miss one publication of the ratings on a scheduled time the Associated Press or United Press calls us up and tells us they have got a complaint from France or a complaint from Italy why aren't the ratings for national consumption brought out on time.

Now, we do that as a favor, we do it twice a month. About the 26th of each month we send it out for international consumption, and then when we go through with our publication, when we put the publication to press, we alter it so that we have it for the next issue of *The Ring* and that means that twice a month there is a change in the ratings based on the results of the month.

Mr. MACDONALD. Which leads up to the question that I wanted to ask, Do you think that this function that you now perform should be handed over to the boxing commission, if there is one, a Federal Boxing Commission?

Mr. FLEISCHER. Well, the World Boxing Association took it up a few years ago after we had run it for more than 20 years, and the New York State Athletic Commission about 3 years ago decided that they would run their own ratings. It lasted about 2 months and then they came to me and told me that they would use ours, and a few weeks ago or a few months ago, a few weeks ago, the chairman of the Massachusetts State Athletic Commission, Mr. Herman Greenberg, announced to the press that he would use, the State of Massachusetts would use the ring ratings instead of the World Boxing Association ratings. I believe the reason for that is that we have a file of more than 5,000 boxers' names—from the entire world. We keep close tab on the results, every day's results.

Mr. MACDONALD. Would you recommend to this committee in their consideration of the bill, that the function that you now have of rating people be transferred to the Commission?

Mr. FLEISCHER. I don't know how to transfer it from my headquarters but I do say that I think they should. It would be a very wise idea for them to keep their ratings if they are able to carry it out. It is a tough job. It requires a lot of work, and it requires also close, a close following of the fights around the world in order to carry out a proper rating.

Now, we have one man who does nothing but clip and record results. We get 62 newspapers from the United States alone, every day for this. We subscribe to those papers. We get some foreign papers also and we have a total of about 36 or 38 reporters or correspondents from various parts of the world. They send in the results to us and that is why we are able to keep the ratings that way.

Mr. MACDONALD. I am not sure that is responsive to the question but I will let it go.

I see, I wasn't privileged to hear your statement, but I see a copy of the matter which you discussed apparently, I see that you want to license the boxers, the matchmakers, the referees, the judges, the managers.

Mr. FLEISCHER. License everybody.

Mr. MACDONALD. My question is Don't you think promoters should be licensed?

Mr. FLEISCHER. I say everybody. License everybody associated with the sport who has any hand in arranging a contest, especially when every contest today is what you might term an interstate problem because the newspapers carry the reports. Whether it is on closed circuit or whether it is on television or not on either, it still goes from State to State and, therefore, I say everybody should be licensed.

Mr. MACDONALD. Including the promoters?

Mr. FLEISCHER. I think everyone.

Mr. MACDONALD. My last question.

Number 6 on who should be, what should be done you say you should bar unsavory characters from fight camps and from boxing matches. How would you go about doing that?

Mr. FLEISCHER. Well, in New York, for example, District Attorney Hogan consulted with me for about 2 weeks, we went over a list of names. I was called before the New York City Grand Jury. This was before Mr. Carbo was indicted, and it was shortly after District Attorney Hogan took hold of the matter, that Carbo was indicted.

The material that District Attorney Hogan had was sent on to California to aid them in the trials. I believe that New York State has done a great job in the past in trying to eliminate these characters by having the fingerprints, as we mentioned by Mr. Krulewitch this morning, by having each man fingerprinted, and the fingerprints would be sent not only to our State department but also to your FBI over here.

Mr. MACDONALD. I understand what you say but you say that you should bar from boxing matches these people.

Mr. FLEISCHER. Well, in New York State, sir—

Mr. MACDONALD. If you follow the sport as closely as I, you know that the gate would be cut in half.

Mr. FLEISCHER. In New York State, sir, the New York Commission went so far as to bar these fellows I mentioned from even entering Madison Square Garden, through the aid of District Attorney Hogan. They were barred from buying any tickets as Mr. Markson, who is over here representing the Garden, will tell you.

Mr. MACDONALD. Thank you very much.

Mr. FLEISCHER. You are welcome.

The CHAIRMAN. Mr. Pickle?

Mr. PICKLE. I have no questions now, Mr. Chairman.

The CHAIRMAN. The statement referred to a moment ago by one of your associates, Mr. Dan Daniel, will be included in the record. I assume he desires to do so since it was sent here and I take it this would be an appropriate place for it to be included.

(The statement referred to follows:)

STATEMENT OF DANIEL M. DANIEL, ASSOCIATE EDITOR OF RING MAGAZINE

GENTLEMEN: Professional boxing is in deperate need of help. This can come best from a Federal Commissioner working in the Justice Department, with close liaison with the FBI.

The Commissioner would have to be endowed with powers to the limit, his edicts taking precedence over those of the various State and locality commissioners.

The Federal Administrator would have the power to:

1. License all boxers.
2. License all boxing matches.
3. License all referees and judges.
4. License all managers.

5. License closed circuit theater television exposure of fights.
6. Bar unsavory characters from fight camps and from boxing matches.
7. Enforce an age limit on boxers.
8. Bar poor matches.
9. Keep losing fighters out of action at least 60 days.
10. Protect the public to the very limit of his ability and have the right to suspend boxers on report from supervisors representing the Federal Administrator.

To make this decalog work would be easy for the right man—a technician.

The CHAIRMAN. Thank you very much, Mr. Fleischer, for your appearance and your interesting testimony.

Mr. FLEISCHER. Thank you, sir.

Mr. Harry Markson will be the next witness.

Mr. Markson is managing director of Madison Square Garden Boxing, Inc.

Mr. MARKSON. Thank you, Mr. Chairman.

The CHAIRMAN. Proceed.

Mr. MARKSON. I would like to thank the committee for inviting me here. I have a very brief statement I would like to read, sir, if I may.

The CHAIRMAN. You may proceed.

#### STATEMENT OF HARRY MARKSON, MANAGING DIRECTOR, MADISON SQUARE GARDEN BOXING, INC.

Mr. MARKSON. I represent Madison Square Garden Boxing, Inc., and am employed as managing director of that organization. May I say at the outset that Madison Square Garden is wholeheartedly in favor of Federal boxing legislation. At hearings held before a Senate Subcommittee on Antitrust and Monopoly in June 1961, a Garden representative testified in support of such legislation. In December of 1963 I visited with counsel for Senator Hart to discuss procedures for furthering the passage of a Federal boxing bill. At various times since then, both in speeches and in press interviews, Garden executives have stressed the urgent need for action in Washington to help our sport.

We believe that boxing—honest, wholesome, competitive boxing—is a part of and belongs in the mainstream of American sports. Boxing has made innumerable contributions to the sports tradition of this Nation and it would be regrettable if it were allowed to pass from the national scene. But Federal legislation is imperative if the sport is to survive.

Recent events have demonstrated conclusively that State commissions, however efficient they may be, cannot cope with problems arising from the interstate nature of our industry. Boxers, managers, promoters barred for good and sufficient reasons in one jurisdiction, are welcomed to perform in another; closed-circuit television companies, controlling the most lucrative elements in a major promotion, frequently usurp the functions of licensees without themselves being licensed; unqualified promoters, concerned only with making "a quick buck" and getting out, have been debasing the sport; champions contemptuously ignore State commission denunciation of return bout contracts; boxers are signed to exclusive promotional contracts in defiance of governmental disapproval.

Corrective legislation can be accomplished only on a Federal level. This should be in the form of a nationwide licensing system centered in

a Federal agency, a system that would contain investigative facilities and criminal penalties. The Federal agency or national commission should have jurisdiction to license all professional boxers, managers, matchmakers, promoters, and closed-circuit television companies. (Regular television companies already are under various Federal regulations.)

As a licensing agency primarily, such a Federal Commission would in no way preempt present State authority in regulating professional boxing, although it would be extremely helpful if such Federal Commission could seek to establish uniformity in rules among the several States.

As things stand now, we have a confused situation in which the rules in some States call for a referee and no judges; some have three judges plus a referee who has no vote in the decision; some have two judges and a referee. Some States have a so-called "10-must" scoring system; some have a "5-must"; some have a round-by-round system; some, like New York, combine round-by-round with a 4-point system. And even in so basic a boxing requisite as gloves, there is a variance in types used, with gloves that are outlawed in some States being accepted in others.

A Federal Commission could also seek to bring about uniformity in medical examination and medical standards to prevent the present distressing condition which permits a fighter medically rejected in one State to perform in another.

A Federal Commission could encourage the furthering of such long-standing traditions as championship defenses within 6 months against worthy challengers and it could help set up a pension fund for retired or ailing boxers.

Through its licensing powers it could keep undesirables from entering the boxing business and it could prevent fly-by-night promoters from "setting up shop" for one-shot ventures.

In contrast to the situation in other sports which are opposed to the concept of Federal supervision, it has become painfully apparent that boxing's decline and fall can be halted only by the Congress. Those of us who are genuinely interested in the preservation of this industry, appeal for remedial legislation on the Federal level.

Boxing is a sport that deserves to be saved. It is worldwide in its appeal and it knows no boundaries of race, religion, nationality, social status, wealth, education, or physical size. It asks only a measure of specialized athletic ability and a sincerity of purpose. Proper supervision can help in the rehabilitation and restoration of boxing as a glamorous and glorious sports activity in this country.

We urge passage of the proposed legislation in the conviction that only such action will help restore responsibility and respectability to boxing and enable the sport to regain the confidence of the American public.

May I add one additional comment, sir.

I was much impressed with the remarks made by the chairman in closing yesterday's session in which he indicated that there was hope for boxing and that what was possibly required was a degree of Federal legislation.

May I point out in that connection, gentlemen, that the bill, which I read yesterday for the first time, is, I am afraid, much too limited

because it appears to concern itself only with those fights which are televised in interstate commerce, and I would point out that in the past year there have been fewer than six fights that have been on television, national television of any kind.

That is, since last September when the weekly series which had been sponsored by the Gillette Co. terminated, there have been only three or four fights on closed circuit television, and none whatsoever on commercial television.

So, I would suggest or urge that a possible solution to the problem confronting us would be an extension of this bill to cover all fights, because, sir, all fights, to my mind, are in interstate commerce.

The CHAIRMAN. You are talking about professional fights?

Mr. MARKSON. I am talking about professional fights only, sir; yes, sir.

The CHAIRMAN. Do you think it would be sufficient to license boxers, managers, and promoters?

Mr. MARKSON. No, sir; I would include closed-circuit television operators, as well.

The CHAIRMAN. Yes; I know. I don't think you can in this way set up a licensing procedure for another communications medium. I think probably the approval or disapproval should be given as this bill provides for the utilization of these facilities. I think that would be most appropriate.

But what we are talking about now is those participants insofar as licensing procedures are concerned, and I would ask, would you go further, say, and license the timekeepers, the judges?

Mr. MARKSON. No, sir.

The CHAIRMAN. Would you leave that to the local people?

Mr. MARKSON. Yes; I think that as much as is reasonably possible should be left to the jurisdiction of the State commissions, sir; most of whom, despite what I have heard here today, most of whom do a conscientious and competent job.

The CHAIRMAN. Well, I have a feeling, too, if you license the participants, the promoters, and the managers and then adequate control of the communications media, where the major funds came from, it seems to me that that would be a pretty good approach to it.

I like your idea of uniformity. I think if we could bring about uniformity we could accomplish a lot.

Your statement is very good.

We have got to answer this call.

Did you have anything, Mr. Macdonald?

Mr. MACDONALD. Yes; I did.

The CHAIRMAN. Shall we go and come back? We will recess for about 20 minutes.

(Short recess.)

The CHAIRMAN. The committee will come to order. Mr. Macdonald, you are recognized.

Mr. MACDONALD. Thank you, Mr. Chairman.

Mr. Markson, it is good to have you here giving us your expert testimony.

Mr. MARKSON. Thank you.

Mr. MACDONALD. Because I know you know a good deal about this field. I take it that you support the bill wholeheartedly?

Mr. MARKSON. Yes, sir; I support what the bill is designed to do. I, frankly, am not sure in my own mind whether the bill will accomplish all that we in boxing would wish to see accomplished on this level.

Mr. MACDONALD. How long have you been with the Madison Square Garden Corp.?

Mr. MARKSON. I started to work for Madison Square Garden in 1937.

Mr. MACDONALD. 1937?

Mr. MARKSON. Yes, sir.

Mr. MACDONALD. That is quite a long time.

Mr. MARKSON. Indeed it is.

Mr. MACDONALD. During that period of time who booked the fights for the garden?

Mr. MARKSON. Well, between the years 1937 and 1949 the fights were held at the Garden under the promotion of the Twentieth Century Sporting Club, of which Mike Jacobs, the late Mike Jacobs, was promoter. In 1949, when Jacobs became very ill, the boxing rights at the Garden were taken over by the International Boxing Club, of which James Norris was the head.

Mr. MACDONALD. Right.

Mr. MARKSON. If I may finish, pardon, they functioned until 1959 when, by direction of the Federal court, Judge Sylvester Ryan, they had to sell their interest in Madison Square Garden and get out of the boxing promotion business in New York.

Mr. MACDONALD. When did the International Boxing Club start letting their fights be televised, do you know that?

Mr. MARKSON. The fights started to be televised under Mike Jacobs and I believe the first contract for a series of 52 fights was signed by Mr. Jacobs in 1944, just before the close, the end of the war. For awhile it was on an experimental basis, but around about 1946 it became a commercial proposition.

Mr. MACDONALD. Now, during that period of time who did the promoting of the fights?

Mr. MARKSON. The Twentieth Century Sporting Club promoted the fights.

Mr. MACDONALD. Yes; but which individuals? I know the club.

Mr. MARKSON. Mike Jacobs was the promoter.

Mr. MACDONALD. After his death in 1949, at least if he did die in 1949, he left control of promotion in 1949, which, I think you have just said, who did it after that time?

Mr. MARKSON. The head of our promotion department at that time, sir, was Jim Norris.

Mr. MACDONALD. Mr. Norris himself?

Mr. MARKSON. Yes, sir.

Mr. MACDONALD. Was not he president of Madison Square Garden?

Mr. MARKSON. He also became president of Madison Square Garden.

Mr. MACDONALD. But he was fight promoter as well as the head?

Mr. MARKSON. Yes, sir. He was head of International Boxing Club until about, I think, 1958, when he was succeeded by Truman Gibson of Chicago.

Mr. MACDONALD. Is that the same Truman Gibson who was disbarred?

Mr. MARKSON. I do not know whether he was disqualified, sir. He was found guilty of a crime in California, and I am not certain that it led to disbarment.

Mr. MACDONALD. Well, during that period of time, Mr. Markson, what was your connection in the Garden?

Mr. MARKSON. I, for many years, was the public relations director, and then I moved up to a position as managing director. What this meant, sir, was that I handled the day-to-day running of the organization. I was the liaison man with the boxing commission. I did not make matches. We had a matchmaking department, sir, which made the matches.

Mr. MACDONALD. I thought that you had said Mr. Norris had done that?

Mr. MARKSON. Yes, sir; Mr. Norris was the overall—pardon me.

Mr. MACDONALD. Did he need a department to help him?

Mr. MARKSON. Yes, sir; when you make 100 fights a year, as were made in those days, he had two matchmaking departments, one in New York and one in Chicago.

Mr. MACDONALD. And no branch office in Philadelphia?

Mr. MARKSON. Well, in the early days there was an IBC in Detroit and an IBC, I believe, in St. Louis, but that was abandoned in the early 1950's, I believe.

Mr. MACDONALD. I certainly welcome you here because, in your support of this bill to clean up boxing, because obviously it has been alleged, and perhaps proven in some cases, that the Garden itself held very close control in promoting fights and the promotion of the fights; it was alleged, and to my knowledge, it is true in one instance, that a man who became heavyweight champion of the world, when he was not controlled out of New York, he could get no fights in Madison Square Garden which then was the hub of boxing. Would you care to comment on that?

Mr. MARKSON. I do not know what heavyweight champion fighter that was, sir. It is true that we have not promoted a heavyweight championship fight in New York since the fight referred to here yesterday between Rocky Marciano and Archie Moore.

Mr. MACDONALD. That was not held in the Garden.

Mr. MARKSON. No; that was promoted by the Garden.

Mr. MACDONALD. It was in the Yankee Stadium.

Mr. MARKSON. I mean a Garden promotion.

Mr. MACDONALD. Yes.

Mr. MARKSON. The next championship fight was one between Floyd Patterson and Archie Moore which was won by Floyd Patterson.

Following Patterson's victory—

Mr. MACDONALD. Excuse me, sir. Did the Garden promote that fight?

Mr. MARKSON. That was promoted in Chicago. I do not recall whether it was promoted by the Garden or the Chicago Stadium, which was the Chicago branch of the International Boxing Club; I do not recall.

Mr. MACDONALD. I have read many times that Mr. Patterson was either allergic to the Garden, or the Garden was allergic to Mr. Patterson. I do not know which is correct.

Mr. MARKSON. I think, to the best of my knowledge, sir, this feeling was one-sided. We would have been happy to promote a Floyd Pat-

erson title defense. For reasons best known to himself, and I cannot argue at this late date as to the legitimacy, his manager felt that he preferred to have Patterson fight for other promoters.

Mr. MACDONALD. During the period of time that you were associated with the garden, did Blinky Palermo have anything to do with the promotions of the fights?

Mr. MARKSON. He was a manager of fighters, sir, and for—

Mr. MACDONALD. He was what?

Mr. MARKSON. A manager of fighters. Blinky Palermo was a manager and, for a period of time, was, I believe, licensed to function as a manager in New York State.

Mr. MACDONALD. How about Mr. Carbo?

Mr. MARKSON. No, not in my time. Carbo was not—

Mr. MACDONALD. You go back to 1937?

Mr. MARKSON. Yes, but it seems to me, sir, that Carbo was a name that I heard in boxing from my earliest days in it, but I doubt very much whether he ever held a manager's license in New York.

Mr. MACDONALD. Well, that is precisely my point. Do you think that the bill as you have read it, and your long and vast experience in the intricacies of boxing, if you want to use that word, do you think that this bill will pierce the veil of who owns and controls fighters?

Mr. MARKSON. No, sir; I do not, unless it contains a licensing provision implemented by investigative powers and criminal penalties. I think that every important person in a boxing match, which means the promoter, the matchmaker, the manager, and the boxer should be licensed on a Federal level.

Mr. MACDONALD. I could not agree with you more. What I am asking is do you have any suggestions so that we could get behind the manager of record or the owner of record and find out who really does control both the promotion and the fighter himself?

Mr. MARKSON. Well, I believe that, as I stated before, I believe most State commissions are efficient and that a combination of the vigilance of a State commission and the investigatory powers of a Federal commission would be effective in keeping the unsavory characters out of our business.

Mr. MACDONALD. You say there are unsavory characters that operate out of Madison Square Garden?

Mr. MARKSON. No, sir; I did not say that.

Mr. MACDONALD. Or have operated out of Madison Square Garden?

Mr. MARKSON. I would say that under the present management, both of Madison Square Garden and of the New York State Athletic Commission, I feel confident, sir, that we have no undesirables in boxing in New York.

Mr. MACDONALD. You say that as a statement or as a hope?

Mr. MARKSON. I say that, sir, as a conviction.

Mr. MACDONALD. I am glad to hear your conviction.

Mr. MARKSON. Well, I believe—

Mr. MACDONALD. In closing, I would just like to ask you this one question. There are other members of the committee who want to question you, I am sure. You said you thought one of the good things that would come about as a result if all the States followed a uniform pattern in which if somebody was medically rejected in one State they would not be permitted to fight in another State—I haven't

got your statement in front of me, but I think I recall your saying that.

Mr. MARKSON. That is correct, sir.

Mr. MACDONALD. What would you think if a man was medically rejected by a Federal agency? Do you think he should be permitted to fight in any of the 50 States?

Mr. MARKSON. No, indeed, he should not be.

Mr. MACDONALD. I call to your attention the fact that the present so-called champion was medically rejected by the U.S. Army on medical grounds. Would you not accept a fight in which he was engaged?

Mr. MARKSON. We, sir, can negotiate only with a fighter who is licensed. I would point out that before we could do business for Cassius Clay or with Cassius Clay's manager, they would have to be licensed by the State.

Mr. MACDONALD. I did not follow the answer.

Mr. MARKSON. Well, if I understood you correctly, sir, you asked me if we would do business with Cassius Clay.

Mr. MACDONALD. Following your remarks of anybody who was rejected by a State for medical reasons should not be permitted to fight in another State—

Mr. MARKSON. That is right.

Mr. MACDONALD (continuing). I say to you as a fact he was, the present so-called champion was, rejected by a Federal agency, the U.S. Army, which is not noted for being terribly particular about what physical types they take into the Army, and I say to you, would you, having said that you would not—a fighter not licensed in one State should not be able to fight in the 49, I say to you, do you think that if the Federal Government rejects him would you take him?

Mr. MARKSON. I would have to repeat, sir, that I would have to fall back on the State commission, which licenses us, in that case.

Mr. MACDONALD. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Springer.

Mr. SPRINGER. You have been president or manager of Madison Square Garden for how long?

Mr. MARKSON. I have been the managing director since 1948.

Mr. SPRINGER. And this includes the making of matches in the Garden?

Mr. MARKSON. I supervise the making of matches. I do not actually make the matches, sir. The matchmaking department makes the matches.

Mr. SPRINGER. All right.

Now, in this capacity do you deal with managers or fighters?

Mr. MARKSON. We deal with licensed managers, sir, and with fighters only when they are not represented by managers. Some fighters do not have managers.

Mr. SPRINGER. Was it your thought that if a man was rejected in one State he should be rejected in all States; is that right?

Mr. MARKSON. Precisely.

Mr. SPRINGER. What you think of it is that each State commission ought to honor every other State commission insofar as a fighter is concerned.

Mr. MARKSON. Yes, sir, but there have been many attempts made on that on a voluntary level and they have not succeeded. This is why we appeal to the Federal Government.

Mr. SPRINGER. Was it your thought then that every State commission then would honor what the Federal Government did?

Mr. MARKSON. Oh, yes.

Mr. SPRINGER. In other words, if we licensed or refused a manager or a fighter or a promoter that you would honor that in the State of New York?

Mr. MARKSON. Yes; yes.

Mr. SPRINGER. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Van Deerlin.

Mr. VAN DEERLIN. Did you have another question?

Mr. MACDONALD. Yes. Did I understand you to say there are many fighters with no managers?

Mr. MARKSON. I did not say many, sir, I said some. For example, in the days when we would do business with Ray Robinson, which I have not done in the past several years, because I think he should retire, but in the days when we—

Mr. MACDONALD. Also he strikes a rather hard bargain, too; I would think that would enter—

Mr. MARKSON. He is an excellent negotiator, sir, and incomparably the best fighter I have ever seen when he was in his prime. I think today he should retire, but when he was functioning at his best, it was necessary to do business with him because he had no manager.

Mr. MACDONALD. Well, do you, in your vast experience, say it is better to do business with a fighter or with two or three people who control the fighter?

Mr. MARKSON. I think it is better to do business with a manager, sir, than with a fighter. A fighter has enough to do to get himself into condition for a fight, and should leave the financial details and the negotiating terms of a contract to a licensed manager.

Mr. MACDONALD. That is very humanitarian.

The CHAIRMAN. Any further questions? Mr. Murphy.

Mr. MURPHY. Mr. Chairman, I would like to compliment Mr. Markson on his statement, and also point out to the committee that New York has probably always been one of the most publicized seats of boxing not only in this country but throughout the world.

We formerly had many small boxing clubs, and I think one of the reasons for the strength of the small boxing clubs and the fighters themselves was the fact that someday they could fight in the Garden or make the bigtime and, of course, to have a healthy industry not only the top has to be healthy but the basic part of boxing has to be healthy.

I think Mr. Markson's comments that we need Federal control, that Federal control should go down to the principals of the match, that is, the fighter, the manager, the matchmaker and the promoter, that he should be brought under Federal control is also worthy of serious consideration by the committee. I would like to compliment him on his statements.

Mr. MARKSON. Thank you, sir.

The CHAIRMAN. Mr. Markson, thank you very much for your time and your presentation here. We are glad to have your advice and counsel and your recommendations.

Mr. MARKSON. Thank you, sir.

The CHAIRMAN. The next witness we have is Mr. Constantine "Cus" D'Amato.

Mr. D'Amato, would you identify yourself; I do not have sufficient information.

#### STATEMENT OF CONSTANTINE "CUS" D'AMATO

Mr. D'AMATO. Yes.

First, I am known as Constantine D'Amato, more generally known as "Cus" D'Amato. I am the former manager of the former heavy-weight champion, Floyd Patterson, and managed Jose Torres, the present light heavyweight champion of the world.

I would like to thank the chairman and the committee for giving me this opportunity to express my feelings as well as, I hope—at least I hope I am—expressing the opinions of the majority of managers, fighters, and trainers.

Most of the people who have appeared here and expressed themselves, I think, were concerned mostly with their individual positions in boxing. I am one of those who has been opposed generally to the manner in which boxing has been conducted in the past. I have never been hesitant about my expression of my own situation. I was very active in my expression.

I think that nowadays, although things have changed, we still have some of the conditions that have brought about the problems that we are presently faced with. I think most of our problems are due to administration. I mean by that the people responsible for administering boxing for one reason or another, depending on the State involved, are not doing the job with consideration of the practical and realistic problems that are faced by the people who conduct the business.

In many cases the promoters are restricted. In other cases the managers are restricted. In other cases the fighters and trainers are restricted.

These restrictions resulted because of the lack of knowledge of the administrators. Now, not all of the administrators are aware of the existing conditions. Some of them entered into their job and accepted the conditions that already existed prior to their entrance and tried to live with these conditions, not recognizing that these conditions had brought about the present state of boxing.

Most of the people entering into professional boxing as administrators have had a background of amateur boxing, and have brought into professional boxing and the supervising of their thinking and their approach which, while it served the purpose of amateur boxing and amateur sports, did not in any way help, in fact very much hindered, the conduct of professional boxing.

I believe that when a commission or any legal body or government body issues a license, in the very act of issuing a license they have transferred the responsibilities that that license carries, and they should not take over the functions of that licensee. I do not know what the legal position is, but I have the feeling that when a man has been given a license and has been given the responsibility of that license, that it is his right, his privilege, to carry out the functions and the demands of that license, and the obligations that that license carries toward the fight if he is a manager or whatever the case may be.

Often, after the license is issued, the commissioners tend to take over the function, and I say commissioners, I do not mean generally, in those areas where this condition exists, of the licensee. Very often

commissioners decide to become matchmakers or promoters. They attempt to force the promoter to make the type of matches which, as a businessman, the promoter feels is not a paying proposition.

Very often a promoter is asked to use a fighter who, while highly competent and skillful, has very little—is very lacking in color, has no crowd appeal. Having an amateur background, they do not consider the financial requirements of professional boxing. They do not realize that the promoter is a businessman and entitled to all of the privileges extended to all other businessmen in other fields. He is in there to make money and to operate and function within the rules and regulations of the existing commission.

Yet that same promoter is asked very often, because a particular fighter has a rating which, while it indicates his competency, in no way does it help the promoter in getting in customers without which the promoter cannot continue to function.

I am one of those who is against, for example, the—who is in favor of the return bout clause, and return bouts in general, when the fights indicate that the public interest will support such an event. I have the belief that when a promoter wishes to put on a fight which he thinks the public will pay to see, and is willing to back with his own money the promotion of such a fight, that he is entitled to put on this fight, providing he puts it on within the framework and the rules and regulations of the commission under which he functions.

However, the feeling that has been generated in recent times, months or even, perhaps, in the last couple of years, against return bout clauses has been generated because some of the people who enjoyed the privileges of return bout clauses and exclusive contracts no longer find the heavyweight championship of the world available to them, so they are very much in favor of doing away with these return bout clauses and contracts, and sometimes the influences are felt in many areas where an independent man, an independent operator, is so affected that he cannot function.

The return bout clause is put into effect by a promoter who expects to make money. There are reasons why these return bout clauses are put in other than the one I mentioned, and I am speaking now of financial reasons.

When a promoter puts on such a fight he hopes that the public is willing to see the return bout, and usually he has a means and a basis for trying to sell this fight to the public. He cannot employ fraud in the selling of the fight. So long as he stays within the limits of the commission's rules, he tells the truth, and the public wishes to see the fight, in my humble opinion I think the fight should be held.

The people who most strongly oppose these return bouts or—yes, these return bouts—are those people who feel that the fight is being held by certain promoters or groups of promoters and to their own exclusion. Well, if we are businessmen, and we like to believe in boxing we are businessmen and I, as a manager believe I am a businessman, I want to deal with those promoters who will make it possible for me to carry out my function and my obligation to the fighter, and it is my obligation as a manager to do the best possible, get the best possible, results, financial and otherwise, for my fighter, and if it is not possible to accomplish this with existing promoters, then my

obligation to the fighter requires me to go out and find a promoter who will make this obligation possible.

The references to my dealing with these other promoters was born of this effort. My inability to get for my fighters and, I hope, to set the example for the other managers from the existing promoters who controlled the boxing picture, is the reason why I sought out these other people and why I am not very popular among these people.

The managers as a group do not have anyone to speak for them, and those of them who do speak, unfortunately, do not represent the better managers. The better managers, because they seek to protect the best interests of their fighters, are not particularly enjoyed by the corporations and by the promoters who control boxing. They would much prefer to deal with the less competent manager, an amateur manager, if you please, the type of man who, in his effort to gain a position of prestige in boxing, lends himself to the wishes of the promoter who controls the situation.

The boxing managers who are competent, naturally suffer as a result. The boxing managers who want to do the thing that they are licensed to do, the very thing which they are obligated to do, are no longer able to carry out this obligation.

What I am saying, I suppose, may not be very—perhaps I am not as articulate as I should be, and I do not know whether I carried the point I wished to make, but I do believe that the problems that exist, exist because of the rules and limitations set upon people in boxing, some of them being good, most of them are not, the people in boxing feel when they have been given a license, they were given a license because they were competent, and if they are not competent, they should have the license taken away, and so long as they are permitted to keep this license, one must assume they have competency.

I have been in this business for a long time, and knowing almost everybody in the business, how they think and how they work, have found very little competency among the people given the responsibilities. Nevertheless, they continue to function. I would rather see fewer managers, fewer promoters, fewer trainers, but more competent trainers, more competent managers and more competent promoters, and more competent boxing commissioners.

Many of the expressions of criticism regarding the local commissions, some I share and some I do not. In New York State, of which I can speak freely because I live in New York State, I have conducted business in New York State, which has the strongest rules, the most severe examinations, and I think as high a standard as anyone could apply in boxing in a practical way. Our present General Krulewitch is an honest, sincere, competent man, but he has entered into his job having to face life with the existing rules as applied by previous administrators, some of which were not practical.

Most of the commissioners of the country probably were faced with the same situation. We having, naturally, to obey the regulations as they exist, and having no means by which we can cause them to be changed because many of these rules and regulations were brought in by commissioners who did not have experience with professional boxing, but with amateur boxing, for example, in amateur sports the primary objective is to find the best competitor. So this is done in spite of whether or not the fellow is tall or slim, right handed or left

handed, who has color appeal or completely lacking in it, they are not concerned with whether or not they draw spectators or not because they are a sport primarily, and being a sport they are only interested in finding the best competitor.

Toward this end they have a point system. The point system, I believe, requires 20 points per round for 3 rounds. Anything that goes on in professional boxing by a simple change of rules in amateur boxing, we can make the 3-round limit into 6, 8, 10, or 15 rounds, with the same 20-point system, which enables a person to draw a very fine line between a winner and a loser, and this is fine in amateur boxing where all the man who loses, loses prestige, this is right.

But when we go to professional boxing, the only difference between professional boxing and amateur boxing is the fact that they perform for money. This, gentlemen, is simply the difference, the fact that they perform for money, and when they perform for money, when they do that, everything changes.

First, the rules and regulations, because they are a business, are and should be the same, I should say, as those that apply to any other business. The producer of a play or the intended producer of a play backs his judgment in picking a play in spite of, sometimes, the criticism and warning that the play will fail, and sometimes succeed. Yet a promoter cannot put on the type of fight that he feels will draw money, and the commission sometimes imposes upon him a match which he knows he cannot make money with, but the commission would not back such a match.

In order to understand better the professional picture which I think has not been brought up here because they were dealing more with the theory and not with the practical and realistic picture, I think everyone here must have experienced at one time or another that there is a great deal of difference between theory and the practical application.

In professional boxing, once professional boxing became organized, there was mention made earlier of the rating system. Now, the rating system was not put into effect by a newspaper man. It was not put into effect by boxing commissioners. It was put into effect by a promoter and, as Nat Fleischer said, the first choice of ratings was printed in his magazine, but by a promoter. Now, the promoter, when he rated his first 10 candidates, he rated these candidates not according necessarily to competency but rather according to their appeal. This is what he had in mind because he was in business to make money. He hoped, of course, and usually crowd appeal accompanied to some extent competency, but not always.

We have, for example, today a light heavyweight named Harold Johnson, who is about as skillful a fighter as you would care to have around but no one, or, should I say very few people except those who have a thorough knowledge of boxing and who could appreciate the execution of it, would go to see Harold Johnson fight and no promoter would want to put his money in a fight involving Harold Johnson and expect to make money.

Yet the commission, and some of those who rate these fighters would insist that a promoter or a champion defend his title against a man with whom he could make no money. This is contrary to the rules of business and contrary to the accepted rules of boxing.

Now, of course, I realize that somewhere in between there must be a happy medium. No one has ever made an attempt to find this medium and no one seems to be really concerned with the problems, the practical problems that the managers and the trainers and the matchmakers and the promoters must face and cope with.

Everyone seems to be concerned with the way the thing should be theoretically. I feel that if the commission were operating on a national level and were properly administered, and they were advised by people who are familiar also or having worked with them, people who are familiar with the realistic and the practical problems—as we know, we can pass all the laws in the world on paper that sound wonderful, and nothing could bring an end to boxing quicker than this if they do not consider the practical and realistic problems that exist.

As it is now, as a result of all that has gone on in boxing during the period when we had the home television and they closed down the small clubs because people would not pay to see something which they could see for nothing, and you try to sell someone with the idea of paying for something that he can see for free, and you won't do much business.

I am sure that if I gave away gasoline on this side of the street, and the man on the other side was charging for it, I would do more business. That is what has happened in this business. The knowledgeable people are no longer in boxing, and this is the way those who control boxing would like it, because they prefer dealing with an incompetent or inexperienced individual who does not have the knowledge to protect the fighter, to carry out the obligations as a licensee to that fighter, because the fighter's welfare comes first—first, last, and always.

But there are too few people who will carry out or attempt to carry out, because very few have the courage or the knowledge of what is required of them or the nerve, if that is what you want to call it, to buck the existing powers.

Sometimes a man becomes very unpopular. I have had that experience myself. I have discovered when I tried to do the thing that was right and best for my fighters, I had a great many enemies all over, and in the strangest areas, too.

I found that the more I fought for what I thought was right, the more difficult it became, but I persisted, and in the end I became, fortunately, the manager of the heavyweight champion of the world, who once he became champion of the world, gave me the power by which to some extent I could influence the situation. I did not do it successfully, I might add. I tried to influence the situation by introducing promoters who were not affiliated with those that controlled boxing. I wanted the boxing people to know by dealing with these promoters that a heavyweight championship fight could be conducted without the people who controlled boxing, that this was possible; and this I had hoped to influence the managers who had other fighters who, being encouraged by my success, would follow. This did not happen. But in the process of doing this, Floyd Patterson, the heavyweight champion of the world at that time, made more money than any other fighter in the history of boxing. He made that money because I dealt with people who were willing to

pay because we had competition in boxing for the first time; a monopoly did not exist. We had somewhere else to go for water when we were dying of thirst in the desert, and I had hoped by my example to influence the others and to stir up a spark so that they would fight, too. But they could not and they would not. I continued this, and as a result—and I was groping, I might add, for promoters who, in the process, would become interested enough to remain in the business. But, as I said, there were many people who, having positions of influence, especially in the press, I mean they were able to influence the press, who would be highly critical of these people trying to break into boxing.

I want to bring out one important point, that in becoming a promoter there are certain obligations that a promoter, matchmaker and all other licensees must carry out, and I think it is proper at this time to explain the functions of these people.

A promoter, his function is to make all the arrangements for a match which he thinks the public will buy. This is a big-time promotion. Usually a matchmaker takes care of this function at a lesser fight; also to form a plan by which he hopes to sell the fight he intends to make to the public. This is the function of the promoter. His job is that of a salesman. His job is to sell the public a particular match, and in so doing so involve the public, their interest emotionally in the match, so that they will come out and pay to see the fight, whether is on closed circuit or at the club itself. That is his function.

In other areas he has a matchmaker. The function of the matchmaker in a big championship fight is to make the underneath, but normally he makes all the matches.

Now, the matchmaker can make or kill boxing. Matchmakers often are overcome by their power.

Mr. MACDONALD. I think you might want to clear the record. By saying underneath you mean the undercard?

Mr. D'AMATO. Undercard?

Mr. MACDONALD. He is not doing anything undercover actually?

Mr. D'AMATO. I am sorry; I meant the undercard.

Mr. MACDONALD. While we are on this point, I would like to ask you one question that might clarify the record. You said that after Patterson, Mr. Patterson, became champion, that you did not have to go through or deal with promoters who controlled boxing. Are you at liberty to say who these promoters who controlled boxing are?

Mr. D'AMATO. Nowadays?

Mr. MACDONALD. Well, start then.

Mr. D'AMATO. You mean before?

Mr. MACDONALD. At the time or—

Mr. D'AMATO. The International Boxing Club.

Mr. MACDONALD. The what?

Mr. D'AMATO. The International Boxing Club, Madison Square Garden, yes, which also controls boxing today to a great extent, except in the heavyweight division which, I believe, was responsible for the opposition they had to return bout clauses because, you see, with the return bout clause their chances of promoting a heavyweight title fight becomes more remote, you see.

When the return bout clause, let us say when there were exclusive right clauses, which is a part of the contract that every champion had to sign in order to get the opportunity to fight, there was no such complaint on the part of Madison Square Garden Corp., only on the part of "Cus" D'Amato and certain other individuals who felt as strongly about it as I and were willing to do something about it; and we, in turn, in our efforts—

Mr. MACDONALD. At that juncture, Mr. D'Amato, I would like to make my position clear. I have never met you, but I have admired you for a number of years for your fight against the monopoly of boxing, and also for the care that you gave to your fighters. I think when you say that Floyd Patterson has made more money than any heavyweight or any boxer ever has, I think that is a tribute to you for which you have been criticized and how you handled him or not that is a testimonial to you.

I think one thing that should be said for the record that you, perhaps, would be too modest to say, is that after you developed the now light heavyweight champion of the world and the one who might indeed be the heavyweight champion, in my judgment, you gave him his release—

Mr. D'AMATO. I did.

Mr. MACDONALD. After you had expended  $x$  number of dollars in developing him.

Mr. D'AMATO. Many thousands of dollars.

Mr. MACDONALD. I would think that your example in the boxing field is not only exemplary but extraordinary, and I personally would like to congratulate you on your conduct in the area.

Mr. D'AMATO. Thank you very much.

I might add on the point the reason why I released him was because he could not have gotten a match any other way because I have become a very unpopular person in professional boxing because of my opposition to conditions that exist.

Mr. MACDONALD. And when you say unpopular, it is not with the fighters and not with the fans and not with the press, but with the promoters.

Mr. D'AMATO. I would say so, yes.

Mr. MACDONALD. And, therefore, do you agree with me that this bill should be aimed primarily at the promoters who do control the so-called game, although it is no game, the business of boxing?

Mr. D'AMATO. I am inclined to feel that way.

I also feel—

Mr. MACDONALD. Could you answer this one question, you do not have to, obviously, if you do not want to, but did any promoter ever proposition you to cut into any one of the fighters that you managed in order to get an advantageous match?

Mr. D'AMATO. No.

Mr. MACDONALD. In other words, say to you, "All right, Cus, you can have a fight against so and so if you will give me a piece of the fighter."

Mr. D'AMATO. No, no one has ever approached me. I would say that I would be the last person such people would approach, though it may have been done before. I would not know.

Mr. MACDONALD. To your knowledge, I am sure it has been done in the fight game.

Mr. D'AMATO. I would say so; yes, sir. I would say so, it has been done, but I would be the last person that would be approached in such a deal.

Mr. MACDONALD. Which is to your credit.

Mr. SPRINGER. Mr. Chairman, I have a question at this point.

Mr. D'AMATO, have you read this bill?

Mr. D'AMATO. In a general way.

Mr. SPRINGER. Could you give him a copy, somebody of the staff, if he does not have a copy down there?

Mr. D'AMATO. I think I understood it in a pretty general way. I am not a lawyer.

Mr. SPRINGER. Well, section 2 is what you fighters would call the guts of this bill. I want to be sure we are talking about the same thing. Would you turn to page 2.

Mr. D'AMATO. Where?

Mr. SPRINGER. And this begins on line 14.

Mr. D'AMATO. Yes.

Mr. SPRINGER (reading):

The Commission shall exercise continuing surveillance over the field of professional boxing. Whenever the Commission determines that it is likely that a professional boxing event which is to be televised in interstate commerce, or an account of which is to be transmitted in interstate commerce by wire or radio (which such event is occurring), will be in any way affected by bribery, collusion to effect the result, intentional losing, racketeering, including terrorism, extortion, organized use of threats, coercion, intimidation, or use of violence, it may issue an order prohibiting such interstate transmission or televising.

This body, this committee before which you appear does have jurisdiction over television and radio through the Federal Communications Commission. We were attempting to regulate by virtue of that legislative authority.

Did you hear the testimony of any previous witnesses on this?

Mr. D'AMATO. I did.

Mr. SPRINGER. It is my thought that this does not quite get at the problem. Do you believe that this is sufficient for a Federal boxing commission to control and improve boxing, just this section?

Mr. D'AMATO. Well, as far as it goes it does. I do not know how far it should go. I think that this requires a great deal more investigation to determine how far they should go.

Mr. SPRINGER. We have a suggested improvement which I have asked every witness, which was whether or not this Federal boxing commission should license the promoter, the manager, the fighter of all of those events which would be televised? We do not seek to take over all the matches in any State. We believe the State boxing commissions have primary authority in this field. But we do believe in these events where from one-half million to as much as almost four and a half million in the Liston-Clay fight, we believe this is an area in which we ought to exercise some jurisdiction and to give some supervision. This would not take in all boxing but it certainly would get the important events in boxing under the control of this Commission, and I think it would be necessary, in essence, that the promoter get the approval of this Commission before it could be televised, and that is where the money is, as you know, in the big fights today.

What would you think of such an approach as that?

Mr. D'AMATO. Well, there are practical and realistic problems which would, in my opinion, make this difficult. First, let us consider now—you see, I would like to point out that the manager, of all the licensees, in order to be a competent manager and do his duty properly, must be more familiar with all of the areas involved in boxing, whereas the promoter is concerned mostly with the promotion, the matchmaker with the matchmaking and the trainer with the training. But the manager must know everything about it in order to properly do his job, and in this respect I offer what I consider to be a proper opinion.

The fighters, we have a very small amount of fighters today. We have very few fighters today. The promoter, in an effort to put on a fight very often finds it difficult to make the proper matches, and he may bring in a fighter from out of town or from some other area who is not licensed with the Federal Government, the Federal Commission.

It would be impractical, by the time he goes through the procedure of being checked out and processed, as they do in New York City, it is a very difficult thing to do anything out of line in New York City: after having gone thorough that, they now must go to a Federal processing which usually is a slower thing and, perhaps, even more thorough, by the time this is completed I do not know how the promoter is going to be able to conduct his business.

Mr. SPRINGER. I do not believe that is quite—I do not envision that as quite—as difficult as you do. I believe that the minute that this law would go into effect you, as a manager, would immediately apply. You would not wait until your fighter got ready to fight.

I am sure the first thing, and usually these fights are arranged months ahead of time, and in which I am sure that you would file immediately for a license. You are pretty well known, and it does not take a long time to check you.

Now, someone who comes in who is not known, I suppose it might take a month before the investigating machinery would find it all out, but in most of these instances you would indicate where you are licensed. You are licensed in the State of New York, probably in California, and I imagine in several other States. You are licensed in more than one State. Aren't you licensed in more than one State?

Mr. D'AMATO. No; not at the present time. I do not have fighters at the present time.

Mr. SPRINGER. Let me say this. I think that as a major fight manager in the field, you would have no problem, I think.

Mr. D'AMATO. No; I think not.

Mr. SPRINGER. This morning General Krulewitch, I think, said, "Our files are available to you of the fighters, managers, and promoters in our office. You may have all the information." That is what I understood him to say. I do not think this is a serious problem, but if we are going to give direction to this, and I hope it is going to be helpful and not hinder it, that is our thought that it will be helpful in these big money matches and give direction to boxing and sort of bring it together so that everybody recognizes the same thing instead of having 50 States all fighting among themselves as to who the champ is, and so on. Now, that is our thought, more or less.

Does that fit in with your thinking?

Mr. D'AMATO. Yes, it would fit in. It again goes—I would support it very strongly if the administration was the proper one. I would support it if it considered the realistic and practical problems. If it did this, I would be very much in favor of it. If it did not, I would be very much against it.

Mr. SPRINGER. I think probably in thinking on this, Mr. D'Amato, our attempt would be in those areas where there was conflict. I think this should have been alerted to everybody that if the State of Massachusetts did not take the Clay-Liston thing, something was a little suspicious about it.

Mr. D'AMATO. This was not—

Mr. SPRINGER. If it was removed from one State, and yet it moves to the adjoining State, and it is held, this immediately raises a question in everybody's mind about boxing, is this on the level or not? Maybe it was all right. I do not know the background of it. It certainly was suspicious. I think there was an inference where the Federal Government, I am talking about the Boxing Commissioner, would have immediately cleared the air on that.

Mr. D'AMATO. May I make a comment on this?

Mr. SPRINGER. Yes.

Mr. D'AMATO. First, there was nothing wrong with the Clay-Liston fight. We have a very serious problem in our business. One of them is public relations. This is the inability of the people in boxing to communicate with the public the facts rather than the distortions that have been permitted to circulate and gain public acceptance. Unfortunately, this is a fact.

The Liston fight, the Liston-Clay fight, has been criticized in all areas and in the matter of Massachusetts, the only reason why, as I understand it, and I get around on these matters, it was removed from Massachusetts was because they had to put on the show at a specific date, according to the contract, and they saw that discussion, whether in a courtroom or elsewhere, would continue to a point where putting on a promotion would become impractical. They then withdrew from that area.

To this date I have not heard any specific complaints, and specific reasons why the fight should not have taken place as it was scheduled to take place in Massachusetts. I know of no reason; I do not think anyone else does.

Mr. SPRINGER. The only reason I raised all this, Mr. D'Amato, was that I felt that the Federal Boxing Commission, being an agency here, I think above all suspicion, could immediately clear the air on this particular case. There are a lot of people like me who were interested. All I knew was what I read in the paper, apparently it was removed from one State to another, and that is why I believe that this bill is good.

I approached the chairman last February. I said something is going to happen like happened in Miami, and I did not dream it was going to be Clay-Liston. That is why I felt we should have had jurisdiction before this, and that is the reason why I raised back last February and said, let us have an investigation then, and the chairman said that we were not in a position to do it at that time. This was the nearest time we could get to it.

Mr. Chairman, that is all.

Mr. MACDONALD (presiding). I would just like to clear up—this is factual, I thought it was cleared up yesterday, but the actual reason for the removal from the State of Massachusetts was that the promoters of the fight were not aware of a law of the Commonwealth of Massachusetts that a fight promoted within the State of Massachusetts has to be promoted by a resident of Massachusetts, and it was on that ground that District Attorney Byrnes, Garrett Byrnes went into court and had enough proof so that the real promoters, and, incidentally, they could have played “will the real promoter” stand up after a couple of weeks, but the real promoters thought they did not have time enough to go to court to win it, and to show that Mr. Silverman, who is a matchmaker, not a real bigtime promoter, a matchmaker from Boston, and it had nothing to do with rumors of a fix or Black Muslims or anything else. This was strictly a breach of the law of the Commonwealth of Massachusetts. I think it is that simple.

Much has been made out of it because of the fiasco in Lewiston, but the original removal was just the applying of the Massachusetts law.

Mr. D'AMATO. I think that the fiasco, as you call it, in Lewiston resulted also, unfortunately, because of circumstances that they grouped themselves in such a manner as to give the opportunity to the enemies of boxing to give a picture which did not reflect the facts.

Most of the people who felt as though they had been cheated, were cheated, they felt they were cheated, only because by unfortunate conditions the television camera was placed in a position where no one at that side of the arena could see what had happened, and the camera—

Mr. MACDONALD. Unfortunately, would you agree, that unfortunately, the referee could not tell either?

Mr. D'AMATO. Yes, yes, of course.

Mr. MACDONALD. Which added to the confusion.

Mr. D'AMATO. But no matter what happened with the referee that would have been an entirely different situation. It would not have caused dissatisfaction. It would have caused controversy.

The other thing caused dissatisfaction because if the people on that side could not see the blow, and the camera could not see the blow, none of the people who constituted the closed circuit audience could see the blow either, so they thought they were defrauded, they thought they saw a tank job, as we call it, it was not true.

I happened to be in a fortunate position where I saw the blow, and most people did not realize that upon the insistence of the challenger, Sonny Liston's backers, they asked for the use of a glove known as the Frager glove.

The Frager glove was a glove that they attempted to impose its use upon Floyd Patterson in his first defense, in his defense against Liston, which I resisted strongly and successfully. The reason for the resistance was because—

Mr. MACDONALD. What is a Frager glove?

Mr. D'AMATO. It is, a Frager glove is, a glove that is so constructed that the padding does not cover the knuckles, although it may carry the legal weight requirements of the commission. So that—

Mr. MACDONALD. I think for the record you ought to spell it.

Mr. D'AMATO. I beg your pardon?

Mr. MACDONALD. Spell the word.

Mr. D'AMATO. F-r-a-g-e-r.

Now, I did not notice at the time when the blow was struck that they were using Frager gloves. I was not involved. But on looking at a copy of Sports Illustrated shortly after the fight took place, on the cover I noticed something bothering me, and I did not know what it was. I know I knew something, I did not realize it, and I suddenly saw the glove, this is a Frager glove, and then everything became clearer, why the blow, which appeared to be, perhaps, not so free, although it had snap in it, because very often a blow with snap will get you more results hit on the jaw than a heavier blow which does not hit just right, and I realized why this blow became so effective, because Mr. Liston's group, who insisted on using these gloves because they thought that Liston was the heavier puncher, became the victim of their own strategy, where a man who relatively does not punch as hard was able to punch much harder because he was using a Frager glove.

Mr. MACDONALD. You learn something every day in Congress.

Mr. VAN DEERLIN, do you have a question?

Mr. VAN DEERLIN. Mr. D'Amato, the suggestion has been made that the championship holder should not have to sign a contract for a return match with the challenger if the champion loses. This is a system that you oppose. The rating list would apparently be the only other criterion you would have to go by for selecting a logical challenger, and you say that the rating system is not a valid system at all in determining the ability, but is a promoter's device for picking the best drawing card.

Mr. D'AMATO. May I go into that?

Mr. VAN DEERLIN. Yes. You say this was the way it started. Is it still this way?

Mr. D'AMATO. Well, I would like to go into that and explain the whole thing first. I think it would be more readily accepted, possibly.

The purpose in starting the rating system began by Tex Rickard, I believe, first printed in Nat Fleischer's Ring magazine. He was using what I would consider to be business principles as employed by a promoter of any event. He was doing what I think was done in baseball when they organized baseball.

There were probably many independent clubs functioning independently, but because they were independent, there were no means by which they could have a continuing interest on the part of the public, so some smart man decided to organize baseball, and by making a league he was so enabled to form and develop a continuing and related interest between one game and the other, so that the people continued to come throughout the season rather than seeing each individual game.

I believe this is what he had in mind when he started this so-called rating system, a means by which they could involve—it is a promotional gimmick, so to speak, by which the promoter is enabled to interest and involve—the public as a means of showing progress. It does not necessarily reflect this.

Now, the interest of the public remains as strong as the contestants. If a man appears who may not have too much skill but a great deal of color and has the effect of exciting people—people come to a fight to become excited. They come there to be thrilled. They come there to witness an exhibition of boxing skill. Different things draw different people.

Now, these people when they come to these fights——

Mr. VAN DEERLIN. A good many of them come just to see a knock-out, do they not? Rather than boxing skill?

Mr. D'AMATO. The knockout, I would like to point out, is, of course, the most sensational thing that takes place in boxing, especially if it takes place unexpectedly and suddenly.

Mr. MACDONALD. Especially if you can see it. [Laughter.]

Mr. D'AMATO. That is right. Unfortunately, and I think—I say I think, perhaps I am sure, I could say this, that the closed-circuit people who were unfortunately with, had the one camera which did not catch it, I think the results of what took place in Lewiston will, has enlightened them, and I think in the future they will have a camera at a light angle so that if any incidents like this take place again, the public watching the fight over closed circuit, over an electronic tape, could see what really happened, what the first camera obscured.

Mr. VAN DEERLIN. Mr. D'Amato, do not let the Chairman divert you.

Mr. D'AMATO. I am sorry; we were at the rating system.

Mr. VAN DEERLIN. Yes.

Mr. D'AMATO. Well, and I mean no offense to Mr. Nat Fleischer of Ring magazine.

Mr. VAN DEERLIN. Of course not.

Mr. D'AMATO. The rating system is one man's opinion. I have differed with that opinion on many occasions, especially when it involved my fighter.

Now, I do not feel that the rating system as made up by Nat Fleischer is always correct, nor do I feel the rating system as put up by WBA is always correct, because many times people gain a position of influence—I am not saying improper influence, but influence—where they are able, and perhaps they may be convincing speakers, and they may convince someone to put a man in a rated position which he does not properly deserve, but they can find a hundred reasons why he belongs there, none of them so far as your practical knowledge of the business is concerned being acceptable to you.

For this reason, I maintain that I would not want to be guided by another man's judgment who has nothing to lose. All he has to do is express an opinion. He has a prestige he wants to maintain, which is proper so far as he is concerned. But as the manager of the fighter who is involved, who stands to make thousands and perhaps hundreds of thousands of dollars, I feel that this responsibility need not necessarily and arbitrarily be placed in the hands of one man or of one commission, for that matter, because I feel that this is a business, and in business competition the desire of the public, the will of the public to see a particular match, that should govern it.

I think if the public wants to see a match that is sufficient justification for the match taking place. I think if everybody wants to see a particular fight, a championship fight, I think that no one has the right to act as censor, providing the fight is being conducted within the framework and the rules and regulations of the commission under which the fight is being conducted.

I think that the public should decide, and they have the best way in the world of deciding, gentlemen, they decide by not going there, and there is no better way to hurt a promoter than by staying away from

his fight. He loses a lot of money then. That is the way to control these promoters.

Mr. MACDONALD. Mr. Younger, do you have any questions?

Mr. YOUNGER. No questions.

Mr. MACDONALD. Mr. Murphy?

Mr. MURPHY. I have no questions.

Mr. MACDONALD. Thank you very much, Mr. D'Amato. You have contributed a good deal and we are delighted to have you here.

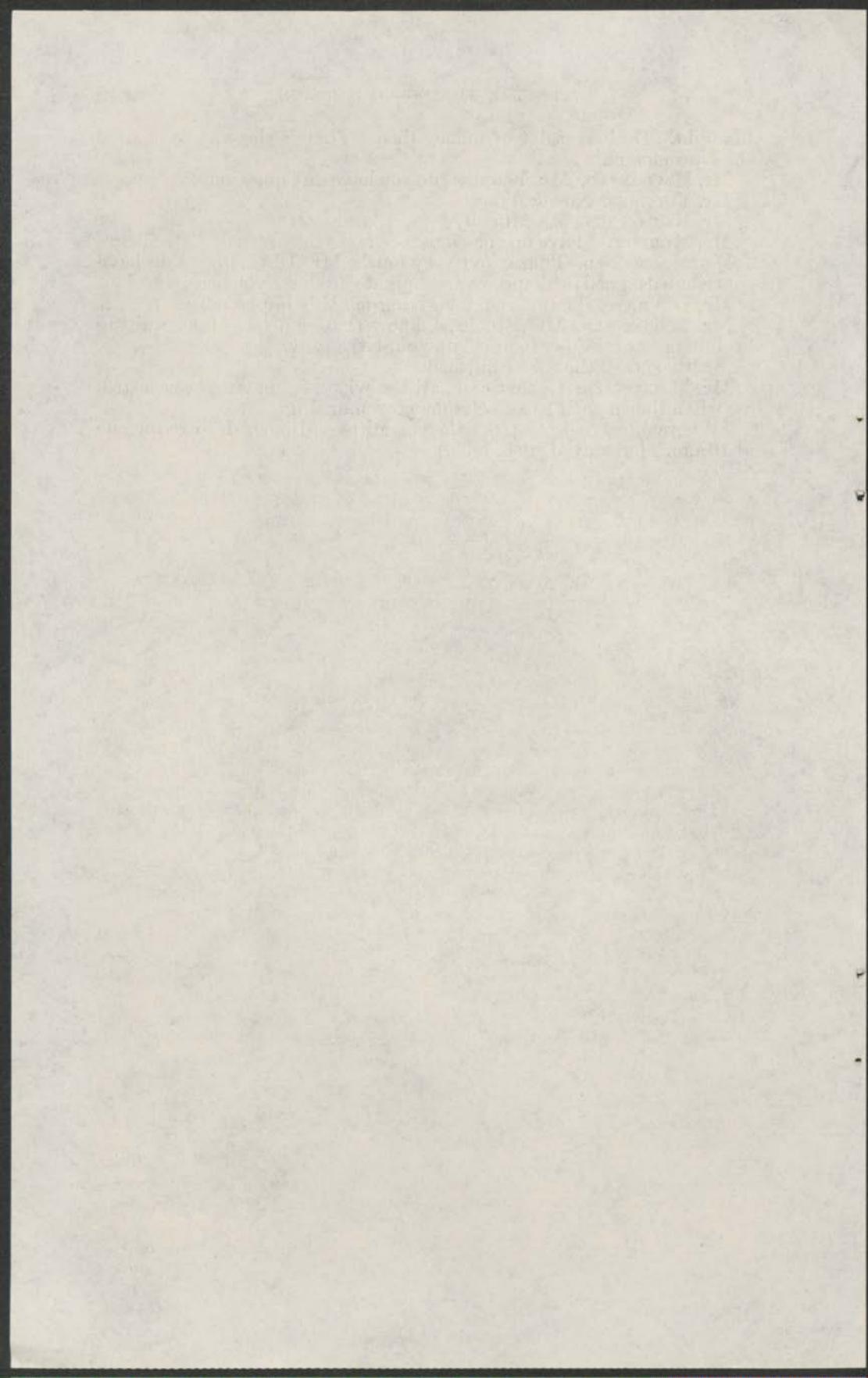
Mr. D'AMATO. Thank you for giving me this opportunity.

Mr. MACDONALD. Mr. Brooks, I know that you have been waiting around most of the day to finish up your testimony.

Mr. BROOKS. I thought I finished.

Mr. MACDONALD. In that case, all the witnesses having been heard, we will adjourn until 10 o'clock tomorrow morning.

(Whereupon, at 4:45 p.m., the committee adjourned, to reconvene at 10 a.m. Thursday, July 8, 1965.)



## FEDERAL BOXING COMMISSION

THURSDAY, JULY 8, 1965

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
*Washington, D.C.*

The committee met, pursuant to recess, at 10 a.m., in room 2123, Rayburn House Office Building, the Honorable Oren Harris (chairman) presiding.

The CHAIRMAN. The committee will come to order.

The first witness this morning will be Mr. Sol Silverman, chairman of the California Committee for Boxing Safeguards, San Francisco. Mr. Silverman.

### STATEMENT OF SOL SILVERMAN, CHAIRMAN, CALIFORNIA COMMITTEE FOR BOXING SAFEGUARDS

Mr. SILVERMAN. Thank you, Mr. Chairman.

May I read my statement?

The CHAIRMAN. Yes, indeed, you may. Proceed. Identify yourself for the record, please, sir, and you may proceed as you desire.

Mr. SILVERMAN. Thank you very much.

The name is Sol Silverman, chairman of the California Committee for Boxing Safeguards. My residence is San Francisco.

"Are the people ready for a Federal boxing commission?"

This was the question put to me by Hon. Emanuel Celler, distinguished chairman of the House Judiciary Committee when I was privileged to meet with him in his office on June 17.

My answer was immediately in the affirmative for these reasons:

(a) I had just given myself full exposure to the feelings of the man on the street and to critics of boxing in San Francisco, Los Angeles, Chicago, New York, as an aftermath of the Clay-Liston fight in Lewiston, Maine, on May 25.

They were as one in hoping a Federal Boxing Commission would be created by Congress.

(b) Even before the Clay-Liston fight, California officially went on record strongly in support of Congressman John V. Tunney's bill for a Federal Boxing Commission. I enumerate here, the people, the Governor of the State of California, Edmund G. Brown; California State Legislature (SJR 2); Los Angeles City Council; S.F. Board of Supervisors; S.F. Mayor John F. Shelley; other local legislative bodies; the State athletic commission.

(c) New York emphatically reaffirmed its full support. I spoke there—June 9 and 16, 1965—among others, to the following persons:

(1) Jack Dempsey; (2) Gene Tunney; (3) Harry Markson, president,

Madison Garden; (4) Barney Nagler, president, New York Boxing Writers Association; (5) Andrew Crichton, a senior editor, Sports Illustrated; and (6) General Melvin Krulewitch, chairman, New York Athletic Commission.

(d) My association with the late Senator Estes Kefauver in his antimonopoly, antiracket investigations from August 1957 to his death in August 1963. My labors with him were deepened when he introduced his bill, S. 1182 for the creation of a National Boxing Commission.

(e) My studies with the California Committee on Boxing Safeguards in Western Europe and in sensitive areas in the United States, since March 1963 when Gov. Edmund Brown created the committee, making me the chairman thereof. Some five reports have already been submitted to Governor Brown and the final 1965 report is now being prepared.

2. The people's mounting criticism of professional boxing reached an unmistakable climax immediately following the Clay-Liston fiasco in Lewiston, Maine. Never before did I hear such anger, revulsion, and resentment expressed against any boxing contest.

3. People in all walks of life have asked me, "What is going to be done about this kind of fake, fraud, cheating, bunco? Why doesn't Congress pass the bill for a Federal Boxing Commission?"

4. It is factual and fair to say, that the American people are not only ready for a Federal Boxing Commission, but they want and demand it from responsible government, now.

5. The anguish of the people was dramatized at Boston Garden where 9,000 persons witnessed the closed circuit showing of the Clay-Liston fight, at the varying prices of \$5, \$6, \$7.50, totaling a take of more than \$50,000. District Attorney Garrett Byrne told me in his office on June 22, that the stench of the contest still dilates his nostrils as his investigation continues.

6. As a result of Clay, Liston, and their entourage, finding refuge in Lewiston, Maine, Massachusetts found itself in the same position as other States, including California and New York, who refused to license the contest because of illicit and illegal aspects of it—helpless and humiliated.

This fiasco, if nothing else, decisively demonstrates the clear and compelling need for an integrated and unified control of professional boxing in this country—a central command for laws that will be uniformly respected and fearlessly enforced.

7. It is all too pathetically evident, that the paramount interest of too many big boxing promotions, is to make money in any way that it can get by with.

I exclude my distinguished colleague from California, Mrs. Eaton.

8. The lust for loot draws to it the dregs of society, which grows with each success, making a sordid, sad, and sadistic racket out of boxing.

9. Unless central control is established through a Federal Boxing Commission, the responsible States of this Nation will continue shamefully helpless in asserting their dignity and defending their sovereignty against this brazen racketeering, at a time when the law should be showing its muscle, not its flabbiness.

10. There has never been, and there is not now in prospect, any compact to protect 49 States against any one deviating State, leaving a Liston the victor and a State the vanquished.

This is hardly the kind of State dignity and sovereignty that honors States rights.

11. A Federal boxing commission, far from invading the dignity and sovereignty of the respective States, would invest them with the needed power to effectively repel the racketeer and elevate boxing standards. Really, the Federal Government would be collaborating, rather than competing with, State governments.

12. What we now have in effect, is a titanic conflict between organized society and a defiant underworld. This appears to be the visible and vital challenge; will responsible Government retreat from the battle, or come forth with a moral courage that will rout the Barnum & Bailey cynicism that "a sucker is born every second" to feed the lust for loot?

13. To do nothing to protect the public against predatory promoters, is to penalize, not the offenders, but the American people for their love of a great sport, whose classical imagine of skill and stamina, manliness and courage, have thrilled them for generations.

14. The fact that some one hundred million Americans listened to radio, or saw closed-circuit or home TV showings of the Clay-Liston fiasco, despite adverse prefight publicity, indubitably indicates their desire for the continuation of a great sport and the control of unbridled greed.

15. Recently, at the Boston Airport, a bus guide, reflecting the attitude of the man on the street, said to me: "Boxing fans should be as much protected against fraud as the housewife or automobile buyer."

Obviously, he thought of boxing as an interstate commodity, in fact he mentioned "interstate."

16. A State is constitutionally helpless to refuse an interstate commodity—a fight picture—from entering its boundaries.

17. To control boxing as an interstate commodity, and to place salutary restraints on big promotions, the House Interstate Commerce Committee can exercise a beneficial influence. The big money, in the millions, is no longer made at the arena—money was lost at the 1964 Miami fight between Clay and Liston—but it is made in closed circuit throughout the United States and beyond. I understand one of your witnesses said there was a \$5 million take in the Lewiston fight. It will be \$6 million if there is another fight.

18. A Federal boxing commission could decide on rules and enforcements not only to prevent gross mismatches, needless punishment and brutal spectacle, but prescribed means for determining whether an applicant, about to enter his first amateur tournament, has the muscular structure and physical aptitudes—the reflexes and temperatment—to start his way up the ladder to possible professional boxing.

19. The American community of 1965, with its huge appropriations for, and the great emphasis on, an escalating education for all, has a new image of and demands new values for the protection of boxers and for the proper conduct of boxing.

In Europe, this attitude (spring of 1963) was called the "New Ethic." There, the authority of each nation is integrated and cen-

tralized, and there, 14 nations had banded themselves together (European Boxing Federation), to give effect to the new ethic.

20. Boxers, and those associated with them, particularly titleholders and runners-up, owe an obligation to the image they give of boxing and of their country, at a time when television is increasingly encircling the globe.

21. Responsible boxing must have concern, too, for the impact it has on youth in this restless and revolutionary period, replete with increasing lawlessness, in seeking to induce the youth of our land to channel their overspilling energies into creative skills and social attitudes that will make training in a gymnasium more attractive than brawling in the streets.

22. Once a Federal boxing commission is created, there is a good chance (from what the European officials told me in the spring of 1963), to form a real and respected world boxing association which will advance safeguards in boxing by uniformity of rules, as against a diversity of regulations, relating to the whole gamut of a boxing contest (which includes weight, training, equipment, refereeing, judging, medicating, etc.), at a time when boxers move freely from State to State and continent to continent.

Mr. Chairman, that is the statement I submit for your consideration.

The CHAIRMAN. Mr. Silverman, you have made your position very clear. We thank you for the information which you have given to the committee.

Are there any questions?

Mr. MACDONALD. I have just a couple, Mr. Chairman.

Just for my own edification, wasn't there a fighter out your way whose name now escapes me, his nickname was Golden Boy something or other.

Mr. SILVERMAN. Yes; Aragon.

Mr. MACDONALD. Aragon. Wasn't he suspended as a fighter?

Mr. SILVERMAN. Yes, sir.

Mr. MACDONALD. Any number of times?

Mr. SILVERMAN. Yes, sir.

Mr. MACDONALD. Am I correct in saying that the State of California has licensed him as a promoter now?

Mr. SILVERMAN. I don't know. I think my distinguished colleague, Mrs. Eaton, could answer that for you. She is in Los Angeles, and that is where he would be carrying on if he did. I am not sure that he is licensed or not. I don't know the circumstances if he were. Mrs. Eaton may be able to enlighten you on that.

Mr. MACDONALD. What is your position in California?

Mr. SILVERMAN. Sir?

Mr. MACDONALD. What is your position in California?

Mr. SILVERMAN. In California I have been an adviser to the Governor on boxing since he was Governor, and in March of 1963, following the death of Davy Moore, preceded by the death of Benny Paret, the Governor created a committee for safeguards on boxing and made me chairman of it.

Mr. MACDONALD. Well, I would think you would know who was licensed to promote fights.

Mr. SILVERMAN. That is the function, I believe, that is within the prerogative and knowledge of the State athletic commission.

Mr. MACDONALD. If you don't know you don't know.

Mr. SILVERMAN. Thank you, sir.

The CHAIRMAN. Are there any further questions by any of the members?

If not, thank you very much. We appreciate your suggestions here in urging the establishment of a Federal boxing commission to administer this field of sport.

Mr. SILVERMAN. Mr. Chairman, do I understand the bill before you relates to the control of the closed circuit TV and radio?

The CHAIRMAN. Yes, that is based on communication media.

Mr. SILVERMAN. I would hope that the bill would encompass the creation of a Federal boxing commission that would deal with the fit and trained boxer. I feel this is very important, in order to bring about safeguards in boxing and to give the public a worthy spectacle and the boxer the protection needed.

The CHAIRMAN. The committee will be glad to give consideration to your statement.

Mr. SILVERMAN. Thank you, sir.

The CHAIRMAN. Our next witness is our colleague from New York, the Honorable Seymour Halpern. Mr. Halpern, we will be glad to hear you at this time.

#### STATEMENT OF HON. SEYMOUR HALPERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. HALPERN. Mr. Chairman, I wish to thank you and the committee for extending me this opportunity to present my views on the important subject of professional boxing. Your committee has done a splendid job of examining the manyfold problems of this international sport and bringing to the attention of the Congress and the American people the dire need for Federal regulation.

Boxing has acquired a bad name for itself for many reasons, but it is important to realize that it is not because of the sport itself. Any public affair that is mismanaged will suffer in the eyes of the people who are interested in it. Such an innocent enterprise as a TV quiz show can turn into the most vicious scandal. One of the committee's famous witnesses, Mr. Rocky Marciano, said in appropriate language just a few days ago: "We simply cannot knock the sport out while it has its hands down because it has never really been administered properly." I could not agree more.

Commendably, many of the States have tried to rid the sport of its unhealthy elements and to initiate effective safeguards. Many officials and sports figures alike have tried their utmost to clean up the sport but unfortunately, the tools just aren't there to do an effective job. Unless action is forthcoming from the Federal Government we might just as well outlaw boxing as a sport. Public confidence in boxing as it is today is almost completely shattered. The people are simply fed up with the present system.

Only July 7, Governor Dempsey, of Connecticut, signed a bill into law that prohibits professional boxing in that State. The fact that this measure was overwhelmingly passed by both houses of the Connecticut State Legislature indicates how boxing's image has fallen into the dust. I would like to point out that Governor Dempsey has

expressed hope that the Federal Government would regulate the sport so that it might again emerge as a popular, respected, and honorable game.

We must face the reality that boxing is an interstate matter. Its scope goes far beyond local and State efforts. Only strictly enforced Federal regulations can do the job that is needed. Otherwise, we might just as well brand boxing as exhibitions as in the case of professional wrestling.

H.R. 8635, introduced by Chairman Harris, and cosponsored by several other Members, is a good start on the road to a good future for the boxing world. This measure establishes a Federal Commission on Boxing, with its three members appointed by the President. This Commission, as authorized by the bill, could make some very important investigations into the ways of the boxing industry. The facts brought to light by such investigative efforts would doubtless clean up much of the present mystery that surrounds so many persons and events. In addition to this, the main thrust of H.R. 8635 would be to allow the Commission to prevent the future broadcasting by wire or air of a professional boxing event that is found likely to be affected by bribery, intentional losing, racketeering, and other means of influence. If enacted, however, the bill would not prohibit the showing of such a prearranged bout in kinescopes or video tapes, shown after the time of the fight. This type of viewing has proven to be a large portion of the income resulting from heavyweight championship bouts.

While I certainly agree that it is high time that the Federal Government help to regulate the boxing industry, and while I support H.R. 8635, I do not think that it goes far enough.

Together with Congressman John Tunney, I have introduced a bill which would go several steps further in insuring that the boxing industry is properly regulated and surveyed. This bill would establish an office of the U.S. Boxing Commission in the Department of Justice, which would be able to utilize the services of that Department in the investigation of boxing irregularities. With the powers of subpoena, the Commissioner of Boxing could hold effective hearings on various problems of the boxing world. Moreover, an information service would disseminate important information about the sport to assist any organization engaged in the regulation of boxing. Most important, however, is that under this bill the Commissioner would be given the power to license professional boxers, managers, promoters, and matchmakers. An annual review of license holders called for by the bill would help keep the industry clean of the type of men who helped make it infamous.

Another important part of this bill, H.R. 6479, is that all contracts relating to professional boxing contests must be filed with the Commissioner of Boxing. This would help prevent any underhanded treatment of boxers and their managers.

Under this act, licensees would be required to keep accurate records of all transactions relating to boxing matches, which the Commissioner may examine at any time. Moreover, within a period of 10 days after the close of any bout, any person involved in the fight who receives income from the bout must give the Commissioner a complete financial report of his share of the purse. Any doubts as to the legitimacy of a boxing bout could be cleared away by thorough in-

vestigation of the transactions and "deals" that might have taken place. Furthermore, this measure would effectively prevent fight fixing and similar manipulation by gangsters and hoodlums who seek to take over boxing, by depriving them of the licenses necessary to engage in the sport.

By complete and open knowledge of all contracts, financial proceedings, and profits from matches, the Commissioner would be able to protect the young athlete from the unscrupulous bosses of the boxing underworld.

The measure which I've sponsored would also solve the problem of conflicting regulations among the various States, by working with the States to construct a harmonious set of regulations and licensing standards.

Again, Mr. Chairman, I would like to express my appreciation for the opportunity to present my views on this important matter. For many years now, I have been firmly convinced that boxing needs a thorough cleaning-up job. On the amateur level, boxing is one of the Olympic games that nations compete in, and professional boxing has long been an international sport. I feel that we can prevent it from becoming an international spectacle, by taking strong action now to rid boxing of its gangster element and, in only too many instances, inadequate controls.

The CHAIRMAN. Are there any questions? If not, we thank you for your testimony, Mr. Halpern.

Mr. HALPERN. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness will be our colleague from Connecticut, the Honorable Bernard Grabowski. Mr. Grabowski, you may proceed as you wish.

#### STATEMENT OF HON. BERNARD F. GRABOWSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. GRABOWSKI. I am Bernard F. Grabowski, Member of Congress. I represent the Sixth Congressional District of Connecticut.

Mr. Chairman, I am wholly in favor of legislation to establish and prescribe the duties of a Federal Boxing Commission in order to improve the standards of this great sport and to insure that the channels of interstate commerce are free from false and fraudulent representations of this sport.

As I see it, Mr. Chairman, American boxing as a sport is in danger of complete destruction unless a guarantee of honesty and sincerity of operation can be imposed.

Athletic competition, by its very nature, imposes an obligation on those interested that it should be as honest, forthright, and pure as possible. This means that everyone concerned should agree on and follow the principle that people who live by dishonest means, such as gamblers and racketeers, have to be eliminated from this area of American life.

Unless this is universally recognized, there will be no way to stop the gamblers and racketeers who seek to control sports, and especially it seems, boxing. And it seems clear that every sport which they control is doomed in advance to destruction.

Up to this time we have relied entirely on State boxing commissions to supervise this sport. It has become clear, that the State boxing commissions in general are not doing the job which is necessary.

In case after case, we have seen weak commissions permit the scheduling of fights of a questionable nature, fights in which one or both of the principals involved has connections with the gambling underworld.

Boxers do not benefit from this kind of outrage. The public does not benefit. So why are these conditions permitted to exist?

Because the State boxing commissions seem powerless to eliminate these conditions from this ancient sport. Over the years we have come to recognize that the State commissions are, by their very nature, weak organizations. They are usually politically controlled, with the commissioners appointed by the several State administrations. In many cases, the commissioners then appoint officials favorable to the administration without consideration of the background of these individuals and their experience in the field of boxing.

Now, politics is all well and good in its place and for its purpose, but it has no place in boxing. What is needed in boxing is a commission that is not concerned with local politics in any way—a commission that can oversee prizefights with one purpose and one purpose only in mind—that it be conducted in the best interests of boxing and in the best interests of the American people genuinely interested in the sport.

Boxing is one of the finest of all sports. It is highly competitive and among the most individualistic of all sports. These two elements, competition and individualism, represent two of the most characteristic elements of American life.

If the competitive and individualistic spirit so typical of America is to be furthered in sports and particularly in boxing, the elements of crime and corruption must be removed. And if, as the case seems to be in boxing, this cannot be brought about by action on the State and local levels, it is, therefore, the duty of this Congress to assume the responsibility and intervene with the creation of the Office of Boxing Commissioner.

Boxing has served to create in the minds of both the participants and observers wholesome attitudes with respect to physical conditioning. This has been acknowledged as important in the eyes of the Federal Government in times of peace and times of war. Boxing can, indeed, serve as a very beneficial ingredient in American life, but only if it is kept honest and free from impure associations.

This can be arranged only under the influence of a commission with sufficient power and scope and with the full authority of the Federal Government behind it.

Boxing is a noble sport. It can be of great value to the country. I, therefore, recommend passage of legislation to create the Office of a National Boxing Commissioner in the belief that legislation of this kind is wholly in the interest of boxing and the American sports world in general.

The CHAIRMAN. Thank you for your testimony, Mr. Grabowski. We will now hear from our colleague, Mr. Morse.

#### TESTIMONY OF HON. F. BRADFORD MORSE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. MORSE. Mr. Chairman, I am deeply grateful to you and the committee for this opportunity to share the comments of one of the

leading boxing figures in New England on proposed legislation to create a Federal Boxing Commission.

Arthur Flynn, of Lawrence, Mass., won middleweight amateur titles in New England, National AAU and Pan American contests and, as a professional, held the middleweight and light heavyweight championships of New England. He later served as a licensed manager, a columnist, and broadcaster. These credentials obviously lend great weight to his comments in support of this legislation.

In a letter to me, Mr. Flynn has outlined his conviction that Federal participation in boxing at the present time would greatly strengthen the sport and make its values available for more young men. He correctly emphasizes the physical and psychological advantages of well-run boxing for young men from all walks of life.

I am proud to associate myself with Mr. Flynn's comments and to include them in the hearing record of the committee. I hope that you will report this legislation to the House favorably in the near future. (The letter referred to follows:)

WENDELL BERMAN INSURANCE AGENCY, INC.,  
Lawrence, Mass., July 9, 1965.

Congressman F. BRADFORD MORSE,  
Cannon Office Building, Washington, D.C.

DEAR CONGRESSMAN MORSE: AS one of your constituents, I respectfully urge you to give full support to the "Tunney bill," presently before the Commerce Committee, and which recommends that the sport of boxing be placed under Federal control.

I feel that I can speak with some semblance of authority on the subject of boxing since I was closely associated with the sport, in just about every capacity, over a span of many years.

As an amateur boxer I was New England, National AAU, and Pan American middleweight champion; as a professional boxer, I held the middleweight and light heavyweight championships of New England. I have been a licensed manager and second, have written extensively on the sport of boxing, and attained a measure of recognition as a blow-by-blow boxing announcer in the New England area.

I hope you will pardon the foregoing personal references; qualifying background for my views only is intended.

It is my opinion that neither abolition nor moratorium on ring bouts until a more favorable climate is attained will bring about the desired results.

Federal control over professional boxing with a "Judge Landis-type" Commissioner will produce the proper panacea. Professional boxing must be honestly and strictly controlled with rigid, yet realistic ground rules.

Make no mistake about it, boxing is a great sport. It should not be condemned or abandoned because of serious "infections" in the past. The game has suffered immeasurably because of this regrettable condition. Yet it should be subjected to proper therapeutics; it should not be made a victim of euthanasia.

If stronger emphasis were placed on the sport of boxing today (emphasis, federally controlled), numberless advantages of the sport would be clearly manifested.

Closer attention to boxing in schools, colleges, clubs, and the like, would serve as a great bulwark against juvenile delinquency. Boxing gloves on the hands of young men are far better than switchblades in their hands. Young men gathered in boxing gyms in their spare time are far better off mentally and physically than loafing around in undesirable hangouts. It must be remembered that boxing stresses one most important requirement, clean living.

The sport of boxing teaches the value of hard training and topnotch physical condition; boxing teaches the value of temper control; it teaches a young man the importance of standing alone without teammates to face the battle of life. Boxing teaches the conquest of fear. A knowledge of boxing instills in a young man a quality of self-confidence that no other sport can. For an individual to become successful in the sport of boxing he must first realize that the primary requisite is the need for leading a good clean life.

Regardless of the criticisms of the boxing game, it is still one of the least dangerous of all bodily contact sports. High school football, for example, has a far greater record of fatalities than professional boxing.

There is nothing wrong with the sport of boxing that a thorough housecleaning job wouldn't cure. And Federal controls with a courageous Commissioner and associates who know the game and who are appointed to their important posts because of their knowledge and not for whom they know, would soon place the sport of boxing on the high plane it rightfully deserves.

I ask you, therefore, Congressman Morse, most respectfully, to give full support to the "Tunney bill."

Very truly yours,

ARTHUR FLYNN, *President.*

The CHAIRMAN. Thank you for your contribution, Mr. Morse.

Mr. MORSE. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness will be our colleague from Michigan, the Honorable James Harvey. Mr. Harvey, if you will proceed.

**STATEMENT OF HON. JAMES HARVEY, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF MICHIGAN**

Mr. HARVEY. Mr. Chairman and members of the committee, prior to the open hearings on H.R. 8635 and H.R. 8676, measures calling for the establishment of a Federal Boxing Commission, I thought it was most appropriate to have the benefit of the thinking of individuals who possessed firsthand experience and knowledge on professional boxing. I sought the opinions and viewpoints of a number of newspaper sports editors and boxing promoters, all in Michigan, and the chairman of the Michigan State Athletic Board of Control, Charles P. Davey.

I am delighted at this time to insert for the record a variety of interesting statements and comments from these individuals. I am most grateful for their sincere interest and willingness to contribute to the report.

The following include letters from Joe Hart, sports editor, the Saginaw News, Saginaw, Mich.; Mike Sturm, sports editor, the Bay City Times, Bay City, Mich.; Ed Senyczko, sports editor, Port Huron Times-Herald, Port Huron, Mich.; Charles D. Davey, chairman, Michigan State Athletic Board of Control, Detroit, Mich.; and Julius Piazza, Saginaw, Mich., former boxing promoter.

(The letters referred to follow:)

THE SAGINAW NEWS,  
Saginaw, Mich., June 30, 1965.

JAMES HARVEY, M.C.,  
House of Representatives, Washington, D.C.

DEAR JIM: I would endorse the bill that a Federal Boxing Commission be established. But I do not agree with your proposal that boxing be abolished.

Here are the major factors a Federal Boxing Commission should guard against:

(1) Racketeer-controlled boxing promotions or under-the-table control of fighters by associates of the underworld elements.

(2) Bigtime fights that are "arranged" to attract multimillion dollar closed-circuit television audiences. Without the control of a legitimate boxing commission there is too much chance that a fiasco similar to the recent Clay-Liston debacle can lure enough "suckers" into the closed-circuit theaters. These promoters are interested in only the cash and could care less about boxing. It's show business for them.

(3) Limit the number of "live" televised fights. What really killed boxing were the weekly television fight cards that used sponsors' money to guarantee at

least \$4,000 each to the main event fighters. There were not enough good fighters around to stage weekly bouts, so, as a result, badly conditioned and untrained boxers, bums, to be blunt, were earning undeservedly rich paydays. This killed small club fight cards, where topnotch boxers are developed gradually, because the promoters could not possibly pay "television" wages to little-known boxers and break even.

(4) Keep politics and politicians out of boxing commissions—Federal or State. Here in Michigan the number of politicians who received Annie Oakley passes from the boxing commissioner in recent years far outnumbered the cash customers. Nothing can bankrupt a small club promoter like "papering" the house with free passes. Also, it's obvious that boxing commission members should know something about the sport and not be merely recipients of a political plum.

(5) Strict licensing of promoters, trainers, fighters, and ring officials.

Boxing, if properly controlled, should not be abolished because:

(1) It's an ancient and honorable sport that deserves a niche in the sports world.

(2) Boys clubs and amateur fight cards can do much to keep possible delinquent boys off the streets. Strict supervision of such activities is a necessity, but boxing does have a much greater appeal than other sports or social activities to certain type youths. Boxing may provide a bright future for a talented youngster.

(3) Let's face it. Boxing, professional or amateur, appeals to the basic nature of man. Small club fight promotions provide variety for any schedule of civic events. Championship bouts in the various weight divisions, particularly heavyweight, can and should be legitimate major sports events.

(4) Although serious boxing injuries or fatalities receive "headline" treatment, boxing, when properly supervised, is not nearly as dangerous a sport as football, for instance.

(5) What's wrong with learning and practicing the manly art of self-defense in this woman's world?

Hoping that you will excuse the typing errors (my secretary was out to lunch) and that the above will be helpful, I remain,

Very truly yours,

JOE HART, *Sports Editor.*

THE BAY CITY TIMES,  
Bay City, Mich., July 1, 1965.

DEAR REPRESENTATIVE HARVEY: Many sincere thanks for letting me express myself on proposed legislation (H.R. 8635) with reference to Federal regulation of professional boxing. To the point of becoming a Hyde Park orator, I've often been accused of soapboxing too much around the office on this subject, although frankly I've lacked intestinal fortitude to put down in type my strong convictions.

Having been "behind the scenes" on numerous occasions in bigtime boxing, my convictions there is need for strong control (Federal if no other way) never has diminished. There is an unhealthy element surrounding the alleged sport, and recent developments such as Clay-Liston has only put it (boxing) into a comic vein, again my personal opinion.

Frankly, I've long felt there must be political overtones connected with men in high places, else how would the "element" be permitted to manipulate, control the great amount of finances connected with the promotion, and foster the publicity through national news media that starts coming over our teletype wires the minute a match is made.

I have never felt there is anything wrong once the two men climb into the ring. It is before and after the gringos operate, and I have seen them operate. And it just isn't today. I still have fresh recollections of some of the people I met (and developed quick dislike for) when Kid Gavilan fought Chuck Davey in Chicago, and again in the Rocky Marciano-Jersey Joe Walcott bout, again at Chicago Stadium.

Today there is still another factor connected with the promotion in my personal opinion that is even more unscrupulous than the manipulations of a decade ago.

That is the current closed circuit television. If you stop and think, it is a way to a fast buck among our Negro population. Look in your own congressional district or nearby Flint-Detroit-Lansing. Theaters are set up strictly to attract large numbers of Negroes at prices of \$4-\$5-\$6 as 99.9 percent of fighters being exploited are of dark skin.

In advance publicity just before Clay-Liston when fight was quickly moved from Boston to Maine, Associated Press carried one story with only a few lines noting attorney general of Massachusetts was investigating State law that claimed 5-percent tax on television fight promotions, which apparently someone conveniently forgot to collect from Mr. Silverman over the years.

This subject was never mentioned again in wire releases and may have been proved illegal or beyond claim. But it still is interesting why the sudden departure to a little shop town gullible enough for such notoriety.

I'm with you in that the United States should not be a promoter. If they got into boxing, what's to say professional baseball, football, and any other sport you could name would not be Federalized at the drop of CBS buying the Yankees, or what some Atlanta legislator thinks about the NFL-AFL in their new stadium.

Fortunately, I personally feel sports in the United States is in good, legitimate hands, except for boxing, and on given days, pro hockey. It may be just a coincidence, but these arenas seem to go together.

Why should such places as Miami Beach, Las Vegas or even Oakland, Calif., be the landing strip for the promotional elements when persons in official places ask to take a second look behind the scenes.

I most sincerely appreciate your letter of June 29 and copy of H.R. 8635 and committee notice received the past couple of days from your office, and the opportunity to get carried away with a few self-expressions.

Most wholeheartedly, I would endorse a man beyond reproach as a boxing czar, thinking along the lines of the late Judge Landis in baseball, and wipe out the "element" completely, or the sport in particular. Maybe that would be the answer.

We long promoted Golden Gloves here at the Bay City Times and looked kindly toward professional boxing programs in and around the area in my 25 years association with the newspaper field. But since we dropped all affiliation with the Gloves and have been without a "pro" show in almost 15 years, our readers have shown little concern. The only sound I get from time to time in Bay City comes from our own "element," and here, too, I can do without.

Sincerely,

MIKE STURM, *Sports Editor.*

PORT HURON TIMES HERALD,  
Port Huron, Mich., July 2, 1965.

JAMES HARVEY,  
Member of Congress,  
Longworth House Office Building,  
Washington, D.C.

DEAR CONGRESSMAN HARVEY: I wholeheartedly agree that a Federal Boxing Commission be established to save the sport. However, I disagree with you on whether the sport is worth saving, I happen to think it is.

It is imperative a Federal Boxing Commission, if formed, be free from politics and politicians. The Federal Boxing Commission should strive to keep racketeers out of the sport and the money-minded promoters should not be allowed to get their hands on the fighters' contracts.

Strict licensing of managers, promoters, trainers, fighters, and ring officials should be enforced. But every possible assistance should be extended to small club promoters and to youth groups promoting the sport.

I also suggest a portion of every major professional fight purse be placed into a fund which would be used for the promotion of the game in communities throughout the country.

I feel the current trend of closed circuit television, more than any other fact, has brought the trouble boxing is facing. Limit the number of boxing events to be seen on TV, but allow all championship bouts to be shown on live TV.

State boxing commissions should be uniform in their controls and the AAU shouldn't charge such exorbitant fees that boxing can't possibly flourish on a small town level. In the blue water area Golden Gloves tournaments was once a major attraction, but taxes, AAU fees, and countless hidden fees killed the sport.

A good Federal Boxing Commission can show the way and save the sport that is a part of our American sports scene.

Sincerely yours,

ED SENYCKO, *Sports Editor.*

MICHIGAN STATE ATHLETIC BOARD OF CONTROL,  
*Detroit, Mich., July 2, 1965.*

Congressman JAMES HARVEY,  
*Congress of the United States,  
 House of Representatives,  
 Washington, D.C.*

DEAR CONGRESSMAN HARVEY: I am writing in answer to your letter of June 29 requesting an opinion on proposed legislation, H.R. 8635, and my views and suggestions on the present status of boxing, including my outlook on the future of the sport.

Although I feel that a Federal Commission is needed to adequately supervise the sport, I don't believe that the proposed H.R. 8635 legislation is extensive enough to accomplish what has to be done.

The ills of boxing are many and complex, but I believe that "bribery, collusion to effect the result, intentional losing, racketeering, including terrorism, extortion, organized use of threats, coercion, intimidation, and use of violence," as stated in H.R. 8635 is aiming at the symptoms rather than the disease. It's like legislating against sin. (The Liston-Clay fight wasn't fixed. Liston stood to gain nothing with a loss and I'm sure that if he were taking the proverbial "dive" he could have made it look much better.)

Legislation that will set up a Commission with power and authority to direct and control, as well as police, is what the sport needs. The World Boxing Association has many good rules and regulations to control boxing, but they don't have the power to enforce them.

On such short notice I couldn't begin to outline in a letter all my recommendations, but I would be more than happy to travel to Washington at some future date to discuss with your committee these recommendations.

I offer as my credentials the following background. I was a national collegiate boxing champion at Michigan State University for 4 years and was on the Olympic Team in 1948. I fought as a professional from 1949 through 1955 and fought for the welterweight championship in 1953.

I have witnessed firsthand the shortcomings of the fight game and unlike many fighters had a voice in my own career. In other words, I didn't travel the course blindfolded.

I have served on the Michigan Boxing Commission since 1963 and have served as chairman since January 1965.

If my experience both in and out of the ring can prove helpful in passing legislation that will aid the sport of boxing, I will be more than happy to cooperate with your committee.

Sincerely,

CHARLES P. DAVEY, *Chairman.*

SAGINAW, MICH., *July 2, 1965.*

Mr. JAMES HARVEY, M.C.,  
*Congress of the United States,  
 House of Representatives,  
 Washington, D.C.*

DEAR JIM: I feel very strongly toward the establishment of a Federal Boxing Commission.

In too many States at the present time having jurisdiction over boxing have shown too much apathy in enforcing present rulings that are now in existence and consequently the American public are the only losers.

Here is one example. It is probably at the bottom of all evil. The State ruling points out that a licensed promoter cannot have any interest in fighters and a boxing manager cannot be connected with any promoters.

As you can see when this situation develops the only loser is the American boxing fan.

The hundreds of thousands of fans that turned out to watch the two Clay-Liston farces and the mismatch of the second Patterson-Liston bout only proves there are still enough fight fans left for a Federal agency to move in and save the sport.

Jim, I can visualize what the impact with the overseas television facilities would have on the rest of the world if they can see a world title fight involving fighters with the likes of a Rocky Marciano, Joe Louis, Jack Dempsey, and Gene Tunney.

The only way that this can come to pass is with a Federal agency supervising the sport and to license all people involved in it.

Sincerely,

JULIUS PIAZZA.

The CHAIRMAN. We appreciate your appearance and testimony, Mr. Harvey.

Mr. HARVEY. Thank you for the opportunity, Mr. Chairman.

The CHAIRMAN. Mr. Arch Hindman, executive secretary of the World Boxing Association.

Mr. Hindman, we will be glad to have your statement.

(Off the record.)

#### STATEMENT OF ARCH HINDMAN, EXECUTIVE SECRETARY, THE WORLD BOXING ASSOCIATION

Mr. HINDMAN. Mr. Chairman, and members of the committee, my name is Arch Hindman, I am sure I am not known to many of you; nevertheless, I have been identified with boxing for the past 30 years and I am acquainted with some of the gentlemen who have appeared before this committee in the past few days.

Before registering my views on the proposed legislation, I would like to take the opportunity to commend you, Mr. Chairman, for your efforts in behalf of boxing in America.

The CHAIRMAN. You can have an extra minute. Thank you. [Laughter.]

Mr. HINDMAN. If I may, I would like to thank, too, Congressman Ralph Harvey, of Indiana, for his cooperation in making my appearance here today possible.

I was a spectator during yesterday's session. I heard over and over again the names of Sonny Liston, Cassius Clay, or what's his name, and the promoters of the Maine mess.

For the record, I want to say to you that in my opinion Sonny Liston and Cassius Clay and the promoters of their return match did more for boxing, and I repeat that, did more for boxing, in a minute and a half than anyone else or any group in the past 25 years. That is, they proved absolutely the need of a Federal Boxing Commission or Commissioner.

Does professional boxing need Uncle Sam's help to make it a safer sport and purge it from undesirable characters?

My answer to both of these questions is a definite "Yes." And I heartily endorse H.R. 8365 introduced by you, Mr. Chairman and also I would like to register my support for H.R. 9633 introduced by Congressman Springer just a few days ago. In my opinion if Federal legislation is not passed and signed into law—along the lines introduced—our country may well be faced with scandals more staggering than publicized evils of the past.

In the way of background—insofar as I am concerned, I am executive secretary of the World Boxing Association. I have held this position for the past 8 years. Prior to this I served 16 years as the Indiana State boxing commissioner. I might point out, too, in this regard I served under both Democratic and Republican State administrations. I have judged bouts, served as referee, manager, second, and also been a promoter. On one occasion I judged a world fight in

Bangkok, Thailand, and refereed a world title fight in Manila. In mentioning these facts, however, I would like to say that I am here as a private citizen, interested in the preservation of the sport of boxing, at the expense of my employer, the Dana Corp.

For the benefit of some that may not be familiar with the World Boxing Association, I would like to say briefly that it is an organization or federation of State and city athletic commissions, and where applicable, territories or provinces. Insofar as world boxing jurisdiction is concerned, however, any decision that may be reached by the World Boxing Association cannot supersede the appropriate governing professional boxing organization within a members jurisdiction. In other words, the members of the commission in the State of Indiana might agree with an action taken by WBA, however, it would not be possible to go along if it is opposite to what the law happened to be in Indiana. The World Boxing Association can propose but it cannot dispose.

Many States, in my opinion, have the ablest and most dedicated men on their respective athletic commissions to supervise boxing. But State politics too often has exerted a harmful influence through appointment of commissioners with little or no knowledge of boxing. No one—and I would like to stress this point—has any place in supervising boxing unless he knows the sport thoroughly.

A Governor may have an applicant for appointment to the alcoholic beverage commission, or the highway commission so he tells his precinct committeeman he is committed on both these appointments. However, I have a spot for you; I will make you chairman of the boxing commission."

Or a newly elected Governor may have an applicant who will take any job the Governor asks him to, and when the Governor asks him for his background information, the loyal supporter may say, "Well, I have been a baseball umpire or a scorekeeper for nigh unto 10 years," and the Governor may say, "Well, bully for you. Go in and take charge of the boxing commission."

Then the unqualified commissioner must lean on the licensed promoters or the licensees for information to run that department of the State government.

It is not uncommon also to find powerful economic groups working through appointed officials or elected officials to force commissions to accept matches they would not otherwise sanction.

The idea of Federal direction or supervision is not new; however, there are very specific stipulations that should, in my opinion be incorporated in the legislative language of the bill. For the sake of the record I would like to outline three points, which I feel may be of benefit to this committee and this hearing.

1. Creation of an office of Federal Boxing Commissioner—or better still a three-member commission—to be appointed by the President and confirmed by Congress. Then it can either be handled through the present State athletic commissions, current or those to be appointed in the future, or it could be set up and have a Federal Commission, period.

2. An administrative system of district or State commissioners representing the Federal Commissioner, possibly as part-time deputies attached to U.S. marshals' offices, also to serve by appointment.

3. Then a boxing holiday, or moratorium on boxing until the Federal supervisory organization is completed.

Also I think one of the big benefits from Federal supervision would be the standardization of boxing rules and regulations, particularly the control of fighters fighting outside of their weight classes and the scoring of fights.

In referring to section 36 of the rules and regulations governing boxing and wrestling in the State of Indiana I quote:

No appropriation shall be made for the carrying out of the provisions of this Act and no salaries or expenses shall be paid unless and until there has been sufficient money collected by the commission in the administration of this Act out of which to pay such salaries and expenses.

In some States the State boxing commissioner is paid as much as \$16,000 a year. Some States pay \$7,500. In Indiana we were paid 7 cents a mile traveling expense money and \$10 a meeting. I would hope through the administration of a Federal boxing law there might be some uniformity worked out with regard to policy.

Basically, the regulations under which most city and State boxing commissions obtain their authority, and act, are similar. Most of them must show a profit before the commission personnel can collect salary or travel expenses. This is not, in my opinion, a good policy. Because of this fact some cities and States may find themselves bidding against one another for major boxing contests. This is not good, either.

With closed-circuit and home television, major boxing contests are now originating in areas where there has been little or no boxing. This keeps the big metropolitan markets open for either closed-circuit or home TV and the sponsor consequently doesn't lose much by a blackout of the originating area.

The continuation of boxing in this country of ours as a national sport depends on sound leadership and direction. I think in this instance boxing owes you gentlemen a vote of thanks for your consideration.

I had the pleasure of being a spectator during Wednesday's session and I was particularly impressed by the keen interest and questions that members of this committee have directed toward some of the witnesses.

I told two or three here this morning, I didn't hear a question asked that wasn't a good question, and one that made me believe that every member of this committee gave this bill and this hearing a lot of thought. In fact, in my opinion, after seeing Congressman Macdonald in action, as vice chairman, I am convinced he is an able Congressman and he might even make a good boxing commissioner. [Laughter.]

I want to bring out that the World Boxing Association sounded the alarm in this Liston-Clay fight at their meeting in Norfolk, Va.—at the annual convention last August, in Norfolk, Va., and the host—is here and will be on later, I understand. This motion was made on August 24, 1964, by John Y. Jordan, of Asheville, N.C., a member of the Asheville Boxing Commission, which is a city commission:

I move if a return match is authorized by any member commission of WBA that said member commission be expelled from WBA. In addition, thereto, all promoters, boxers, managers, seconds, and other ring officials shall have their license suspended in all WBA territory.

Furthermore, WBA will withdraw recognition as champion from Clay and the bout will be considered a nontitle match. In the event that the match shall be held in territory not a member of the WBA then all participants in said match, including promoters, boxers, managers, seconds, and ring officials shall be prohibited from appearing as such in any WBA territory.

The foregoing shall come into full force and effect when the site is designated and the date of said proposed return match is made public.

The motion was seconded and carried.

Now then, immediately before that motion was made, Mr. Herman Greenberg, chairman of the Massachusetts commission, got up and made this fiery speech:

After our decision of yesterday not to allow the return fight of Clay and Liston, the papers today have stated the fight will go on somewhere. We must take steps to make plans for this. I say if this fight is allowed in any State we would not recognize the winner and we must be prepared to have an elimination to recognize the champion. If we do not make plans now when the fight is held you will have to take a vote again regardless of who will be the next officers and we should make a resolution now to follow up our action and decision of yesterday and let everyone know we mean business.

Now, the motion was made immediately following that speech, and you all know what happened less than a week later. The match was made in Boston, Mass. The courageous district attorney there was alert and he knew it was a violation of the law of the Commonwealth of Massachusetts, and the courts substantiated or sustained the action of the WBA and the action of the district attorney. The fight was not allowed and hence went to, they peddled it to, the State of Maine.

Now, your bill on page 1, lines 3, 4, 5, and 6, I like very much, and that is the establishment of a three-man commission. I think that is very important.

General Krulewitch brought out a very good point yesterday and if you will turn to the second page, line 19, in brackets, "While such event is occurring," I think that should be changed, as General Krulewitch said, "While such event is occurring or has occurred." Because they could immediately get around that and tape it, run it, they could even put it on in the studio and run it a few minutes later.

In this bill, it says if they can determine anything is wrong with a certain bout or is likely to be wrong with it ahead of time there be a fine of \$10,000 imposed or imprisonment for not more than 10 years—that is good. However, it could be that a change might take place after the fight had started. It doesn't—it might be, using boxing terms, that a little business might be arranged, even after the first bell had rung or even after two or three rounds had passed. Something ought to be in the bill so a followup investigation could be made after the contest.

The CHAIRMAN. Do you think the bill should be expanded, as Mr. Springer suggested yesterday or the day before, to include the approval of the Commission with reference to the promoters, managers, and the contestants?

Mr. HINDMAN. Yes; that was my next note here. I certainly do agree. I think some of them agreed that broadcasting corporations that had the rights should be licensed. I agree with that. The promoters, the managers, licensed by the Federal Commission when it is established and I think it will be, I most certainly hope so. It has already been agreed, Congressman Springer and some witness agreed, that the promoters, the boxers, the managers should be licensed, I agree

with that. But also the referees should be licensed. A champion who goes into a State that has an inexperienced boxing commission, oftentimes they may be so thrilled with having a bigtime show and the color and publicity that goes along with it that in an effort to get it why they might be tempted or could be tempted to let the manager, the promoter, do as he pleases or get what he wants. What I am getting around to, the manager of the champion might even name the referee, so the Federal Commission should license referees especially when they cross State lines.

In fact, I think there should be a license, period. All referees should be licensed for all title fights by this Federal Commission.

Then, another person connected with boxing who should be licensed is the trainer.

Now, we have all our medical examinations, which is good, and the doctors can tell when a man is physically fit, but a doctor cannot tell, and I will argue this statement all day, whether a boxer is in shape to fight. There isn't anyone any closer to the fighter than a trainer and a trainer of the world's champion knows whether his fighter is in condition or not, and I think the trainers should be licensed and they should be questioned under oath before the fight if their fighter, is in shape. That should have been done before the first Liston-Clay fight in Miami Beach. After the fight he said he had hurt his shoulder training or had some difficulty with it. He didn't tell me but I just want to know, I don't even talk to the fellow. But what I read, he said he had been bothered with it in training. Well, if he had had, you could question the trainer of the fighters, the trainer can answer these questions and he too is the one who should be licensed and questioned.

And as far as the Liston-Clay fight, this fellow is over the hill, he can't get in shape and can't take a punch any longer. And as far as Clay is concerned, I think he is a fair prospect. Styles of boxing enter into the sport a great deal. Liston's style of boxing is just right for Clay or Clay is hard for Liston to fight because he moves all the time. Anybody who moves and shifts around will make Liston look bad, possibly outpoint him or knock him out.

But anybody who moves forward or straight back or stands still long enough, why he will knock him out.

I can go on here but I don't want to take up anybody else's time or the committee's time. I would like to leave with you World Boxing Association booklets that contain the constitution and bylaws and the championship regulations for safety code.

The CHAIRMAN. Leave a copy of it for the files.

Mr. HINDMAN. All right.

The CHAIRMAN. The point is that you believe the bill before the committee is a step in the right direction, and you suggest that a Federal Commission be established and its powers be expanded beyond what is proposed in these bills?

Mr. HINDMAN. Yes, sir, I do; a Federal Commission and not a one-man Commissioner.

The CHAIRMAN. How many States are members of your association?

Mr. HINDMAN. About 40.

The CHAIRMAN. Forty of the fifty States?

Mr. HINDMAN. About 20 foreign countries.

The CHAIRMAN. Any questions?

Mr. O'Brien?

I think I should recognize Mr. Macdonald.

Mr. MACDONALD. I don't have any questions, Mr. Chairman.

Mr. HINDMAN. Good.

Mr. MACDONALD. But I would like to say, I appreciate what was said. I never met the gentleman before but I appreciate what was said and can only tell him that I have got troubles enough being here in Congress.

The CHAIRMAN. Mr. O'Brien?

Mr. O'BRIEN. Mr. Chairman, I wonder if I may address a question to the Chair. Have any of the current fighters, currently active fighters, been invited to testify at these hearings?

The CHAIRMAN. Yes; a general invitation has been extended.

Mr. O'BRIEN. Have any accepted?

The CHAIRMAN. The one who is most current, I believe, is Rocky Marciano. Of course, he has been retired for a few years. We have not had any acceptance from any active participants at this time.

Mr. O'BRIEN. Mr. Chairman, it seems rather odd to me because only yesterday the Governor of Connecticut signed a bill outlawing boxing in that State, indicating that it would not be revived unless we had a Federal law. I just am curious as to why people who have enormous fortunes at stake, and whose empire is at least tottering, as a result of these hearings are not interested enough to come here to testify. It is just a passing comment, Mr. Chairman.

The CHAIRMAN. Very appropriate, I think.

Mr. HINDMAN. Mr. Chairman, before I am dismissed, I would like to make a suggestion as to your current champions. I would like to suggest that you invite boxing people who are administrators of boxing, who have had experience.

The CHAIRMAN. Mr. Hindman, we extend a general invitation to any and every one who desires to come and testify on legislative proposals. We do not require in proceedings of this kind where we consider legislation any one to come unless he so desires.

Mr. HINDMAN. I guess that is the way it ought to be.

Maybe the committee members who have good capable boxing commissioners in their States can invite them because I think they have much to offer.

The CHAIRMAN. We have encouraged the members of the State boxing commissions to come and testify. I have myself, personally, encouraged them and, of course, invited anyone else, but we cannot start subpoenaing people to testify on legislative proposals. It would not be good procedure and neither can we start paying people for their expenses as some have indicated or suggested. We have got to carry this on just like we have all other legislative proposals under the rules of the House. We welcome anyone who desires to testify and we try to arrange for their appearance. But certainly we cannot require it.

Any further questions?

Mr. CURTIN. I would like to ask a question.

The CHAIRMAN. Mr. Curtin?

Mr. CURTIN. Mr. Hindman, do you think this bill should be expanded to require approval by the proposed Commission of all contracts between promoter and manager, between fighters, and between promoters and the arrangers of closed-circuit activities in all championship fights?

Mr. HINDMAN. Yes; I certainly do. In fact, I think maybe the Federal Commissioners should draw up their own contract form and the boxers, managers, promoters, and the closed circuit TV people or radio broadcasting corporation use that contract. If that is not possible, why let them go ahead and sign up the contracts, but it has to be approved by the Federal Commission.

Mr. CURTIN. That is all, Mr. Chairman.

The CHAIRMAN. Any further questions, Mr. Watson?

Mr. WATSON. Mr. Hindman, as I understand you, you say your present World Boxing Association can propose but not dispose.

Would you have in mind, should this Federal Boxing Commission be created, that they would have jurisdiction over the World Boxing Association?

Mr. HINDMAN. Well, no; that should prove to you how much I think Federal control of boxing is needed. Actually a Federal Commission probably would cause the World Boxing Association, well maybe not disband but it wouldn't be as necessary as it is now. They might meet, have conventions and executive meetings for the exchange of ideas in safety and so on, but as executive secretary, and I am fond of this organization, I am a past president of it, and that I think is proof enough that the World Boxing Association or at least the members in the United States will not be as active or have the authority that they have had. It is a weak member who breaks up the organization. Massachusetts was a member; they had Paul Pender, he wanted a title fight, they had Pender in there, and they withdrew, so they could have a world title fight with Paul Pender as champion.

Gene Fulmer was the WBA champion and Massachusetts had a world champion and all the rest of the world had a champion which was Gene Fulmer. After Pender lost they applied for membership and were accepted. They were very much against the return matches clause which I am, too, and it is one of the things that is wrong with boxing, especially in the heavyweight division. They had a chance to get this fight and within 10 days after Mr. Greenburg denounced it. I don't know who put the pressure on him, but somebody must have and the other members of the commission accepted the fight. He was 100 percent against it on August 24, 1964.

Mr. WATSON. If I understand you correctly, should a Federal Boxing Commission be established you do not anticipate any jurisdictional dispute with the World Boxing Association?

Mr. HINDMAN. Absolutely not.

Mr. WATSON. One final question.

On page 2, if you would amplify this just briefly for me, in the second paragraph you say it is not uncommon for powerful economic groups to force commissions to accept matches they would not otherwise sanction.

Amplify that a little.

Mr. HINDMAN. Well, that is where a city or a State has a chance—you see, these promoters will mention they have made a match. They mention we may put it in Las Vegas, may put it in Miami Beach or put it here or there. Well, the organizations like restaurant associations and hotel associations realize there is big money to be brought into an area, why then they begin to put on pressure.

The Commission might not know anything about a city in their State being considered as a site for the fight until they read in the paper and it is then the pressure starts.

Mr. WATSON. In other words the pressure is for the location of the fight and not for the fight itself or the fighters.

Mr. HINDMAN. No; I mean they couldn't care less what kind of a fight it is going to be. They want the byproduct, the income it brings into the city or area.

Mr. WATSON. One final question: how are your officers elected and how are the salaries paid, if there is any salary?

Mr. HINDMAN. There is no salary. The officers serve because they love the sport, and we elect the president of the convention every year as well as the treasurer and so on. I am appointed by the president.

Mr. WATSON. Thank you.

The CHAIRMAN. Mr. Hindman, thank you very much. We appreciate your contribution to this record.

Mr. HINDMAN. Thank you.

The CHAIRMAN. Mrs. Aileen Eaton.

We welcome you to the committee. You are a renowned boxing promoter in the Olympic Boxing Club in Los Angeles, Calif.

#### STATEMENT OF MRS. CAL EATON, BOXING PROMOTER, OLYMPIC BOXING CLUB, LOS ANGELES, CALIF.

Mrs. EATON. I don't know how renowned, but I am a boxing promoter.

I appreciate very much the opportunity of testifying here today.

In the past anybody west of Chicago was considered part of the Indian tribes still, so it is nice to be here from California and be part of the world again.

I am very impressed with your bill. However, I feel, as Mr. Hindman feels, that it should be expanded.

He also took the wind of my sails because I don't think anybody had suggested referees or trainers being nationally licensed before and I think it is very essential.

The CHAIRMAN. Yes; I believe that was recommended both by Mr. Dempsey and Mr. Marciano, too.

Mrs. EATON. Well, it is very important.

I am glad to see you are not talking about a boxing czar but are talking about a three-man Commission.

I also would feel very strongly about, of course, this would not be your part of it according to the bill but I would like to see lawyers or ex-judges or businessmen appointed to this commission and not ex-boxers. I realize you have to have people who love boxing or know boxing or at least have seen boxing but I do think anyone who has had one position or another in the field, whether it be promoter or boxer, finds it very difficult to see the overall picture.

You have to come into it with a clean look. But experience, of course, there are a lot of fight fans, believe me that are experienced, more so than many of the commissioners throughout the country today, that know more about boxing.

I said the reason I would like to see this bill expanded to national licensing and contracts for title fights that would have to be approved

by the Federal Commission, and I agree with Mr. Hindman there should be no rematch clauses, but I do say that shouldn't preclude the possibility of a rematch, because sometimes a fight is so good and so close that the public demands it, that the man who loses his title is entitled to it. He may be winning 10 out of 15 rounds and get cut and lose it on a technical knockout, and he is entitled to a rematch.

But I think it should be only with permission of the Federal Commission. I don't think any promoter should be allowed to sign a fighter for two fights because he ties him up or he is not free for bids. I think one of the major catastrophes and I use the word "catastrophe" that has hit boxing since Patterson became champion, is that either the manager or someone representing the manager has been the promoter either in name or someone has been fronting for him, and it has ruined the opportunity for any legitimate promoter to bid for fights. It is impossible.

I bid a million dollars for the first Clay-Liston fight providing Liston could have been licensed in California which I doubted. However, I put the bid in for a million dollar gate, live gate, nothing whatever to do with closed circuit, and in putting in the bid I assumed or I had indicated that I would be willing to pay the fighters off on a gate of a million dollars, because I knew what it would draw in California, and I found out that the Intercontinental Sports, which was the Liston group, expected me to give them a million dollars for coming to California. So needless to say, we ended our negotiations. But the Madison Square Garden, ourselves, or many, many other legitimate promoters that are running regularly should have the opportunity to bid for a title fight and that is what is hurting boxing.

Incidentally, Art Aragon is a bail bondsman in Los Angeles and has nothing to do with boxing, the Golden Boy. You frighten me. I thought maybe I had a competitor out there.

I didn't come with a prepared statement. I would like very much to see national laws that would be uniform in each State and I thought possibly a few of us who feel we are qualified could sent in a list to your committee of suggestions for laws that we would like to see go through to help the sport.

The CHAIRMAN. We would be glad to have you do that, Mrs. Eaton.

Mrs. EATON. I am sure Mr. Hindman is very qualified to do that, Mr. Silverman and others who have testified here, because the times change very rapidly in any sport and particularly in boxing. It is changing today, and we need national laws badly.

There is one other thing that is very important, and if there is a Federal Commission we would like to see it happen, I know I would, that every champion would have to defend within 6 months, I don't mean sign within 6 months or have his title automatically taken away.

A lot of them cry they have got to lose their title in the ring, but that is another thing that hurts boxing, because the boys who are up and coming, rated second, third, and fourth have to wait so long for a chance at the title that there is no incentive for them to keep working.

The CHAIRMAN. Do you mean actually defend or—

Mrs. EATON. I mean actually defend.

The CHAIRMAN. Suppose there is no one to defend?

Mrs. EATON. Well, there has to be someone to defend. There has to be a challenger.

The CHAIRMAN. Well, suppose, I don't mean defend, suppose there is no one to challenge who meets the requirements?

Mrs. EATON. Well, there is always a challenger. The only problem is that since—that sometimes the challenger—

The CHAIRMAN. Is there a challenger now?

Mrs. EATON. Yes; there is a challenger for every—

The CHAIRMAN. Who is he?

Mrs. EATON. You are speaking now for the heavyweight championship?

The CHAIRMAN. Yes.

Mrs. EATON. Of course, Mr. Patterson wants to challenge, I don't he should. George Chuvalo, and there is the champion recognized by the World Boxing Association, and who I think should get a chance at a fight.

The CHAIRMAN. But don't you think it would be better to leave this to a commission with broad general authority to determine these matters?

Mrs. EATON. Yes; but they should, they must be required to defend their title because if they don't there won't be any challengers.

The CHAIRMAN. I agree with you.

Mrs. EATON. You see, the only reason they don't defend their title, or they didn't, let's say, was before your new tax bill went through and when they fought in January and they made quite a bit of money it wasn't worthwhile them fighting for the balance of the year. But now that they have their 3-year period for the tax it is a different story.

But the reason some of them will not defend it—let's suppose the No. 1 challenger doesn't draw any money and no promoter wants to give a big guarantee to the champion. Well, then, if you have a very powerful Federal Commission they can tell the champion, "All right, you defend but you defend on a percentage if nobody wants to promote the fight," because anybody who has a franchise, like you take the Angels in Los Angeles, have a franchise, and they meet every person in the league whether they lose money or not.

May I tell you on July 4 they only had 5,000 people out there but they have to play those games because they have a franchise—it is the same as a championship. That should be the same as a franchise. They should be made to defend. If they don't make a million dollars, if they only make a half million, they should be made to defend or give it up to somebody else who will and you will find you will have boxing back on its feet.

The CHAIRMAN. Mrs. Eaton, you are an unusual person here today. We are glad to have your judgment and views. Before you conclude would you just give us a very brief history of your experience?

Mrs. EATON. Well, do I have to tell you how many years ago—this is most embarrassing; 1942.

The CHAIRMAN. You need not say that.

Mrs. EATON. In 1942, I was asked to supervise the Olympic Boxing Club which at that time was being run by a man whose name I won't mention now. The owner of the Olympic Boxing Club was an ardent boxing fan.

The CHAIRMAN. Were you a boxer yourself?

Mrs. EATON. No; I had never seen a boxing match. [Laughter.]

And he asked me to go down and supervise this and find out why the man was losing money because they were paying him a percentage.

So, he sent me down there as a troubleshooter and I was around there for about a month and finally after about a month of being around there I said to this promoter, "You know, you are never going to make any money. You are paying out 110 percent."

He says, "What difference does that make?"

So I went back to the owner of the building and I said, "This isn't going to work." I said, "You had better get rid of him."

He said, "If I get rid of him where will I go on Tuesday nights? You know I love boxing."

So, I said, "I don't know how much it is worth to you," but I said, "I would try to find another promoter." So, he said, "Do you think you can find me one?"

I said, "I don't know, I have never seen one but I will try it."

So knowing everything after a month as you can understand a woman would, I talked to everybody I knew about anything and I finally came across a gentleman who said he would like very much to promote at the Olympic but he didn't want the landlord telling him what to do.

So, I had to go back to the landlord and tell him I had a tenant for him but he couldn't butt in. So, he said, "All right, if you will be his business manager and be my troubleshooter down there I will lease the building to him."

But he said, "You have to work with him."

So, I went and told this man I have to work with him and he wasn't too happy. He said women just are not in the boxing business.

I said, "Well, you have to take it or leave it."

So he had to take it, and then I married him and we became copromoters. [Laughter.]

I don't say I married him, I say it the other way around because I was his business manager, and in California you know, community property is something that he figured this was the only way to get his half back—so that is how I became a promoter.

But we have been promoting weekly boxing shows at the Olympic and, of course, outdoors at the Coliseum and New Sports Arena every week since 1942, and now we have weekly television shows, and I understand someone, I don't know whether it is Mr. Dempsey or not, who said television in his opinion was one of the major factors in killing boxing. In my opinion it was not. It was the fact that the people who had the television didn't develop farm clubs and they were taking the drawing cards away from the other clubs and when the other clubs didn't have drawing cards they had to fold up.

That was the problem.

The CHAIRMAN. Thank you very much. It is a very interesting story and we do thank you for coming here.

Mr. Younger?

Mr. YOUNGER. I would just like to ask one question.

In establishing a Federal Commission do you anticipate or would you think that it would be possible to support the cost of the Commission from the boxing world rather than by the taxpayers?

Mrs. EATON. Well, one of the first questions I was going to ask was how it could be supported or what you intended and there was some-

thing in here about some act and how they would get paid and I thought in that case I wouldn't act stupid and ask what it was but I would be willing, I mean myself, for instance, in a title fight of any kind to contribute a certain portion toward a Federal Commission. The small clubs, the weekly clubs, really can't do it. They are having a hard time getting along but in a title fight of any kind, I don't care from bantamweight to heavyweight, there is no reason in the world why there shouldn't be a certain amount, whether a tax imposed or percentage or what it is, to support it because, believe me, without a Federal Commission there isn't going to be any boxing. California withdrew from the World Boxing Association because they didn't agree with them on one thing. Now, New York doesn't belong, the two major States in boxing don't belong because everybody wants their own way. I told the California Commission, I begged them, to at least stay in the World Boxing Association.

I said even the United Nations don't agree. But no, everybody wants their own way. So you have got to have a Federal Commission and I say from maybe different parts but someone who has no one State that they are only interested in, because anyone who has their own State, they are going to give that State the preference and just drop every organization the minute they get the chance.

Mr. YOUNGER. Thank you.

The CHAIRMAN. I wish there were more time but we do have several other witnesses.

Mrs. EATON. I do appreciate it.

The CHAIRMAN. Any other questions by anybody?

Thank you so much.

Mrs. EATON. Thank you very much.

The CHAIRMAN. The Honorable Charles R. Fenwick, State senator from Virginia, and a senior member, with Mr. Don Brennan, the executive secretary of the Virginia Athletic Commission.

#### STATEMENT OF DON BRENNAN, EXECUTIVE SECRETARY, VIRGINIA ATHLETIC COMMISSION, RICHMOND, VA.

Mr. BRENNAN. Mr. Chairman, and members of the committee, Senator Fenwick couldn't get here today.

The CHAIRMAN. Are you Mr. Brennan?

Mr. BRENNAN. I am Mr. Brennan.

The CHAIRMAN. Very well.

Mr. BRENNAN. The senator is the senior member of our commission, 34 years a member of our commission, and he has made a statement and he asked me to either read it or try to get it in the record here.

The CHAIRMAN. We will be glad to receive it for the record and you can make any further comments you desire, Mr. Brennan.

Mr. BRENNAN. On his statement, sir.

The CHAIRMAN. On his statement or your own, whichever way you wish.

Mr. BRENNAN. The senator's statement has to do mostly with the televised part of boxing at the present time, and he is very much interested in this bill because Virginia has a bill to regulate and control the closed circuit version of televised boxing.

In Virginia we have a bill and it is a good law, it has been tested, not by the Supreme Court but it has been tested, and it has been found to be valid whereby it is necessary before they can show this production in Virginia they must take out a license, they must be bonded, and they must get a sanction for the fight. It is a very good law, and the senator would like to have this introduced and made a part of this record.

The CHAIRMAN. That will be received for the record.

Mr. BRENNAN. Thank you, sir.

(The statement of Senator Fenwick and the law referred to, follow :)

STATEMENT OF STATE SENATOR CHARLES R. FENWICK, OF ARLINGTON, VA.

I am Charles R. Fenwick, a member of the Virginia Athletic Commission, having served continuously since June 1934. I reside at 6733 Lee Highway, Arlington, Va., and I am State senator from Arlington County, Va.

I welcome the opportunity of appearing before this committee because the Virginia Athletic Commission has been vitally concerned with means of controlling the showing of closed circuit live television for which an admission is charged.

Professional boxing no longer depends upon attendance at the fight or the proceeds from the gate. This was demonstrated at the recent Liston-Clay fight. The fight could just as well be held in the television studio so long as the closed circuit television rights can be sold for several millions of dollars.

Our commission recognized this; and at the last session of the General Assembly of Virginia in 1964, sponsored legislation which provided that the exhibiting of a simultaneous telecast of any live, current or spontaneous boxing, sparring, or wrestling match, exhibition or performance on a closed circuit telecast or subscription television used within the State, whether originating in or out of the State, for which an admission charge is made, would require a license from the commission; and in addition, obtain a sanction. By sanction was meant approval of the live showing. A copy of the legislation enacted is attached to this statement.

Our commission first refused to sanction the live showing of the Liston-Clay fight, because we had been advised by the Colorado commission that Liston was under suspension. Upon investigation we found, because Liston had never applied for a license in Colorado, there was a question whether the Colorado suspension would withstand legal attack.

The Virginia commission proposes to sponsor legislation at the 1966 session of the Virginia Assembly, which will require the contestants in any professional boxing or wrestling match, whose performance is shown on a closed circuit telecast for which an admission charge is made, to be licensed by the commission. This will also probably have to include provision for video tape in view of the present technical developments where the action can be shown on tape almost simultaneously.

The philosophy here is that there is little or no difference between projecting the live image on closed television for which a charge is made and the actual performance of the individual in the State. If each State commission had the right to require such contestants to be licensed by the respective State commissions, such commissions could apply their rules and regulations, many of which include provisions against persons having criminal records, or who have committed acts detrimental to boxing from being licensed. Such authority would go a long way toward limiting the threat which now exists through closed television.

In order to insure that such commissions would have this power, the Congress should pass legislation authorizing duly created State commissions to exercise this control even though the closed television originates in another State.

Our commission favors the enactment of the Harris bill, H.R. 8635, but would like to see it supplemented to include the right of legally constituted boxing commissions to have licensing power insofar as the closed circuit contestants are involved. This would mean that, in such States as the fight would be shown through closed television for which a charge is made, the contestants would have to be licensed by that commission before being shown in that State.

We urge this committee to give consideration to our recommendations.

## CHAPTER 81

*An Act to amend and reenact § 9-29.1 of the Code of Virginia, relating to taxation of moneys received from subscription for the showing of certain televised sporting events, so as to require the procurement of certain licenses and the sanction of the Virginia Athletic Commission to show such events.*

[S 208]

Approved February 24, 1964

Be it enacted by the General Assembly of Virginia :

I. That § 9-29.1 of the Code of Virginia be amended and reenacted as follows :

§ 9-29.1. Every club, corporation or association holding, showing or exhibiting a simultaneous telecast of any live, current or spontaneous boxing, sparring or wrestling match, exhibition or performance on a closed circuit telecast or subscription television viewed within this State, whether originating in this State or another state and for which an admission charge is made shall obtain a license from the Commission, for which the Commission shall assess a charge of one dollar and, in advance of each such showing, obtain a sanction from the Commission and shall within twenty-four hours after the termination of such showing, furnish the Commission a written report, duly verified by one of its officers showing the number of tickets sold for such showing and the amount of the gross proceeds thereof, and such other matters as the Commission may prescribe; and shall also, within twenty-four hours after the termination of such showing, pay to the Commission a tax of five per centum of its total gross receipts from the sale of tickets of admission to, or moneys received from subscription for, the showing or exhibiting of said boxing, sparring or wrestling match, exhibition or performance.

Every owner or operator of any theater, arena or other place of public amusement who shall show or exhibit a simultaneous telecast of any live, current or spontaneous boxing, sparring or wrestling match, exhibition or performance, viewed within this State, whether originating within this State or another state, shall within twenty-four hours after the termination of such showing, pay to the Commission a tax of five per centum of the total gross receipts from the sale of tickets of admission to, and moneys received from subscription for, the showing or exhibiting of said boxing, sparring or wrestling match, exhibition or performance.

Mr. BRENNAN. As for myself, I would rather stand—I get a little nervous if I sit down—if it is permissible.

The CHAIRMAN. You may do as you desire.

Mr. BRENNAN. I have a statement that I should like to read. I am Don Brennan. I am known in the boxing business as Bill Brennan. I am executive secretary of the Virginia Athletic Commission. I have been a professional boxer, a manager, matchmaker, and a promoter. For the past years, 1956 to the present time, I have been executive secretary of the Virginia Athletic Commission, and my job is to administer the laws, rules, and regulations pertaining to boxing and wrestling in the State of Virginia.

All told, I have been in professional boxing for 35 years.

Now, I come before this committee today with a humble plea to save professional boxing in the United States.

I realize that some here today may have doubts whether professional boxing is worth saving, but there is no such doubt in my mind because boxing has provided an opportunity for thousands of young men and entertainment for millions. I feel that I can speak with authority on this subject because I am one of those who was given an opportunity by professional boxing.

This sport, sometimes called the manly art of self-defense, was once a highly competitive and highly respected sport in our great country,

but in recent years it has deteriorated and declined and honest boxing men no longer can regulate and control it.

This deterioration began when television entered the boxing picture.

I think most of us in boxing know this.

Immediately following the introduction of televised boxing events certain unscrupulous individuals, and groups of individuals, began to devise and put into operation schemes and plans whereby they could manipulate and control the champions and top contenders in the various weight classes. They could envision multimillion dollar gates through closed circuit and subscription TV.

There is an old saying among boxing men that whoever controls the heavyweight champion controls boxing.

This is pretty much a true saying. These people, of course, knew this and they set themselves up in business and by hook or crook they are even now controlling the heavyweight champions and the so-called heavyweight championship bouts.

Controlling heavyweight champions is nothing new, it has been going on since the days of Mike Jacobs, and it will continue, and boxing will continue to decline unless the Federal Government takes steps to stop it.

It is only in recent years that the general public has become cognizant of the fact that all was not so lily-white in bigtime boxing, but I say to you, gentlemen, that honest, knowledgeable boxing men have known this for a long time but unfortunately could do very little about it.

In discussing the first Patterson-Liston fiasco, which in no way resembled a heavyweight championship fight, in my opinion, a Mr. Abe J. Greene stated—who is one of the most knowledgeable boxing men in the Nation, Mr. Abe J. Greene stated to the American public that “Without strong Federal control and legislation a major scandal, overshadowing any of the past, is inevitable.” Mr. Greene went on to say, “Such legislation is needed to curb the promotional cartels which are taking everything out of boxing without making one single contribution to its advancement and its welfare.”

This prediction of Mr. Greene 3 years ago has now become a reality. I don't think anyone can truthfully deny that we have had a recent scandal in professional boxing that has overshadowed any of the past.

Some State and municipal athletic commissions are doing an outstanding job with the administration of boxing laws in their own jurisdictions, but here again we find that each State and municipal commission is an island unto itself because its authority ends where its boundary line ends.

It is also true that the World Boxing Association, which is composed by the boxing commissioners of the various States, as Mr. Hindman so well stated, various States, municipalities, and some foreign countries, has tried to provide a code of ethics and rules and regulations for the conduct of professional boxing, and, but because of the very nature of this organization which is loosely knit and conceived on a voluntary basis, it has no power to enforce its own laws and rules.

The promotion of the recent Clay-Liston affair is a prime example of the weakness of the World Boxing Association, or any other voluntary organization. Last August at the World Boxing Association

meeting in Norfolk of which our commission was the host, the delegates present and voting were unanimous in their decision to strip Clay of his title and drop Liston from the list of contenders, and I don't like to drop names anywhere but as Mr. Hindman stated, one commissioner made long and vociferous speeches in favor of the motion to ban the Clay-Liston fight in all World Boxing Association member States. But hardly had the echo of his voice faded before this same commissioner went home and sanctioned the fight, vehemently claiming that he had violated no World Boxing Association rules or regulations.

All this doubledealing and monopolistic control of bigtime professional boxing can be eliminated if we can get rid of the racketeers and undesirable persons who dominate our sport. The States cannot accomplish such elimination but the Federal Government can and it is the prayer of all honest boxing people that this Congress will enact legislation that will put professional boxing on the approved list of professional sports.

I have studied the bill before us, H.R. 8635, and this, in my opinion, is a bill of much merit, and I say this primarily because this deals with the television angle in boxing, and various other broadcasts.

But I don't believe that this proposed legislation goes quite far enough toward the cure of the ills that boxing is suffering from.

Section 2, on page 2, deals with the duties of the proposed Federal Boxing Commissioner as follows:

The Commission shall exercise continuing surveillance over the field of professional boxing. Whenever the Commission determines that it is likely that a professional boxing event which is to be televised in interstate commerce, or an account of which is to be transmitted in interstate commerce by wire or radio (which such event is occurring), will be in any way affected by bribery, collusion to the effect the result, intentional losing, racketeering, including terrorism, extortion, organized use of threats, coercion, intimidation, or use of violence, it may issue an order prohibiting such interstate transmission or televising.

It seems doubtful to me that the defined duties of the Commission as set forth in the present language of this bill can adequately protect the public from frauds, fixed fights, bribery, collusion, and so forth.

I say this because rarely, if ever, have we been able to prove before any fight that such violations would determine the outcome. It is always after the fight has ended that we suspect and investigate such a possibility. And after the fight is over it is too late to protect the public against such a possibility, even though should we be able to substantiate such a violation certain punitive action would be taken against the guilty party or parties.

We have had much experience with this type of thing. Always it is after a fight is over that we suspect such an occurrence.

Now to create a Federal Boxing Commission without giving it the authority and power to promulgate and enforce laws, rules, and regulations necessary to supervise, regulate, and control any and all interstate traffic of all phases of professional boxing would, in my opinion, defeat the very purpose of such a Commission.

The American public is accustomed to congressional investigations, and I can say this, that professional boxing has had its share. We no longer need investigations, we know what is wrong with boxing and what we need is a strong Federal Commission made up of men who understand every phase of our sport. We need a Commission made

up of men who know how to apply the clamps on malefactors who move from one jurisdiction to another and perpetuate all kinds of manipulations and frauds with impunity.

We need a Federal Commission with the power and know-how to find out the name and address of every hood and underworld character behind every fighter. We need a Federal Commission with the intestinal fortitude to rid boxing of the undesirable element that has caused it to be held in such low esteem in recent years.

I would like to say that I am a former professional fighter, and I had the world's champion manager and he still is a big name in boxing and I say that not exactly to throw off on the gentleman, but he is a manipulator and a real one. I was indoctrinated with fire for a long time. I am proud of the fact that I was a professional fighter. I am proud to be associated with boxing. But I am not proud to associate with some of the people who in the last few years have become associated with boxing and I refuse to associate with them. And my plea to this committee is to give us legislation that will create a Federal Boxing Commission with authority and power to properly deal with all phases of interstate traffic of professional boxing.

Gentlemen, that is the conclusion of my remarks.

The CHAIRMAN. Mr. Brennan, thank you very much. We are very glad to have your statement which reflects your vast experience in this field. I wish there were time to properly expand on some of the points you made but I think you have made your position very clear on what you think is necessary to clean up this field of sport and put some integrity and sound administration into it. We shall give careful consideration to your suggestions.

Mr. BRENNAN. Thank you, Mr. Chairman.

The CHAIRMAN. Does anyone wish to ask a question?

Mr. Satterfield, do you wish to ask a question?

Mr. SATTERFIELD. Mr. Chairman, I don't want to impose upon the committee at any length, but I do want to say that we in Virginia are proud to have Mr. Brennan as executive secretary of our commission.

One thing I did want to ask him because I don't think it is clear from his remarks. Mr. Brennan there has been some suggestion to this committee that the major part of the problem that confronts boxing can be laid at the doorstep of the State commissions.

Do you have any observation to make on that?

Mr. BRENNAN. I read in the Times-Dispatch yesterday morning where a gentleman here at this meeting said the State commissioners were making a mockery out of boxing, and I take issue with that remark because that is not true.

It might be true in a few isolated cases. I know of cases where commissioners have been appointed, if I may use the phrase of Emil Bruno in New Orleans who doesn't know a left hook from a coat hanger. That is true. We have a commissioner right here in Washington, and I don't like to drop names again, I don't want to do it, who was appointed by the Congress, I believe, who has written to the secretary of the World Boxing Association asking for literature so he could learn something about professional boxing.

On the other hand, persons who make a remark of that kind, usually have some ulterior motive in mind, and I understand this party is

looking for a job, and so in view of that, I wouldn't be too much concerned with what he has said.

Mr. SATTERFIELD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

I will say for the information of our colleagues we only have about 15 minutes left, we have three other people to be heard. We are going to have to try our best.

Our colleague, Mr. Ryan, has arrived, and Mr. Ryan, of necessity we are going to have to divide the time now. I hope you understand.

Mr. RYAN. Very well.

The CHAIRMAN. We have to adjourn this committee just before 12 because we have business in the House. We have to be there to attend to legislation which came out of this committee.

#### STATEMENT OF HON. WILLIAM F. RYAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. RYAN. Mr. Chairman, I apologize for not being here earlier.

The CHAIRMAN. Can we give you 5 minutes say, now?

Mr. RYAN. Yes, sir.

The CHAIRMAN. Very well, we will be glad to have you. You may include in the record your remarks if you have additional remarks you want to go into the record.

Mr. RYAN. Very well, if I may have unanimous consent to revise and extend my remarks, I will.

The CHAIRMAN. You may have.

Mr. RYAN. I will review with the chairman and with the members of the committee my thought on the question which is now before the Interstate and Foreign Commerce Committee. I have long believed that the time has come for Federal regulation of boxing in the interest of many thousands of boxers in the United States and many millions of American boxing fans.

Boxing, a sport of great consequence, has produced some of the outstanding sporting events in this country and some of the Nation's finest athletes.

But boxing today faces angry critics and halfhearted apologists. For it rests, at the moment, in the shadow of the criminal world. Underground domination of boxing has been the subject of extensive hearings before the Subcommittee on Antitrust and Monopoly of the Senate Judiciary Committee, and compelling evidence has been adduced on the influence of gamblers and racketeers in the handling of fighters and the promotion of bigtime fights.

I have some familiarity with the background of those hearings and the background of the problems for which I served for 7 years as an assistant district attorney in New York County where, as a member of the rackets bureau, we dealt with many of the individuals who showed up time and again in various underworld activities including the undercover promotion of fights, such as Frankie Carbo and others.

Boxing in ancient Greece was held in the highest esteem by the highest elements of Greek society. Senator Kefauver's subcommittee showed that boxing in the United States is often used for the lowest purposes by the lowest elements in our society. As the public interest in boxing has grown, so has the money to be won or lost. In the development of every major professional sports, where the money goes,

so do the gamblers. Fighters compete simply to provide a "purse" for those promoting a match.

Virtuosity of performance was once to be expected from fighters and handlers alike. Today gangsters and racketeers have degraded and instrumentalized boxing so that it is nothing more than a means to their own ends.

Every person familiar with the fight game is aware of the underworld influence. Bribes have been offered to fighters. On May 11, 1960, former Middleweight Champion Jake LaMotta told of being offered a bribe to throw a major fight, coupled with the provision that he be guaranteed a later shot at the middleweight title. Former Heavyweight Champion Jack Johnson even published an article in which he admitted throwing a championship fight for cash back in 1915.

So this has been a persistent problem facing boxing over a long period of time.

Deserving challengers, who have refused to play ball with racketeers, have been denied a chance to fight the champions in their respective weight divisions. Weak-kneed promoters have agreed to help the careers of certain able boxers by matching them repeatedly against pushovers. This has led, in many instances, to physical injury, brain damage, and even death.

It is our duty, Mr. Chairman, to put an end to outrages of this kind. What is needed is not a ban on boxing, but remedial legislation designed to break the stranglehold on boxing exercised by monopolistic gangsters and racketeers.

I believe boxing can be saved.

The appointment of a National Commissioner would be the best possible means of making boxing a sport which entitles its participants to respect and assures the public of honest professional contests. I have introduced legislation (H.R. 8632) which is presently pending, unfortunately not before this committee but before the Judiciary Committee, which would establish within the Department of Justice an Office of the National Boxing Commissioner. I don't necessarily say that this could not be placed in the Department of Commerce or some other agency. I think the important thing is to have a Federal Boxing Commissioner, with the powers of subpoena who can deal with the question of licensing boxers, managers, promoters, and matchmakers who are engaged in interstate bouts and can accomplish the goals.

The experience of other major sports is encouraging. Judge Kene-saw Landis, as baseball commissioner, redeemed the game of baseball clearly and unqualifiedly in the days following the Black Sox scandal. Two major professional football leagues have seen fit to appoint national commissioners to oversee, among other things, the honesty of the game.

But if we are to get the underworld out of boxing entirely, we must not stop short. I, of course, approve the purposes of H.R. 8635, but the scope of the bill is too narrow in all the ways that matter to professional fighters and boxing fans. It does no more than establish and proscribe the duties of a Federal Boxing Commission (1) to insure that the channels of interstate commerce are free from false descriptions and depictions of boxing matches and (2) to exercise continuing surveillance over professional boxing.

Remedial legislation in this field must protect boxing for the independent promoter. Above all, we must see to it that our young boxers are not victimized and corrupted by unscrupulous managers and promoters and not obliged to engage in sham or collusive matches.

I am convinced that only through a nationwide licensing system for boxers, managers, promoters, and matchmakers engaged in interstate bouts, can we accomplish these goals. The success of such a system depends, moreover, on adequate criminal sanctions and investigative facilities. If we are to succeed in reviving the sport, strong regulations backed up by criminal penalties and the power to subpoena individuals and records are needed.

Not only does this bill avoid these specifics to an alarming extent, but it also may have the paradoxical effect of discouraging the promotion of professional matches. As it now reads, the bill authorizes the Commission to restrain the interstate transmission or televising of any boxing event, it is convinced is likely to be affected by bribery, extortion, and other forms of intimidation. The innocent promoter would consequently take the risk of the "secret deal" and the "under-the-table payoff" among handlers and owners. He may lose large sums invested in promotion because of secret agreements to which he is not a party. Instead of making promotion safe, the bill makes the promotion of boxing matches at best a risky and hazardous enterprise.

A system of national licensing would reach directly the problems now affecting boxing. I have thoroughly considered the requirements of such a system and have set them out in H.R. 8632 which I introduced as a bill to curb monopolistic control of professional boxing and to establish within the Department of Justice the office of a National Boxing Commissioner.

I have introduced such legislation in the 87th and 88th Congresses, in conjunction with Senator Kefauver. I wish to review the main provisions of that bill, Mr. Chairman, and suggest them as amendments to the bill before this committee.

H.R. 8632 is designed to establish the U.S. Boxing Commission in the Department of Justice, headed by a Commissioner appointed by the Attorney General, and I suggested the Department of Justice, because I felt that the facilities of the FBI would be more readily available as an investigative arm for this Commission. It is more logical to place it under the supervision of the Department of Justice.

But as I say, the important thing is a strong Boxing Commissioner with strong powers with licensing authority over contests and matchmakers and promoters, and the power of subpoena and the power to require financial reports in all cases.

The Commissioner will be authorized to issue licenses with respect to professional boxing contests, provided he concludes that the contest in question is in the public interest and in the interest of the lawful conduct of professional boxing. This bill would grant the Commissioner power to establish rules and regulations as needed, to make information available to State and local athletic commissions, to utilize the services of personnel in the Department of Justice, to obtain information from other Federal agencies, and to hold hearings.

Under the bill, boxers, managers, promoters, and matchmakers must obtain licenses, submit financial reports concerning bouts; keep records, and make them available to the Commissioner.

It sets forth criminal penalties for violations, and provides for judicial review of decisions by the Commission.

Further, under the terms of H.R. 8632, the subpoena power is placed in the hands of the Commissioner, providing him with a weapon absolutely essential to his work. It is appropriate, I believe, that the subpoena power to be conferred upon the National Boxing Commissioner is similar to that conferred under the terms of the Securities and Exchange Act of 1935, because in the matter of securities regulation there were already in existence State agencies designed to do the job granted to the SEC.

Indeed, the State agencies themselves had the subpoena power at their disposal. And yet they could not do the job.

The situation in boxing is analogous. Boxing contests, because of their interstate character, are presently beyond the power of any State to regulate fully and effectively. According to Ring Record Book, there are 51 State and local commissions in existence throughout the country. The investigative staffs of most State and local commissions, however, are woefully inadequate or nonexistent. As a reminder of the sterility which results, may I point out that the unrelated status of these commissions provides a means for avoiding proper regulation.

In the case of the recent fiasco involving Cassius Clay and Sonny Liston, which originally was scheduled to be held in the State of Massachusetts, a diligent Massachusetts official became suspicious about the whole thing and began an inquiry. At this point the fight promoters fled the State, seeking sanctuary in Maine. Moreover, they got it. Notwithstanding the suspicions of the Massachusetts State government, and many fight fans as well, the Maine Boxing Commission agreed to let the fight go on at Lewiston. Under auspices of a National Boxing Commissioner, there will be no escape in cases of this kind.

I wish to emphasize in this connection that a National Boxing Commissioner with licensing authority in no way preempts either the State's authority or responsibility to regulate boxing. The Commissioner would exercise simultaneous jurisdiction over a restricted area of boxing, that of licensing, and would be excluded from the administration, supervision, and conduct of boxing matches, whether they are interstate or intrastate.

Though I conceive the office of the Boxing Commission primarily as a licensing authority, with the first order of business the clearing out of underworld influence, the other problems which affect boxing must not be neglected. I urge also the appointment of a Boxing Advisory Board, charged with the responsibility of making recommendations to the Commissioner for the improvement of boxing and the welfare of fighters. The Board might well consider such matters as the advisability of pension and insurance plans for boxers, the adoption of uniform rules and regulations by the States and the development of young boxing talent.

In conclusion, Mr. Chairman, I want to emphasize again that the goal we set for ourselves must be nothing less than the restoration of integrity and honesty to the fight game. Only by strong regulations will we be able to supervise boxing. The Commissioner must have the authority to prohibit the presence of racketeers at the boxer's

training camp and the association of racketeers with boxers during their training. We must be able to provide minimum rules for the matching and training of fighters to assure the optimum in physical and mental preparation.

We must, in short, provide the opportunities for young boxers to train and compete, and develop their own talent without outside considerations.

The CHAIRMAN. Mr. Ryan, thank you very much for your statement. You support the idea of the concept of a Federal Boxing Commission?

Mr. RYAN. Yes, sir; I do.

The CHAIRMAN. With broad general authority to administer the program?

Mr. RYAN. I believe that that should be basic to the Commission. That he should have this broad authority to regulate all aspects of this sport which touch interstate commerce.

The CHAIRMAN. Are there any further questions?

If not, thank you very much. We appreciate your appearance here and certainly you have hit the nail on the head. Your time is right now.

Mr. RYAN. Very good, thank you, Mr. Chairman.

The CHAIRMAN. Mr. Lew Wallace.

(Off the record.)

#### STATEMENT OF LEW WALLACE, STATEN ISLAND, N.Y.

Mr. WALLACE. Could this hearing be adjourned for this afternoon?

The CHAIRMAN. We will be unable to meet this afternoon.

Mr. WALLACE. I will do my best.

I was associated with professional boxing for about 26 years as a manager, trainer, and second. I also was on the lists for boxing commissioner of the State of New York with the former Gov. Thomas E. Dewey, the former Gov. Averell W. Harriman, and the present Gov. Nelson A. Rockefeller.

I am familiar with all the phases of professional boxing, and I tried to move heaven and earth to get invalidated and canceled the latest Cassius Clay-Sonny Liston championship heavyweight fight, because of its monopolistic practices, in gross violations of the Federal antitrust laws.

Moreover, I have charged the Department of Justice with protecting such monopolistic practices in professional boxing and I am here to prove these accusations. I have been communicating with the Department of Justice regarding these serious matters. These are their letters sent to me. In my letters to the Department of Justice, I charged there have been monopolistic practices in professional boxing, within the administration of the late President John F. Kennedy.

Now, I have no personal grudge against the late President John F. Kennedy's administration. I have personal letters from the late President John F. Kennedy; and the Department of Justice promised me consideration for the office of National Boxing Commissioner, which I rejected.

I informed the late President John F. Kennedy and the Department of Justice that I would accept such an appointment, only if I were then appointed as a temporary National Boxing Commissioner, as I

would revolutionize the entire fight game into the boxing profession overnight, to give it a place in the "sun" and on a par with the other major and professional sports.

This is a copy of my telegram to the former Attorney General of the United States, Robert F. Kennedy, which I would like to present to this committee, as part of my testimony hereto, with reference to the aforesaid charges. Nothing was done to correct these monopolistic practices in professional boxing. I believe there could be somebody in the late President John F. Kennedy's family who has had an interest in connection with these monopolistic practices in professional boxing in our Nation.

The CHAIRMAN. Well, Mr. Wallace, I don't think there is any question around here about the need for something being done. I believe if during the few minutes that you have got you would give us the benefit of what you think ought to be done you would probably make a greater contribution to this hearing.

We have all of this information.

Mr. WALLACE. I just arrived here from New York, having taken the 6:30 a.m. train. I was traveling quite some time, and I don't think I could express my views in 5 minutes. If I knew I would only get 5 minutes to express myself, I would never have come here. This is not fair.

What I am really trying to say is that the Department of Justice, the late President John F. Kennedy, and President Lyndon B. Johnson have declined to correct these monopolistic practices in professional boxing, in gross violations of the Federal antitrust laws.

The CHAIRMAN. I don't think that is going to help us, Mr. Wallace, to try to go back and make an issue of the Department of Justice in some former administration.

Mr. WALLACE. The Department of Justice refused to take the required action therein, and the monopolistic practices in professional boxing have been continuing in the administration President Lyndon B. Johnson.

The CHAIRMAN. If you will tell us what should be done to meet these problems.

Mr. WALLACE. Well, I promulgated a 25-point boxing program which I believe would help cure the ills existing in professional boxing. And I don't think there is need to have three commissioners on a National Boxing Commission. One Commissioner would do, if he is the right man with the proper qualifications who knows his business and has the courage and backbone to face the boxing problems, without fear.

I can see no reason, whatever, to have three Commissioners on a National Boxing Commission. This would tend to show that either one, individually, has the weakness and fear to preside alone, as National Boxing Commissioner.

Now, I am presenting my 25-point boxing program which I promulgated back in 1942 to elevate professional boxing on a high moral plane, to wit:

(1) In 1942, \$10 per round minimum for boxers.

In 1965, \$25 per round minimum for boxers.

(2) Medical examinations and treatments by the Commission's doctors for injured boxers.

(3) The danger of allowing seconds to fiddle around with cut eyes, broken noses, broken hands, and other ring injuries that require the skilled treatment of a doctor.

(4) The establishment of a fund for needy boxers, such as exists in California.

(5) The necessity of having New York join all the other States in the NBA to bring about nationwide control of boxing or congressional control of boxing by Federal law.

(6) The advisability of conducting Boxing Commission meetings in the open.

(7) Boxing Commission not to play favoritism when handing out assignments to referees and judges.

(8) Boxing Commission should not tolerate raw decisions.

(9) Boxing Commission must be competent.

(10) Boxing Commission should not permit foolish matches. The fans get the dirty deal. Likewise, these matches hurt the sport.

The CHAIRMAN. Mr. Wallace, you can extend your remarks and put all that in the record.

You support the concept of a Federal Boxing Commission with criteria established by the Congress for its operation?

Mr. WALLACE. Well, I would like to go further than that. I believe in the establishment of one Commissioner, and not three Commissioners, on a National Boxing Commission.

The CHAIRMAN. Yes; you said that.

Mr. WALLACE. And the National Boxing Commissioner should declare a state of emergency in professional boxing whereby the U.S. Government takes over, as by enacted legislation, the promotion of professional boxing; comparatively like the many State governments having lucrative interests with the parimutuels. In this way, we would be able to eradicate all the evils in professional boxing and to bring back professional boxing to the golden days of the 1920's.

The CHAIRMAN. Mr. Wallace, you have gone over the time. I am sorry your time is up. We have to be on the floor of the House at the appropriate time. We are trying to accommodate everyone to put in the record everything that they wish.

We thank you for your presentation.

Mr. WALLACE. I hope it is in the record where I have charged the Department of Justice with protecting the monopolistic practices in professional boxing under the administration of the late President John F. Kennedy, and also under the administration of President Lyndon B. Johnson.

The CHAIRMAN. We are not here to pick any conflict with the Department of Justice. You may submit your statement in the record and we will include anything in the record that is appropriate.

Mr. WALLACE. Well, it does not seem justified that I should be called here to present my views, just for the allowable time of 5 minutes.

If I knew that this would be the case, I would not have come here. This is very unfair and undemocratic. Even though you are the chairman, I respectfully have to speak up and tell it to you.

Mr. PICKLE. Mr. Chairman, would it be in order for the gentleman to submit his statement?

Mr. WALLACE. Exhibits, and so on?

The CHAIRMAN. I have given him that privilege. We saw we were running out of time earlier and I cautioned everyone here. I have\* tried to finish this up.

Mr. WALLACE. Well, I came here a long way from New York State, and I was up practically all night.

Thanks ever so much.

The CHAIRMAN. All right.

(The telegram and letters referred to follow :)

NEW YORK, March 18, 1963.

Attorney General ROBERT F. KENNEDY,  
Department of Justice, Washington, D.C.:

Reference is made to our numerous correspondence, including my correspondence to President John F. Kennedy and U.S. Senator Edward M. Kennedy of Massachusetts, especially in support of my crusade against the monopolistic practices in professional boxing in our Nation, exploited by Championship Sports, Inc., successor to Feature Sports, Inc., in gross violations of the Federal antitrust laws and in restraint of trade; where, as here, one monopoly in professional boxing was dissolved and another one has been created, as evidenced by the case of *United States v. International Boxing Club*.

Notwithstanding that I have unveiled such weighty evidence upon which Championship Sports, Inc., can be prosecuted, the Department of Justice has failed and refused, to date, to take the required action complained of therein, or even to offer any plausible reason, whatever, for taking its indefensible and unpardonable stand.

In view of these unusual and out of the way circumstances, the continuance of these monopolistic practices in professional boxing in our Nation, under the administration and leadership of President John F. Kennedy, has puzzled me no end; of which President John F. Kennedy and U.S. Senator Edward M. Kennedy of Massachusetts, have been fully aware, but to no avail.

Considering the complexities of these dynamic matters, I urge you, Attorney General Robert F. Kennedy, to offer me your sworn to and notarized deposition stating in effect that according to your conception and knowledge, neither you, nor anyone, otherwise, personally and well known to you, has and have ever had holdings, or interests, directly or indirectly, of any kind, whatsoever, with Championship Sports, Inc., or its predecessor, Feature Sports, Inc.

LEW WALLACE.

STATEN ISLAND, N.Y., April 26, 1965.

HON. LYNDON B. JOHNSON,  
President of the United States,  
The White House, Washington, D.C.

DEAR PRESIDENT JOHNSON: The monopolistic practices in professional boxing are still existing in our Nation today, even under your administration, as President of the United States.

These gross violations of the Federal antitrust laws, and in restraint of trade, continue there from the administration of the late President John F. Kennedy.

With the advent of your Presidential administration, the continual exercise of such exclusive control in professional boxing, took place first with the staging of the world's championship heavyweight bout, between the former champion, Sonny Liston, and the former challenger, Cassius Clay, and with the ancillary and video rights thereof, in which the former challenger, Cassius Clay, became the world's heavyweight champion.

The further exercise of such exclusive control in professional boxing will take place with the staging of the return world's championship heavyweight bout, between the champion, Cassius Clay, and the dethroned champion, Sonny Liston, and with the ancillary and video rights thereof, to be held in Boston, Mass., on May 25, 1965.

Inter-Continental Promotions Inc. and their Bostonian promoter, Sam Silverman, who will be staging this return world's championship heavyweight bout, are the monopolistic successors and exploiters hereto; despite the fact that District Attorney Garrett Byrne of Suffolk County, Mass., and the State Athletic

Commission of Massachusetts, have already condoned the promotion of this scheduled and return boxing contest.

These unwarranted, monopolistic practices in professional boxing, still existing in our Nation today, require of you, President Lyndon B. Johnson, particularly as of your solemn oath and statutory duties, and by your vested executive powers, to declare forthwith the invalidation and cancellation of the scheduled return of this world's championship, heavyweight bout, to be held in Boston, Mass., on May 25, 1965, and to call for a U.S. investigation of such monopolistic practices in professional boxing which are unsanctioned, illegal, and unlawful, and which are detrimental to the acts of public interests.

My concurrent efforts can be had at once. Please examine my file with the Department of Justice in Washington, D.C., about these weighty matters.

The Department of Justice sent me a letter offering me consideration for the Office of National Boxing Commissioner, if and when such an Office would be created by the Congress of the United States. This offer was rejected by me because the Department of Justice refused, over and over, to take the required action regarding my complaints made against the monopolistic practices in professional boxing in our Nation.

However, I vowed in a letter to the late President John F. Kennedy that if I were appointed, even as a temporary National Boxing Commissioner, I would revolutionize the entire fight game into the boxing profession overnight, giving it a place in the sun, and on a par with the other major and professional sports.

On behalf of the late President John F. Kennedy, I have letters addressed to me from the White House. I also have two personal letters addressed to me from the late President John F. Kennedy.

May I take the liberty to inquire again of you, President Lyndon B. Johnson, how can your antipoverty program help me with my plight of destitution, even though I have never been listed on any welfare rolls?

Notwithstanding that I was supporting the Republican presidential candidate, Barry Goldwater, in the latest national election, I would appreciate receiving a reply in reference to this important letter.

Thank you for your interest and courtesy, I remain a true-blue American citizen and

Very respectfully yours,

LEW WALLACE.

STATEN ISLAND, N.Y., May 10, 1965.

Hon. LYNDON B. JOHNSON,  
President of the United States,  
The White House, Washington, D.C.

DEAR PRESIDENT JOHNSON: Reference is made to my registered letter, dated April 26, 1965, addressed to the Honorable Lyndon B. Johnson, President of the United States.

I made known that the monopolistic practices in professional boxing are still existing in our Nation today, even under your administration, as President of the United States, continuing therefrom the administration of the late President John F. Kennedy; despite the fact that District Attorney Garrett Byrne, of Suffolk County, Mass., and the State Athletic Commission of Massachusetts, have already condoned the staging of the scheduled and return world's championship heavyweight bout, between the champion, Cassius Clay, and the dethroned champion, Sonny Liston, and with the ancillary and video rights thereof, to be held in Boston, Mass., on May 25, 1965.

I also brought to your attention that these gross violations of the Federal antitrust laws, and in restraint of trade, require of you, President Lyndon B. Johnson, particularly as of your solemn oath and statutory duties, and by your vested Executive powers, to declare forthwith the invalidation and cancellation of the scheduled and return world's championship heavyweight bout, to be held in Boston, Mass., on May 25, 1965, and to call for a U.S. investigation of such monopolistic practices in professional boxing which are unsanctioned, illegal, and unlawful, and which are detrimental to the acts of public interests.

Subsequently thereafter, District Attorney Garrett Byrne, of Suffolk County, Mass., made an application in superior court for an injunction to block this title heavyweight fight from being staged in the Boston Garden, on May 25.

In superior court, the battery of attorneys representing Intercontinental Promotions, Inc., the undercover, monopolistic successors, promoters and exploiters,

and their Bostonian, frontal promoter, Sam Silverman, readily agreed to cancel the staging of this scheduled and return title heavyweight fight in the Boston Garden on May 25, immediately after the Office of the District Attorney of Suffolk County, Mass., threatened to conduct a grand jury investigation herein.

Plans were soon afterward arranged by Intercontinental Promotions, Inc., to stage this title heavyweight fight in Lewiston, Maine, also on May 25, where the seating capacity in the Lewiston Youth Center would hold 5,500 spectators in contrast to the seating capacity for 13,500 spectators in the Boston Garden.

Approval of this title heavyweight fight has been granted by the Governor of Maine, John H. Reed, and the attorney general of the State of Maine, Richard Dubard. However, the State of Ohio and others refused to permit the staging of this title heavyweight fight in their respective States.

Though the illegal and unlawful promotion of this title heavyweight fight, in gross violations of the Federal antitrust laws, and in restraint of trade, now has been brazenly switched to Lewiston, Maine, also for May 25, the further exercise of such exclusive control in professional boxing still continues, even under your administration, as President of the United States.

Why should the Department of Justice again allow the staging of the scheduled return world's championship heavyweight bout, between the champion, Cassius Clay, and the dethroned champion, Sonny Liston, and with the ancillary and video rights thereof, now to be held in Lewiston, Maine, also on May 25, by reason of the fact that this unwarrantable and monopolistic promotion had to be canceled recently in Boston, Mass.?

Is it because the Department of Justice has lacked the perception and knowledge of such monopolistic practices in professional boxing on fights and fighters? Or could it be that the Department of Justice has strangely closed their eyes to such monopolistic practices, still existing in our Nation today, for ulterior motives?

In the light of these facts, I, once more, respectfully request of you, President Lyndon B. Johnson, to invalidate and cancel forthwith the restaging of this title heavyweight fight, to be held in Lewiston, Maine, on May 25, and to call for a U.S. investigation of such monopolistic practices in professional boxing which are unsanctioned, illegal, and unlawful, and which are detrimental to the acts of public interests.

My concurrent efforts can be had at once, and in direct response to your high command, President Lyndon B. Johnson, in order to revolutionize the entire fight game into the boxing profession overnight, and to give it a place in the sun and on a par with the other major and professional sports.

Thank you, President Lyndon B. Johnson, for your interest and courtesy, I remain a true-blue American citizen and,

Very respectfully yours,

LEW WALLACE.

STATEN ISLAND, N.Y., May 19, 1965.

*The Honorable Senators of the U.S. Senate,  
The Capitol, Washington, D.C.*

HONORABLE SIRs: President Lyndon B. Johnson, by taking his oaths of office on two occasions, pledged himself in the literal wordings, "faithful executions," of all the laws of our land, and to use the great moral influence of the Presidencies to promote the peaceful observances of his statutory duties.

In complete disregard of the high office he holds, and his sacred pledges, President Lyndon B. Johnson declined to reply to my registered letters, dated April 26 and May 10, 1965, addressed to the Honorable Lyndon B. Johnson, President of the United States, the White House, Washington, D.C.

Therein, I made known that the monopolistic practices in professional boxing are still existing in our Nation today, even under the administration of President Lyndon B. Johnson, continuing therefrom the administration of the late President John F. Kennedy; to which the Department of Justice has strangely closed their eyes; and that my concurrent efforts can be had at once.

Again and again, I respectfully urged President Lyndon B. Johnson, particularly as of his solemn oath and statutory duties, and by his vested executive powers, to take forthwith the required action against these gross violations of the Federal antitrust laws, and in restraint of trade, especially as of now, to order the invalidation and cancellation of the restaging of the scheduled return world's championship heavyweight bout, between the champion, Cassius Clay, and the dethroned champion, Sonny Liston, and with the ancillary and video

rights thereof, which were brazenly switched from Boston, Mass., to Lewiston, Maine, to be held also on May 25, 1965, and to call for a U.S. investigation of such monopolistic practices in professional boxing which are unsanctioned, illegal, and unlawful, and which are detrimental to the acts of public interests.

My loyal efforts to arouse the interest and courtesy of President Lyndon B. Johnson have been in vain.

These weighty matters show clearly that the Constitution of the United States, a symbol of democracy and warranty of justice, has failed in effect to function justly inside of this, in its will for the freedom of such inalienable rights, as expressly guaranteed and set forth by the Constitution of the United States.

Having dedicated yourselves to the causes of justice and fair play, upon which the Constitution of the United States and the American creed have been predicated, I respectfully urge the honorable Senators of the U.S. Senate, especially as of now, to execute faithfully your high legislative powers to call for at once a U.S. Senate investigation of such monopolistic practices in professional boxing which are unsanctioned, illegal, and unlawful, and which are detrimental to the acts of public interests, and also to declare forthwith the invalidation and cancellation of the scheduled return title heavyweight fight, between the champion, Cassius Clay, and the dethroned champion, Sonny Liston, and with the ancillary and video rights thereof, which were brazenly switched from Boston, Mass., to Lewiston, Maine, to be held also on May 25, 1965. My cooperation can be had instantly.

In compliance with your solemn oath of office, as the honorable Senators of the U.S. Senate, the continuity of these monopolistic practices in professional boxing, still existing in our Nation today, even under the administration of President Lyndon B. Johnson, continuing therefrom the administration of the late President John F. Kennedy, to which the Department of Justice has strangely closed their eyes, must cease immediately.

Very respectfully yours,

LEW WALLACE,  
*A true-blue American citizen.*

Mr. William G. Reitzer.

Mr. Reitzer, I hope you understand the situation.

Mr. REITZER. Yes, sir, I do.

The CHAIRMAN. We have tried our best to equalize the time here. It is always difficult when we run into a situation like that.

#### STATEMENT OF WILLIAM G. REITZER, WASHINGTON, D.C.

Mr. REITZER. I would appreciate a moment of prayer, Mr. Chairman, before I begin.

(Witness in silent prayer.)

Mr. REITZER. The essence of my statement is that from the little research that I have done on the subject, that boxing ought not to be regulated by the Federal Government but ought to—

The CHAIRMAN. It would be helpful to the committee first to identify yourself so we will know who you are.

Mr. REITZER. Yes. My name is William G. Reitzer. I live at 508 East Capitol Street and I am a writer by profession and also a general investigator for a national concern.

The CHAIRMAN. All right.

Mr. REITZER. And the essence of my testimony is that boxing ought not to be regulated by the Federal Government but ought to be banned on the ground that boxing is contrary to the principles of the Bible, and that anyone who engages in boxing or even watches boxing is committing sin.

I would like to quote from a Time article of April 13, 1962:

When one prizefighter hits another in the head, his objective is to render the opponent temporarily unconscious by a simple concussion, which usually leaves no permanent damage. But a hard blow can also bruise the brain, breaking

some of its blood vessels and destroying nerve cells. This kind of damage can kill. \* \* \* A long succession of moderate contusions (bruises), which cause slow, leaky hemorrhages, may permanently damage small parts of the brain, causing the 'punch-drunk' state in veteran pugilists.

I would also like to quote from a statement made by Jack Dempsey who appeared here as one of your witnesses, from his book "Championship Fighting," published in 1950 by Prentice-Hall. On page 3 Mr. Dempsey says:

I won the ring's most coveted title by stopping a man much larger and stronger than I was—one who outweighed me 65 pounds. I blasted him into helplessness by exploding my fast-moving body weight against him. \* \* \* Exploding body weight is the most important weapon in fist fighting or in boxing. Never forget that. \* \* \* I was exploding that weight terrifically against the giant. Even before the first round was finished, Willard looked like the victim of a premature mine blast.

Ring Magazine records that between 1945 and 1963, 216 boxers have died of ring injuries.

I would like to quote also from Norman Cousins from a Saturday Review article, dated November 5, 1962, in which he wrote:

It is nonsense to talk about prizefighting as a test of boxing skills. No crowd was ever brought to its feet screaming and cheering at the sight of two men beautifully dodging and weaving out of each other's jabs. The time the crowd comes alive is when a man is hit hard over the heart or the head, when his mouthpiece flies out, when blood squirts out of his nose or eyes, when he wobbles under the attack and his pursuer continues to smash at him with poleax impact.

In support of the point that watching fighting is sinful, I quote from Thomas Aquinas who is a leading theologian of the Roman Catholic Church. His view was pointed out by Richard A. McCormick, S.J., in Sports Illustrated, November 5, 1962:

Thomas Aquinas knew nothing of professional boxing; but with a unerring knowledge of human nature he pointed out that to take pleasure in the unnecessary sufferings of another man is brutish.

I would like to point out also that Pope John XXIII is quoted as saying:

Fist fights \* \* \* are contrary to natural principles. It is barbaric to put brother against brother.

So, for these reasons, I believe that the Federal Government ought not to have anything to do with supervising an activity which is sinful in itself, and which is sinful for others to watch.

Mr. KORNEGAY (presiding). Thank you very much, Mr. Reitzer, for your statement. We greatly appreciate your taking the time to come and testify before the committee.

Does the committee have any questions?

Mr. WATSON. May I ask the gentleman a question? I understand and appreciate your position that you object to it on religious grounds and because it is sadistic and such as that. But if we are going to have boxing do you think it should be regulated or unregulated?

Mr. REITZER. Well, sir, I would say that the Federal Government ought not to regulate it any more than it would regulate prostitution or regulate the sale of dope or regulate any other activity which is intrinsically illegal.

Mr. WATSON. Of course, those things are regulated but you still do not think it would be advisable for boxing to be regulated if we are going to have it.

Mr. REITZER. Well, they are regulated in the sense that they are declared illegal.

Mr. WATSON. Thank you.

Mr. KORNEGAY. Thank you very much.

Mr. REITZER. Thank you, sir, for the opportunity to testify.  
(The prepared statement of Mr. Reitzer follows:)

STATEMENT OF WILLIAM G. REITZER

The reason the Government should ban boxing is that boxing does not contribute to the best interests of the general welfare. According to competent and credible authority, boxing is injurious both to the individual participants and to the general public.

Individual participants suffer in that they expose themselves to needless physical injury and, in too many instances, to outright death. The death of Benny Paret in early 1963 in California was a recent notorious example of what can unexpectedly happen in the fight arena.

Deaths due to boxing, since World War II, number over 200. Injuries are estimated in the thousands.

It is argued that better precautions can be taken against injury. But the nature of boxing makes the prevention of injury almost impossible. As a writer in *Time* magazine noted:

"When one prizefighter hits another in the head, his objective is to render the opponent temporarily unconscious by a simple concussion, which usually leaves no permanent damage. But a hard blow can also bruise the brain, breaking some of its blood vessels and destroying nerve cells. This kind of damage can kill \* \* \*. A long succession of moderate contusions (bruises), which cause slow, leaky hemorrhages, may permanently damage small parts of the brain, causing the punch-drunk state in veteran pugilists." (Apr. 13, 1962, issue.)

What makes boxing objectionable, both as to participants and spectators, is its basic objective: one participant scheming to "knock out" the other. Said the *Toronto Daily Star* in an editorial:

"True, men are killed and injured in other sports; but only in this one do they go into the game with the calculated intention of beating each other insensible." (Apr. 4, 1963, p. 6.)

A quote from Jack Dempsey illustrates not only that this object is the boxer's chief goal, but also that he must learn how to accomplish this object in the most effective manner. The former boxing champion wrote in his book "Championship Fighting":

"I won the ring's most coveted title by stopping a man much larger and stronger than I was—one who outweighed me 65 pounds. I blasted him into helplessness by exploding my fast-moving body weight against him \* \* \*. Exploding body weight is the most important weapon in fist-fighting or in boxing. Never forget that. \* \* \* I was exploding that weight terrifically against the giant. Even before the first round was finished, Willard looked like the victim of a premature mine blast." (Prentice-Hall, 1950, p. 3.)

It is this objective and the consequences that flow from it that make boxing sinful in the teaching of the Bible.

The sinfulness is not lessened by the fact that boxers consent to being pummeled, maimed, or killed. The Scriptures do not permit a man to expose himself to physical danger just for sport.

Nor do the Scriptures permit a man to make the beating of an opponent into unconsciousness a means of livelihood. How can a man love another man if his object is to knock him out cold? And knock him out he must, if he wants to stay in business, for the better knockout record a boxer has, the better his chances for success.

What makes boxing objectionable from the standpoint of the spectators is the appeal inherent in the "sport" to emotional involvement that is debased and degrading. It is one thing for a spectator to take sides in a contest in order to delight in the innocuous strivings among competitors toward victory. It is quite another thing for a spectator to find his thrill in seeing pain inflicted, blood-letting, and bloodspilling.

Let us admit that too many men have such baser appetites. Boxing does not merely provide those susceptible to these temptations an opportunity to express their unworthy emotions. Boxing also opens the door to grosser misbehavior

in that it creates a thirst in some spectators for more violence and more excitement. This leads to a demand for other forms of man-against-man contests, and also of man-against-beast and beast-against-beast contests which must go all the way—to the death of one or the other. As we all know, these extreme forms became popular in ancient Rome.

It is a maxim of moral science that any form of degradation is best controlled by strict prohibition of its milder expressions. Therefore the Government would be acting in the best interests of the people if it were to ban boxing by force of law.

If any should doubt that boxing subjects spectators to degrading thrills connected with competitive contests, several comments of competent observers on this question are offered in evidence.

Jean Eskenazi, writing in *France-Soir*, reported:

"The spectators have dug the graves of the ring martyrs—they wanted blood—they got bodies \* \* \*. I was a spectator a few years ago at a Madison Square Garden bout and was terrified by the way the fights took place. It was savage destruction boxing and the crowd would not have accepted anything else \* \* \*." (Apr. 4, 1963.)

In *Saturday Review*, Norman Cousins wrote:

"It is nonsense to talk about prizefighting as a test of boxing skills. No crowd was ever brought to its feet screaming and cheering at the sight of two men beautifully dodging and weaving out of each other's jabs. The time the crowd comes alive is when a man is hit hard over the heart or the head, when his mouthpiece flies out, when blood squirts out of his nose or eyes, when he wobbles under the attack and his pursuer continues to smash at him with poleax impact." (Nov. 5, 1962.)

Then there are the innocents. They sit down to watch what appears to be innocent amusement, and rise up with a hard-to-forget, revolting experience. As the *New York Post* observed:

"It has been said that the millions who viewed Paret's last fight were reveling in this sadistic episode. No doubt some of them were. But many others must be saying today that they wish they had never seen that massacre and praying they will never see another." (Apr. 4, 1963, p. 56.)

Boxing has been condemned by leading churchmen. Thomas Aquinas, a foremost authority in Roman Catholicism, pinpointed the sinfulness of boxing. He taught that to take pleasure in the unnecessary sufferings of another man is brutish. See "Is Professional Boxing Immoral?" by Richard A. McCormick, S.J., *Sports Illustrated*, Nov. 5, 1962.)

The late Pope John XXIII spoke out against it. He is quoted as saying: "Fistfights \* \* \* are contrary to natural principles. It is barbaric to put brother against brother."

An added reason for barring the "sport" is the racketeering and gambling that is so deeply connected with it. The *Toronto Daily Star* editorialized:

"Professional boxing merits oblivion in every respect. It gathers about it an unsavory fringe from the underworld; it titillates only the sadistic; it generally exploits the underprivileged groups in a society." (Apr. 4, 1963, p. 6.)

And the *New York Post* concluded: "Boxing has been so shadowed by crime and thievery that its outlawry would be justified on that ground alone." (Apr. 4, 1963, p. 56.)

Government regulation of boxing as proposed by the bills under consideration would amount to Government sanction. But if boxing is intrinsically unlawful—as contrary to the laws of God and the best interests of mankind—then it should not be supervised by the Government any more than prostitution, abortion, or cockfighting. The only Government regulation that is in order is outright banning and the establishment of machinery to enforce the ban.

On the State level, leading government officials have declared themselves for abolition of boxing. Among them is Gov. Edmund D. Brown of California. After the Paret fight, the Governor said:

"It's a dirty, rotten, and brutalizing sport, not only to the fighters but to the spectators. One of these days it will be abolished, and I hope soon." (*The Sacramento Union*, Mar. 28, 1963, p. 1.)

It would be better, of course, if boxing died a natural death. In this respect a *Chicago Daily News* editorial made a cogent observation:

"What annoys us about the sporadic, highminded campaigns to outlaw commercialized boxing is the tendency to hand the blame for its low estate on

racketeers, crooked managers, sadistic fighters, callous referees, etc. They are all, in a sense, only the hirelings, the performers of the game. The responsible proprietors are the public. Without their money, their eager collusion in this legalized mayhem, there would be no professional boxing \* \* \*. It would be a far more encouraging manifestation of developing decency if pro boxing simply died of malnutrition—if it perished because people grew tired of the blood-letting, or ashamed of whatever in their nature draws them to the spectacle for the vicarious thrill." (Apr. 4, 1963, p. 12.)

The author of this statement is happy to say that he is one who has left the ranks of boxing enthusiasts after he became a believer and a follower of Jesus Christ. However, he must admit that he did not give up his attraction to boxing spectacles without a struggle. But with the help of the grace of God, he was eventually successful. And he is convinced that deliverance from boxing enthusiasm has contributed, to some degree, to a strengthening of his character.

In the belief that banning boxing contests would be for the betterment of all his fellow Americans—whether boxers, spectators, or merely innocent bystanders—the author advocates that this committee not recommend any legislation which would regulate boxing other than to ban it.

Mr. KORNEGAY. Mr. Mendell, we will be glad to hear you.

Mr. Mendell, Brooks Mendell, is the author of "Protect Yourself."

#### STATEMENT OF BROOKS MENDELL

Mr. MENDELL. The bill that you are working on here should control the TV and movies that come off satellites or relays from other countries. They should have the authority to deal with licensed fighters who may come from other countries of the world, and a good boxing commissioner would be able to know a fake, and this man could be Jimmy Bronson who has all the qualifications that a good boxing commissioner should have.

Mr. KORNEGAY. This concludes the public hearings on the bill relating to the establishment of a Federal Boxing Commission. I want to take this opportunity to thank all of you who have come and testified, all of you who have manifested an interest in this important subject matter, and to advise any of you that you have 5 legislative days within which to file and place in the record or place any statement which you desire in the record of these hearings.

With that the hearings are adjourned.

(The following additional material was supplied for the record:)

JULY 1, 1965.

HON. GARRETT BYRNE,  
*District Attorney, Suffolk County,  
Pimberton Square, Boston, Mass.*

DEAR MR. BYRNE: The Committee on Interstate and Foreign Commerce, beginning on July 6, will hold hearings on H.R. 8635, copy of which I am enclosing providing for the establishment of a Federal Boxing Commission. I introduced this bill following the Clay-Liston fight and our committee expects to go into some of the background surrounding the promotion of this fight.

From reading press reports, it is my understanding that the change of locale of the fight from Boston to Lewiston, Maine, was the result of some action on your part taken in an attempt to enforce Massachusetts State statutes applicable to this particular situation.

I shall greatly appreciate having information on the particular laws involved and the factual circumstances which, in your opinion, constituted a violation of such laws. Any additional information which you might be able to supply which would be of help to this committee would be greatly appreciated.

Sincerely yours,

OREN HARRIS, M.C.,  
*Chairman.*

(The information requested by Mr. Harris follows:)

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS. SUPERIOR COURT  
IN EQUITY

GARRETT H. BYRNE, as he is the  
District Attorney for the Suffolk  
District of the Commonwealth of  
Massachusetts,

vs.

SAMUEL SILVERMAN d/b/a SAM SILVERMAN;  
INTER-CONTINENTAL PROMOTIONS, INC.;  
CASSIUS M. CLAY, JR., a/k/a MUHAMMAD  
ALI; CHARLES LISTON; BOSTON GARDEN-  
ARENA CORPORATION; and BOSTON AND  
MAINE RAILROAD.

INFORMATION

TO THE HONORABLE THE JUSTICES OF THE SUPERIOR COURT IN AND  
FOR THE COUNTY OF SUFFOLK:

Respectfully represents Garrett H. Byrne, as he is the  
District Attorney for the Suffolk District of the Commonwealth of  
Massachusetts, that:

1. He brings this Information pursuant to General Laws  
chapter 147, section 45 and by virtue of his inherent responsi-  
bility as District Attorney to represent and protect the public  
interest.
2. The respondent Samuel Silverman d/b/a Sam Silverman  
(Silverman) is a resident of Chelsea within our County of Suffolk.
3. The respondent Inter-Continental Promotions, Inc. (Inter-  
Continental) is a corporation organized and existing under the  
laws of the State of Pennsylvania, with a usual place of business  
therein at 407 Market Street in the city of Chester. It is now  
engaged in business within the Commonwealth of Massachusetts, as

will more fully appear below, but has not filed with the Massachusetts Secretary of State any of the instruments required by General Laws Chapter 181, sections 3 and 5.

4. The respondent Cassius M. Clay, Jr. (Clay) a/k/a Muhammad Ali is a resident of Louisville, Kentucky and is now commorant in Chicopee within our County of Hampden.

5. The respondent Charles Liston (Liston) is a resident of Denver, Colorado and is now commorant in Dedham within our County of Norfolk.

6. The respondent Boston Garden-Arena Corporation is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, with a usual place of business in Boston within our County of Suffolk.

7. The respondent Boston and Maine Railroad is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, with a usual place of business in Boston within our County of Suffolk.

8. By vote of the voters of the City of Boston on December 14, 1920, in accordance with the provision now designated as section 49 of chapter 147 of the General Laws, the provisions of sections 32 through 47 of that chapter were accepted and are still in force in the City of Boston.

9. Each of the respondents Silverman and Inter-Continental is a promoter of professional prize fights. Silverman holds a license granted by the State Boxing Commission of the Commonwealth

of Massachusetts to hold and conduct boxing matches and exhibitions in the city of Boston within our County of Suffolk. The District Attorney is informed and believes and therefore avers that the State Boxing Commission of the Commonwealth of Massachusetts has not granted Inter-Continental any license, nor has Inter-Continental applied to the Commission for a license, to hold or conduct a boxing match or exhibition in any place within this Commonwealth.

10. The respondent Clay is recognized by the State Boxing Commission of this Commonwealth as the professional heavyweight boxing champion of the world. The respondent Liston is a former professional heavyweight boxing champion of the world.

11. The respondent Boston Garden-Arena Corporation is the lessee in possession and control of a public auditorium and sports arena known as the Boston Garden, with a seating capacity for 15,000 spectators, located at the North Station, 100 Causeway Street in Boston within our County of Suffolk.

12. The respondent Boston and Maine Railroad is the record owner of the real estate on which the Boston Garden is situated.

13. The District Attorney is informed and believes and therefore avers that, by agreements made with each other and with Inter-Continental, Clay and Liston have agreed to fight each other at the Boston Garden on May 25, 1965 in a fifteen round professional boxing match (the "fight") for the heavyweight championship of the world; that Inter-Continental alone, on its own behalf, has conducted all negotiations with Clay and Liston to arrange the date,

place and terms and conditions of the fight; that the money which Clay and Liston are to receive for engaging in the fight has been determined by agreements which Inter-Continental alone, on its own behalf, has made with each of them; that Inter-Continental alone, on its own behalf, has negotiated and completed the sale or assignment, or agreements for the sale or assignment, of the so-called ancillary rights for radio, television, and motion picture coverage of the fight; that in consideration of Inter-Continental's promise to pay him the sum of \$15,000 as a fee and up to \$5,000 for expenses and to indemnify him against all liabilities, Silverman has agreed to permit Inter-Continental to conduct the fight in his name as the purported licensee under Inter-Continental's direction and control; and that the net profits to be derived from the fight shall accrue to Inter-Continental alone and that Silverman has no interest therein. Public announcements and advertisements stating the forgoing date and place of the fight are now being published in Massachusetts and elsewhere through the various news media and on public billboards, and the Boston Garden-Arena Corporation is now selling tickets to the public for the fight. These tickets state on their face:

"INTERCONTINENTAL PROMOTIONS, INC.  
Robert A. Nilon, President

Presents A Fifteen Round  
Heavyweight Boxing Match  
for the Championship of  
the World."

A ticket is annexed hereto and made a part hereof. The District

Attorney is informed and believes and therefore avers that the foregoing announcements and advertisements and sales of tickets are being made, and will continue to be made, at the direction and with the knowledge of Inter-Continental and Silverman and that the foregoing quoted statement on the face of the tickets was placed thereon at their direction and with their knowledge.

14. Because it is the actual person who is holding and conducting the fight, Inter-Continental is in violation of General Laws chapter 147, section 32 (which requires persons holding and conducting fights within the Commonwealth to be licensed by the State Boxing Commission.) By serving as Inter-Continental's nominee, Silverman is violating so much of section 4 of the rules and regulations of the State Boxing Commission, issued under General Laws chapter 147, section 46 (printed on page 14 of the booklet of the State Boxing Commission entitled "Laws, Rules and Regulations Relating to Boxing" and called "Form P") as provides:

"Associations holding licenses issued by this Commission shall not loan the license or conduct a match or exhibition under any name other than that stated in the license."

Section 1 of the Commission's rules (page 13 of Form P) defines "Association" as "any individual, club, organization or association conducting boxing or sparring matches or exhibitions."

15. The District Attorney is further informed and believes and therefore avers that no contract with either Clay or Liston relative to the fight is on file with the State Boxing Commission. Section 11 of the Commission's rules (page 19 of Form P) provides:

"Associations shall not advertise or announce the name or names of boxers matched for its next or any subsequent meetings, unless and until a contract with such boxer or boxers has been concluded and a copy of same filed with this Commission for approval."

The District Attorney is informed and believes and therefore avers that the only contracts with either Clay or Liston on file with the Commission are contracts with each of them for a fight originally scheduled to take place at the Boston Garden on November 16, 1964, but cancelled. On each of these contracts Inter-Continental and Silverman were signatories as co-promoters.

16. The District Attorney is informed and believes and therefore avers that the violations alleged in this Information will continue and that as a result the fight and the Boston Garden will, as determined by General Laws chapter 147, section 45, be common nuisances which, unless restrained and enjoined, will cause great and irreparable detriment to the public interest. Remedies at law are not adequate for its protection.

WHEREFORE the District Attorney prays that:

1. This Honorable Court shall, in accordance with General Laws chapter 147, section 45, abate the fight as a common nuisance, and to that end permanently enjoin:

a. Inter-Continental and Silverman, and each of them; and their respective agents, servants, attorneys and employees, from: - - holding, conducting or promoting any boxing match or

exhibition at the Boston Garden in Boston, Massachusetts between Clay and Liston on May 25, 1965 or on any rescheduled or substituted date; selling or otherwise distributing, or authorizing the sale or other distribution of, any tickets or tokens of admission thereto; and selling or otherwise disposing of, or agreeing to sell or otherwise dispose of, any of the radio and television rights therefor.

b. Clay and Liston from engaging in a boxing match or exhibition at the Boston Garden in Boston, Massachusetts on May 25, 1965 or any rescheduled or substituted date.

c. Boston Garden-Arena Corporation and Boston and Maine Railroad, and each of them, and their respective agents, servants, attorneys and employees from: permitting the Boston Garden to be used for a boxing match or exhibition between Clay and Liston on May 25, 1965 or on any rescheduled or substituted date; selling or otherwise disposing of any tickets or tokens of admission thereto; permitting any person to enter or remain in the Boston Garden to witness the same or, as a contestant, manager, trainer, second or otherwise, to participate therein; and allowing any radio or television equipment to be installed, connected or used at the Boston Garden for broadcasting or televising the match or exhibition.

2. Pending final determination of this proceeding, this Honorable Court shall temporarily restrain and enjoin:

a. Inter-Continental and Silverman, and each of them, and their respective agents, servants, attorneys and employees

from: - - holding, conducting or promoting any boxing match or exhibition at the Boston Garden in Boston, Massachusetts between Clay and Liston on May 25, 1965 or on any rescheduled or substituted date; selling or otherwise distributing, or authorizing the sale or other distribution of, any tickets or tokens of admission thereto; and selling or otherwise disposing of, or agreeing to sell or otherwise dispose of, any of the radio and television rights therefor.

b. Clay and Liston from engaging in a boxing match or exhibition at the Boston Garden in Boston, Massachusetts on May 25, 1965 or any rescheduled or substituted date.

c. Boston Garden-Arena Corporation and Boston and Maine Railroad, and each of them, and their respective agents, servants, attorneys, and employees from: permitting the Boston Garden to be used for a boxing match or exhibition between Clay and Liston on May 25, 1965 or on any rescheduled or substituted date; selling or otherwise disposing of any tickets or tokens of admission thereto; permitting any person to enter or remain in the Boston Garden to witness the same or, as a contestant, manager, trainer, second or otherwise, to participate or assist therein; and permitting any radio or television equipment to be installed, connected or used at the Boston Garden for broadcasting or televising the match or exhibition.

3. An Order of Notice issue for the speedy completion of the pleadings.

4. Subpoenas issue to the several respondents according to the usual forms and procedure of equity practice; that the time for appearance and pleading by the several respondents be set at seven days from the date of the filing of this Information and that the usual form of subpoena be correspondingly altered.

5. Process issue to Inter-Continental, at 407 Market Street, Chester, Pennsylvania, in form sufficient for service on the Secretary of State of the Commonwealth of Massachusetts pursuant to General Laws, Chapter 181, section 4, and that the time for appearance and answer be set at seven days from the date of the filing of this Information.

6. For such other, different and further relief as may seem just and proper.

Garrett H. Byrne  
Garrett H. Byrne, District Attorney  
for the Suffolk District

Jack I. Zalkind  
Jack I. Zalkind, Assistant District  
Attorney for the Suffolk District

Alan J. Dimond  
Alan J. Dimond, Legal Assistant for  
the Suffolk District

COMMONWEALTH OF MASSACHUSETTS

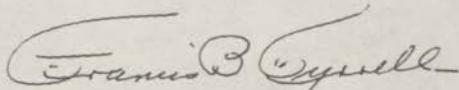
SUFFOLK, ss.

Then appeared the above-named Jack I. Zalkind who made oath that he has read the above Information and knows the contents thereof to be true, except such as are alleged to be made on information and belief, and as to them, that he believes them to be true, before me this 5th day of May, 1965.

John A. Pino  
Notary Public

COPY

ATTEST:-

  
ASSISTANT CLERK.

1.

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS. SUPERIOR COURT  
NO. 83890 Eq.

GARRETT H. BYRNE, as he is the  
District Attorney for the Suffolk  
District of the Commonwealth of  
Massachusetts

vs.

SAMUEL SILVERMAN d/b/a SAM SILVER-  
MAN: INTER-CONTINENTAL PROMOTIONS,  
INC.; CASSIUS M. CLAY, JR., a/k/a  
MUHAMMAD ALI: CHARLES LISTON;  
BOSTON GARDEN-ARENA CORPORATION;  
AND BOSTON AND MAINE RAILROAD

I N F O R M A T I O N

FILED: May 5, 1965

C O P Y

Garrett H. Byrne, District Attorney  
Suffolk, County  
Attention: Asst. District Attorney  
Jack I. Zalkind  
Courthouse, Pemberton Square  
Boston 8, Massachusetts

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS. SUPERIOR COURT

GARRETT H. BYRNE

VS.

SAMUEL SILVERMAN, ET ALS

DEMURRER TO INFORMATION BY  
INTER-CONTINENTAL PROMOTIONS, INC.

1. The respondent, Inter-Continental Promotions, Inc., demurs to the Information of the Complaint for the following reasons:

(a) The District Attorney lacks jurisdiction to bring this Information since the person conducting said boxing match, to wit, Sam Silverman, is licensed to conduct said match.

(b) The bringing of this action is in violation of, and in contravention of, the provisions of the law relating to "State Administrative Procedure", Chapter 30A of the Annotated Laws of Massachusetts.

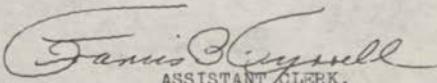
WHEREFORE the Respondent prays that said Information be dismissed.

INTER-CONTINENTAL PROMOTIONS, INC.

By: Garland Cherry.

COPY

ATTEST:-

  
ASSISTANT CLERK.

8.

COMMONWEALTH OF MASSACHUSETTS SUFFOLK,SS. SUPERIOR COURT  
SUFFOLK,SS. SUPERIOR COURT BOSTON MAY 5, 1965  
NO. 83890 EQ.

Filed and over-ruled  
allowed by the Court. Defendant's  
Exception noted.

GARRETT H. BYRNE

ATTEST Thomas F. Brophy  
Asst. Clerk

VS.

(Forte, J.)

SAMUEL SILVERMAN, ET ALS

COPY

ATTEST:-

DEMURRER BY

INTER-CONTINENTAL PROMOTIONS,  
INC.

---

*Frank B. Russell*  
ASSISTANT CLERK.

C O P Y

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS. SUPERIOR COURT  
NO. 83890 EQ. IN EQUITY

GARRETT H. BYRNE

VS.

SAMUEL SILVERMAN, ET AL

INTERLOCUTORY DECREE ON DEMURRER OF  
VARIOUS RESPONDENTS

This cause came on to be further heard at this sitting upon the demurrer of the defendant, and was argued by counsel; and thereupon, upon consideration thereof, it is ORDERED, ADJUDGED and DECREED that said demurrer be and hereby is overruled. Defts' Exceptions noted.

By the Court, (Forte, J.)

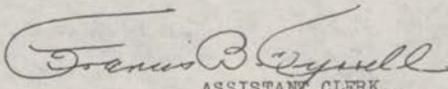
Thomas F. Brophey

Asst. Clerk.

ENTERED: MAY 5, 1965

COPY

ATTEST:-

  
ASSISTANT CLERK.



COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS.

SUPERIOR COURT  
IN EQUITY 83890

GARRETT H. BYRNE

VS.

SAMUEL SILVERMAN, ET ALS

ANSWER OF THE RESPONDENTS  
BOSTON AND MAINE RAILROAD

Now comes the Respondent, Boston and Maine Railroad, in the above entitled action and for answer states:

1. Without waiving a demurrer, the Respondent denies the allegations and demands proof at the trial hereof.
2. Admitted.
3. Denied in part. Inter-Continental Promotions, Inc. has, as a usual place of business, 5th & Welsh Streets, Chester, Pa. It is denied that Inter-Continental is doing business in Massachusetts.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. No knowledge.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted.

13. Denied in part. It is denied that Inter-Continental Promotions, Inc. is conducting said match in Silverman's name or in any other name. It is denied that Silverman has no interest therein. The allegation is otherwise admitted.

14. Denied.

15. Denied.

16. Denied.

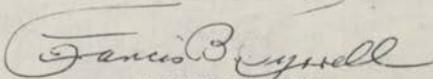
WHEREFORE the Respondent prays that the Information be dismissed and for such other relief as may seem proper to this Honorable Court.

BOSTON AND MAINE RAILROAD

BY: Richard J. Mulhern  
Attorney

COPY

ATTEST:-

  
ASSISTANT CLERK.

6.

COMMONWEALTH OF MASSACHUSETTS  
 SUFFOLK,SS. SUPERIOR COURT  
 IN EQUITY 83890

May 5, 1965

Filed by leave of Court.

ATTEST: Thomas F. Brophey  
 (Forte,J.) Asst. Clerk

GARRETT H. BYRNE

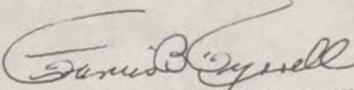
VS.

COPY

SAMUEL SILVERMAN, ET ALS

ATTEST:-

ANSWER  
OF BOSTON & MAINE RAILROAD

  
 ASSISTANT CLERK.

C O P Y



15. Respondent has no knowledge as to the allegations in Paragraph 15.

16. Respondent denies the allegations in Paragraph 16.

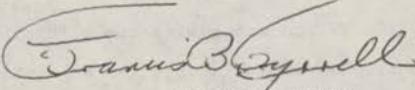
WHEREFORE the Respondent respectfully requests that the prayers asked for be dismissed and for such other relief as this Court may deem proper.

BOSTON-GARDEN ARENA CORPORATION

By: Charles W. Mulcahy, Jr.  
Attorney

COPY

ATTEST:-

  
ASSISTANT CLERK.

COMMONWEALTH OF MASSACHUSETTS<sup>5.</sup>  
SUFFOLK, SS. SUPERIOR COURT  
IN EQUITY  
NO. 83890

GARRETT H. BYRNE

VS.

SAMUEL SILVERMAN, ET ALS

ANSWER OF BOSTON-GARDEN ARENA CORP.

May 5, 1965  
Filed

Attest:- (Forte, J.)

Thomas F. Brophey  
Asst. Clerk

COPY

ATTEST:-

  
ASSISTANT CLERK.

COMMONWEALTH  
SUFFOLK, SS.

OF

MASSACHUSETTS

SUPERIOR COURT  
IN EQUITY

GARRETT H. BYRNE

VS.

SAMUEL SILVERMAN, ET ALS

ANSWER OF THE RESPONDENT,  
CHARLES LISTON

Now comes the Respondent, Charles Liston, in the above entitled action and without warning its Demurrer heretofore filed, for answer states:

1. Without waiving a demurrer, the Respondent denies the allegations and demands proof at the trial hereof.
2. Admitted.
3. Denied in part. Inter-Continental Promotions, Inc. has, as a usual place of business, 5th & Welsh Streets, Chester, Pa. It is denied that Inter-Continental is doing business in Massachusetts.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. No knowledge.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted.
13. Denied in part. It is denied that Inter-Continental Promotions, Inc. is conducting said match in Silverman's name or in any other name. It is denied that Silverman has no interest therein. The allegation is otherwise admitted.

14. Denied.

15. Denied.

16. Denied.

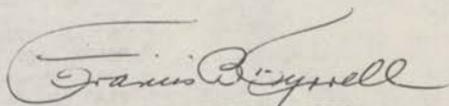
WHEREFORE the Respondent prays that the Information be dismissed and for such other relief as may seem proper to this Honorable Court.

CHARLES LISTON

Charles Francis Mahoney  
By: Morris M. Goldings  
Attorney

COPY

ATTEST:-

  
ASSISTANT CLERK.

## FEDERAL BOXING COMMISSION

4.

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS. SUPERIOR COURT  
NO. 83890 EQ.

BYRNE

V.

SILVERMAN

ANSWER OF RESPONDENT LISTON

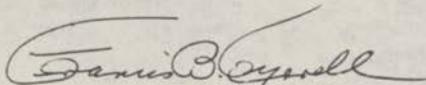
May 5, 1965

Filed.

Attest:- Thomas F. Brophy  
ASST. CLERK  
(Forte, J.)

COPY

ATTEST:-



ASST. CLERK.

FROM THE OFFICE OF:  
MAHONEY, ALPERT & GOLDINGS  
2 Park Square  
Boston 16, Mass.

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS. SUPERIOR COURT  
IN EQUITY

Garrett H. Byrne

vs.

Sam Silverman, et als

ANSWER OF THE RESPONDENT, SAMUEL SILVERMAN d/b/a SAM SILVERMAN

Now comes the Respondent, Samuel Silverman, in the above entitled action and for answer states:

1. Denied and proof thereof demanded at the trial hereof.
2. Admitted.
3. Denied in part. Inter-Continental Promotions, Inc. has, as a usual place of business, 5th & Welsh Streets, Chester, Pa. It is denied that Inter-Continental is doing business in Massachusetts.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. No Knowledge.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted.
13. Denied in part. It is denied that Inter-Continental Promotions, Inc. is conducting said match in Silverman's name or in any other name. It is denied that Silverman has no interest therein. The allegation is otherwise admitted.

- 14. Denied.
- 15. Denied.
- 16. Denied.

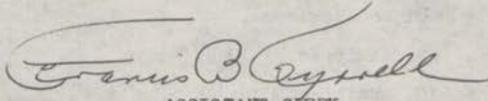
WHEREFORE the Respondent prays that the Information be dismissed and for such other relief as may seem proper to this Honorable Court.

SAMUEL SILVERMAN

By: John J. Cronin, Jr.  
Attorney

COPY

ATTEST:-

  
ASSISTANT CLERK.

3.  
COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS. SUPERIOR COURT  
IN EQUITY  
NO. 83890

GARRETT H. BYRNE

VS.

SAMUEL SILVERMAN, ET ALS

ANSWERS OF SAMUEL SILVERMAN

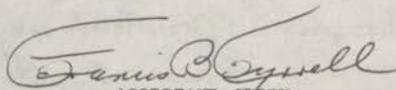
May 5, 1965  
Filed

Attest:- (Forte, J.)

Thomas F. Brophey  
Asst. Clerk

COPY

ATTEST:-

  
ASSISTANT CLERK.

C O M M O N W E A L T H   O F   M A S S A C H U S E T T S  
SUFFOLK, SS.

SUPERIOR COURT.  
IN EQ. 83890

GARRETT H. BYRNE

VS.

SAMUEL SILVERMAN, ET AL

DEMURRER

Now come the undersigned Respondents and demur to the information on each of the following grounds:

1. The Petitioner has no jurisdiction or standing to bring this information under G.L. Ch. 147, S. 45 or by virtue of any inherent responsibility of his as District Attorney for the Suffolk District of the Commonwealth of Massachusetts.
2. The information fails to state sufficient facts upon which the relief prayed for can be granted as the information admits that a license has been granted for the prize fight.
3. The Petitioner has failed to exhaust his available administrative remedies, including his right to intervene before the Massachusetts State Boxing Commission at various times during which the said Commission had before it the matters raised by this information.
4. The information fails to state such facts as would warrant the granting of the relief prayed for.

By their Attorneys,

Liston: Charles Francis Mahoney

Morris M. Goldings

Francis X. McLaughlin

Boston Garden Arena Corp.

BY : Charles Mulcahy, Jr.

Samuel Silverman

BY : John J. Cronin, Jr.

Cassius M. Clay A/K/A

Muhammad Ali

By Frank L. Kozol

Boston Mass. Corp.

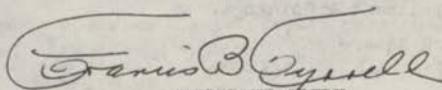
Richard J. Mulhern

Garland D. Cherry for

Inter-Continental Promotions, Inc.

COPY

ATTEST:-

  
ASSISTANT CLERK.



COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS.

SUPERIOR COURT  
NO. 83890 EQ.

GARRETT H. BYRNE

VS.

SAMUEL SILVERMAN, ET ALS

ANSWER OF THE RESPONDENT,  
INTER-CONTINENTAL PROMOTIONS, INC.

Now comes the Respondent, Inter-Continental Promotions, Inc., in the above entitled action and for answer states:

1. Without waiving a demurrer, the Respondent denies the allegations and demands proof at the trial hereof.

2. Admitted.

3. Denied in part. Inter-Continental Promotions, Inc. has, as a usual place of business, 5th & Welsh Streets, Chester, Pa. It is denied that Inter-Continental is doing business in Massachusetts.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. No knowledge.

9. Admitted.

10. Admitted.

11. Admitted.

12. Admitted.

13. Denied in part. It is denied that Inter-Continental Promotions, Inc. is conducting said match in Silverman's name or in any other name. It is denied that Silverman has no interest therein. The allegation is otherwise admitted.

14. Denied.

15. Denied.

16. Denied.

WHEREFORE the Respondent prays that the Information be dismissed and for such other relief as may seem proper to this Honorable Court.

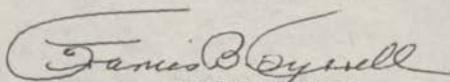
INTER-CONTINENTAL PROMOTIONS, INC.

By: Garland Cherry

Attorney

COPY

ATTEST:-

  
ASSISTANT CLERK.

9.

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK,SS. SUPERIOR COURT  
NO. 83890 EQ.

MAY 5, 1965

Filed by leave of Court.

ATTEST: Thomas F. Brophy  
(Forte, J.) Asst. Clerk.

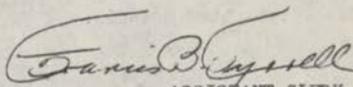
GARRETT H. BYRNE

COPY

VS.

ATTEST:

SAMUEL SILVERMAN, ET ALS

  
ASSISTANT CLERK.

ANSWER  
OF INTER-CONTINENTAL PROMOTIONS,  
INC.

C O P Y

## FEDERAL BOXING COMMISSION

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS. SUPERIOR COURT  
No. 83890 EQ. IN EQUITY

GARRET H. BYRNE

VS.

SAMUEL SILVERMAN, ET AL

INTERLOCUTORY DECREE ON DEMURRER BY INTER-CONTINENTAL PROMOTIONS,  
INC.

This cause came on to be further heard at this sitting upon the demurrer of the defendant, and was argued by counsel; and thereupon, upon consideration thereof, it is ORDERED, ADJUDGED and DECREED that said demurrer be and hereby is over-ruled. Defts'. Exception noted.

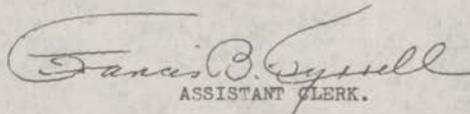
By the Court, (Forte, J.)

Thomas F. Brophy  
Asst. Clerk

ENTERED: May 5, 1965.

COPY

ATTEST:-

  
ASSISTANT CLERK.

COMMONWEALTH OF MASSACHUSETTS 10.  
SUFFOL,SS. SUPERIOR COURT  
IN EQUITY  
NO.83890

GARRET H. BYRNE

VS.

SAMUEL SILVERMAN, ET AL

INTERLOCUTORY DECREE ON DEMURRER  
BY INTER-CONTINENTAL PROMOTIONS,  
INC.

C O P Y

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
IN EQUITY  
NO. 83890GARRETT M. BYRNE, as he is the  
District Attorney for the  
Suffolk District of the  
Commonwealth of Massachusetts

vs.

SAMUEL SILVERMAN, d/b/a  
SAM SILVERMAN, ET ALSTIPULATION

The parties hereto stipulate that the fight between Cassius M. Clay, a/k/a Muhammad Ali, and Charles Sonny Liston scheduled for May 25, 1965, will not take place in Suffolk County, Massachusetts. On May 26, 1965, the Information is to be dismissed, without prejudice and without costs, if the said fight has not theretofore taken place in Suffolk County.

Garrett H. Byrne  
GARRETT H. BYRNE, District  
Attorney for the Suffolk  
District

SAMUEL SILVERMAN, d/b/a  
SAM SILVERMAN

By John J. Cronin, Jr.  
His Attorney

CASSIUS M. CLAY, JR., a/k/a  
MUHAMMAD ALI

Friedman, Atherton, Sisson & Kozol  
By Joel A. Kozol and Frank L. Kozol  
His Attorneys

BOSTON GARDEN-ARENA CORPORATION

By Charles W. Mulcahy, Jr.  
Its Attorney

May 7, 1965

COPY

ATTEST:-

INTER-CONTINENTAL PROMOTIONS,  
INC.

By Paul T. Smith  
Its Attorney

CHARLES LISTON

By his: Charles F. Mahoney

BOSTON AND MAINE RAILROAD

By Richard J. Mulhern

Approved  
Felix Forte  
J. S. C.

*James B. O'Connell*  
ASSISTANT CLERK.

11.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS. SUPERIOR COURT  
IN EQUITY  
NO. 83890

GARRETT M. BYRNE, as he is the  
District Attorney for the  
Suffolk District of the  
Commonwealth of Massachusetts,

vs.

SAMUEL SILVERMAN, d/b/a  
SAM SILVERMAN, ET AL

STIPULATION

FILED: May 7, 1965

C O P Y

## FEDERAL BOXING COMMISSION

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS.

SUPERIOR COURT  
NO. 83890 EQ.

GARRETT H. BYRNE

VS.

SAMUEL SILVERMAN, ET AL

MOTION OF RESPONDENT, BOSTON GARDEN-ARENA  
CORPORATION, TO AMEND ORAL STIPULATION

Now comes the respondent, Boston Garden-Arena Corporation, and states that through its counsel said corporation made an oral stipulation in Court on May 7, 1965, to the effect that said corporation would not sell any tickets to the Liston-Clay fight until hearings on the Information had been concluded.

Respondent further states that the proposed fight will now not be held in Suffolk County but is scheduled to be held in Lewiston, Maine. Respondent further states that it has acquired the rights to closed circuit television of the said bout at its premises.

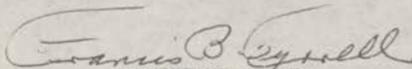
THEREFORE, the respondent, Boston Garden-Arena Corporation, respectfully requests that the stipulation entered into be amended and that the Boston Garden-Arena Corporation be allowed to sell tickets at its box office to the live fight to be held in Lewiston, Maine, and further that it be allowed to sell tickets to the closed circuit television of the same fight in Suffolk County.

By its attorney,

Charles W. Mulcahy, Jr.

COPY

ATTEST:-

  
ASSISTANT CLERK.

12.

SUFFOLK,SS. SUPERIOR COURT  
BOSTON MAY 14, 1965

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK,SS. SUPERIOR COURT  
NO. 83890 EQ.

Filed and allowed by the Court.

ATTEST: Thomas F. Brophy  
Asst. Clerk.

GARRETT H. BYRNE

VS.

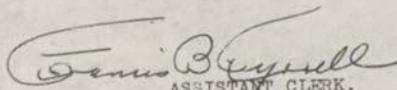
(Forte, J.)

SAMUEL SILVERMAN, ET AL

COPY

ATTEST:

MOTION TO AMEND

  
ASSISTANT CLERK.

C O P Y

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS. SUPERIOR COURT  
NO. 83890 IN EQUITY

GAPRETT H. BYRNE

VS.

SAMUEL SILVERMAN, d/b/a ET AL

FINAL DECREE DISMISSING BILL

This cause came on to be further heard at this sitting, and after stipulation by counsel; and thereupon, upon consideration thereof, it is ORDERED, ADJUDGED and DECREED that the bill be and hereby is dismissed.

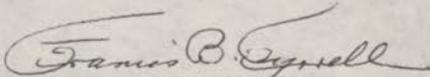
By the Court, (Forte, J.)

Thomas F. Brophy  
Asst. Clerk

ENTERED: May 27, 1965

COPY

ATTEST:-

  
ASSISTANT CLERK.

13.

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS. SUPERIOR COURT  
IN EQUITY  
NO. 83890

GARRETT, H. FYRNE

VS.

SAMUEL SILVERMAN, d/b/a  
ET AL

FINAL DECREE DISMISSING BILL

C O P Y

Jack I. Zalkind  
Assistant D.A.  
Suffolk County

## STATEMENT OF VINCENT T. WASILEWSKI, PRESIDENT OF THE NATIONAL ASSOCIATION OF BROADCASTERS

This statement is presented by Vincent T. Wasilewski, president of the National Association of Broadcasters. The National Association of Broadcasters (NAB) is a nonprofit corporation whose members include 2,099 AM, 871 FM, and 449 television stations, and all the national radio and television networks in the United States.

The NAB supports the purpose of H.R. 8635, introduced by Chairman Harris, and of identical bills introduced by Representatives Rivers of South Carolina, Tunney, Michel, Murphy, and Springer. The purpose of the proposed legislation as stated is to insure "that the channels of interstate commerce are free from fraudulent descriptions or depictions of professional boxing contests." While concurring wholeheartedly in this objective, we urge that the provisions in section 2 of the proposed bills which would impose a prior restraint on broadcasting or on any other medium of communications be deleted.

NAB recommends that the Congress examine all aspects of professional boxing to determine whether or not a need for remedial legislation exists. If the Congress should determine that racketeering, bribery, collusion, coercion, or any other form of impropriety exists in this sport, it should take such action as it may deem prudent to protect the public.

We believe it to be the proper function of the Congress to prevent anyone from using the channels of interstate communication for racketeering or other illegal acts. Sanctions, however, should be levied against the actual wrongdoers—not against the broadcaster who may have innocently and without any knowledge aired the particular event.

Section 2 of the bill should be amended to delete the proposed grant of power to a Commission to issue an order prohibiting interstate transmission of a communication by wire or radio. Any such exercise of authority would amount to a prior restraint and would, therefore, contravene the first amendment to the Constitution of the United States. Certainly the prohibition of free speech on a determination "that it is likely" that the message will be fraudulent would be constitutionally invalid. While we do not believe that prior restraint can be justified under the Constitution in a case of this kind, we believe that it would be virtually impossible for the Commission to determine with any reasonable degree of certainty before the event that a professional boxing contest had been fixed. It would be far better to rely upon criminal penalties that have withstood the test of time than to seek to impose restrictions upon speech.

Broadcasters share the interest of the public and of the committee in the preservation of the integrity of sporting events. Broadcast licenses are determined that their programing shall be of high moral character and in no way tainted by fraud. If the Congress can insure that professional boxing is free from impropriety, it will insure the integrity of broadcasts of professional boxing matches.

STATE OF CALIFORNIA, ATHLETIC COMMISSION,  
*Sacramento, Calif., June 24, 1965.*

HON. JOHN V. TUNNEY, M.C.  
*Congress of the United States,  
House of Representatives,  
Washington, D.C.*

DEAR CONGRESSMAN: I am writing to you at the direction of the California State Athletic Commission to express our continuing interest in Federal legislation on boxing, and in the hearings that we understand will be held before the House Interstate Commerce Committee next month.

Since 1959, we have consistently expressed our belief that a Federal law is in the national interest and is a necessity if boxing is to be reestablished as a worthwhile sport. The intervening 6 years have fully confirmed our views that a Federal law is the only possible solution.

We participated fully in the previous hearings before the Senate Committee, and we are anxious to present our views in detail and have witnesses appear before the House committee.

Numerous examples can be given where a State has conducted an extensive examination and found an applicant undesirable in some respect; this person

is denied a license, however, he soon reappears in another State conducting business as usual with complete impunity. Thus, those jurisdictions which attempt to eliminate the undesirables in boxing soon find themselves eliminated from consideration for any of the big boxing attractions.

The recent Clay-Liston fiasco is another case in point. As soon as Massachusetts attempted through its legal representatives to investigate the promoters of the fight, the promoters promptly took the fight to another State. Few athletic commissions are able to conduct proper investigations when this threat of withdrawal is made.

Most commissions are supported by taxes on the gate receipts of the boxing events held within their State or community, thus the very fights which might be controlled by hoodlums also are the very fights which the local commission is most desirous of having. Thus the time when the commission should be scrutinizing the promotion is also the time when the commission is under extreme pressure to overlook irregularities.

Some years ago the California Commission commenced an investigation which culminated in the conviction of some of the biggest hoodlums in boxing. None of these men were licensees of the California Athletic Commission, and only one or two were licensees of any Commission. Yet it was generally conceded that these men had a tight control over boxing, and some say they still do from their prison cells. The point is, these men were able to travel from State to State with complete impunity, for whenever one State started any inquiry, the problem was solved by the simple expediency of leaving the State. The only thing a particular State got for its efforts was the refusal by the hoodlum to let his boxers box in that State; even today, there are certain boxers who do not box in certain States merely because their manager or adviser is not welcome in that State.

Obviously, these factors tend to discourage all the legitimate commissions from properly regulating boxing, and as a matter of fact those States which welcome everybody reap the benefits.

The California Athletic Commission is therefore desirous of seeing Federal legislation in this field since it is obvious that the States cannot and will not take the necessary action. To this end, if there is anything that you feel the California Athletic Commission could do by way of support for your bill, or any of the other worthwhile bills now pending in Congress, please advise us for the commission is most anxious to assist in any manner possible.

Very truly yours,

JACK W. URCH, *Executive Officer.*

STATE OF COLORADO,  
STATE ATHLETIC COMMISSION,  
Denver, Colo., June 30, 1965.

HON. OREN HARRIS, M.C.,  
*Congress of the United States, House of Representatives, Rayburn House Office Building, Washington, D.C.*

DEAR CONGRESSMAN: I feel highly honored by this invitation to testify on July 6, 1965. I previously testified in Washington joining with Jack Dempsey, Senator Edwin C. Johnson of Colorado, Hon. W. Warren Barbour, senator of New Jersey and many others that testified to repeal legalizing of transportation of prizefight films. The was on S. 2047, Congressional Record, May 25, 26, 1939.

This letter is written with the main desire to be of some assistance in arriving at a solution for this rotten problem.

We're proud to say that Colorado was the first governmental entity in the world to bar Cassius Clay and Sonny Liston from any exhibitions in this State. We're hopeful that someday we will have jurisdiction over piped-in television, moving pictures, and other public demonstrations of these frauds.

If the pictures were not allowed to cross the State lines, other than the State in which they originated this would eliminate any phony boxing shows. People only go to the arena to see real boxers, not television actors.

I'm sorry that I will not be able to be there July 6, but may, at a later date, be able to meet you in Washington.

Give my regards to Jack Dempsey and Gene Tunney.

Respectfully yours,

EDDIE W. BOHN.

THE STATE OF WISCONSIN,  
STATE ATHLETIC COMMISSION,  
Milwaukee, Wis., July 1, 1965.

HON. OREN HARRIS,  
Chairman, Committee on Interstate and Foreign Commerce,  
Washington, D.C.

DEAR CONGRESSMAN HARRIS AND COMMITTEE MEMBER: I appreciate very much receiving your letter of June 22, 1965, asking for my comments on your legislation which you are endeavoring to introduce before Congress.

Boxing is probably the oldest of all sports; yet today it is being criticized and attacked on all sides. It seems to be the popular thing to do. In view of the President's plea for physical fitness, the inertia of those connected with boxing to correct what may be wrong with it is distinctly disturbing.

Present-day professional boxing is a national disgrace, as the recent heavy-weight championship fight between Cassius Clay and Sonny Liston has borne out.

Boxing control at present is vested in State commissions who are the sole arbitrators of the sport within their jurisdiction, and membership in the World Boxing Association is purely voluntary, and the two forces together have been unable to cope with professional boxing's unique formation, as the events have indicated.

Certainly with the troubled international scene it would seem incongruous for Congress to be preoccupied with a seemingly insignificant facet of our American life, but there is no question that at this point the public interest is also at stake.

With the considerable amount of moneys now involved, because of closed-circuit television, and with the relative mobility of the average promotional organization, emphasis need not be on the "live gate" but rather on the ancillary rights. If one jurisdiction finds fault with a promotion, it moves to a more friendly area, like what happened in the last Clay-Liston fight.

However unwelcome the establishment of a measure of Federal control may be over such an activity as boxing, many of us feel compelled to acknowledge that it is only through such regulation that this interstate industry can be controlled, because the World Boxing Association in itself has no vested authority and control over State boxing commissions.

One of professional boxing's biggest faults is that it has few if any good will ambassadors such as you would find in other sports. Champions are unique sort of persons who do very little to help their own cause, to stimulate interest in boxing, both from the fans' standpoint and that of a young man planning to enter the professional ranks.

Inaccurate recordkeeping of boxers, managers, trainers and owners of fights by the various commissions, and the inability of procuring proper information on boxers and managers is boxing's greatest danger. It affords the undesirable an opportunity to wedge its way in and hang on.

At the World Boxing Association convention of August 1963, I proposed that professional boxers be made to carry a recordbook, patterned after a seamen's logbook, which would contain such pertinent information as: real name and ring name of boxers, fingerprints, social security number, name of manager, photo of boxer, height and weight, color of eyes, and history of fights and medical history. A boxer would carry this recordbook with him from fight to fight with the respective commissions entering his opponent, result of fight, where held, when, and sign it.

I still retain one copy of that proposed recordbook which was distributed at the convention, adopted, but never, for some untold reason, put into effect. I will forward it to you if you so desire.

This book would not be a cure-all, but would certainly make a boxer more cautious and concerned about his associates and would also provide commissions with necessary information.

Also, because of the element of physical danger to the boxer if professional boxing is not properly supervised, and in many instances it is not in itself, is cause enough for a thorough looking into by your committee.

Boxing's cancer is obvious hoodlumism, undercover managers, and the influx of unsavory characters. Federal control could eliminate this.

However, I feel that one of the real reasons for professional boxing's lack of real talent fighting today is because amateur boxing, outside of Golden Gloves

tournaments, is getting to be a thing of the past. It seems that we are changing our likes and dislikes all the time. And with the other sports such as football, basketball, hockey increasing in interest, boxing is bound to suffer.

I have been associated with sports as a sportswriter, editor, commissioner, and participant for 25 years, and we here in Wisconsin have endeavored to make every effort to see that boxing is conducted on the highest plane possible.

I hope that these few suggestions will aid your committee.

Sincerely yours,

FRANK M. FALDUTO,  
*Chairman, State Athletic Commission of Wisconsin.*

THE RING, INC.,  
July 7, 1965.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
*Rayburn House Office Building,  
Washington, D.C.*

GENTLEMEN: There is no doubt about the necessity for the establishment of a Federal boxing commission.

Despite constant harping to the contrary, there still are unsavory characters in boxing and influences that a Federal commission backed by a police force would eradicate.

Of the utmost importance, if boxing is to survive, are the promotional and matchmaking aspects of the sport. The public is interested only in seeing proper, well-matched bouts, with champions meeting logical contenders and not picking up easy money to the detriment of the public.

The World Boxing Association and State and local commissions have been not only inefficient but often derelict in their duties. Selfish interests often have taken precedence over the welfare of boxing and the interests of the public.

Commissions alter in their attitudes, depending on their monetary interests. At one time they will force proper matches and insist on adequate supervision over licensing of managers. They will use their offices to insure that promoters and matchmakers do not bilk the public by return matches and by owning pieces of the fighters appearing under their control. On other occasions, commissions appear to be blind mice following the Pied Piper.

In addition to the policing action so necessary is the administrative function that a Federal commission could fulfill.

It is of the utmost necessity that uniformity of rules governing all boxing be set up to include not only scoring, gloves, size of ring, et al., but the procedures for appointing referees and judges. A schooling should be given all men who are to act as officials to insure not only their knowledge of boxing but that they are capable of performing their duties in an impartial and intelligent manner. Referees and judges should be appointed to State commissions on the basis of proven merit and not, as too often happens, on political maneuvering.

There should be a central file of all boxers, managers, seconds, and handlers, with the edicts of the Federal Commission mandatory for all States to follow.

The health of boxers must be protected in all States (this is now adequate in some) by proper medical examinations and records, copies of which would go to the central Federal office.

There is no lack of interest in good boxing, but there is a lack of faith in those governing the sport and in the promoters who have been running boxing inefficiently from the matchmaking level up through setting up actual competition.

The television medium, including the theater and home TV adjunct, must be thoroughly controlled since, in recent years, they have become the hub around which all big fights are run. Often those running such organizations have no interest in boxing other than feathering their nests for a quick payoff and then leaving the ailing sport in worse condition.

The paucity of fan interest in poor matches is understandable, but the fantastic interest in championship matches is indicative of the status of boxing in the international theater. Under proper control, boxing has a vital place.

As a former officer in the Army, I believe that the national virility is served by such red-blooded activity on both the amateur and professional levels, but I must emphasize, under proper supervision, and that is a Federal Commission.

Sincerely,

NAT LOUBET.

SILVER SPRING, Md., July 7, 1965.

DEAR SIRS: I am a professional boxer. By writing this letter I think I am speaking for a great number of people, especially fighters who are in the boxing business for one reason: they love boxing. We have something to say.

Boxing has already been banned in Connecticut. Even if a Federal Boxing Commissioner is appointed, chances are it will not be restored there. I am afraid that other States will follow Connecticut's example.

Jack Johnson, Joe Gans, and Joe Louis are part of America's heritage. And what better ambassador of good will have we than Ray Robinson? Boxing is the oldest of all sports and the only truly universal sport. It is good for the country.

I only ask that you do what you can to keep boxing alive. Many people need it.

Gratefully yours,

ADRIAN ROBINSON.

WILMER, CUTLER & PICKERING,  
Washington, D.C., July 14, 1965.

Congressman OREN HARRIS,  
Chairman, House Committee on Interstate and Foreign Commerce, Rayburn House Office Building, Washington, D.C.

DEAR MR. HARRIS: There is enclosed a copy of what is intended to be a model contract for a boxer and his manager. The contract is intended to safeguard the financial and physical well-being of the boxer, among other things.

This contract is the result of joint effort by Prof. Joseph Brown, of Princeton University, and me. Neither of us has any pecuniary interest in any aspect of the matter and merely developed this contract to see if its adoption might improve the sport of boxing in any way.

This contract is forwarded to you in the event you wish to include it as part of the material in the forthcoming hearings before your committee on the subject of a need for a Federal commissioner of boxing.

Very truly yours,

S. J. LANAHAN.

AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, between \_\_\_\_\_ hereinafter referred to as Boxer, and \_\_\_\_\_ hereinafter referred to as Manager.

WITNESSETH: In consideration of the covenants and conditions hereinafter contained, the parties hereto agree as follows:

## A. TERM OF CONTRACT

The Boxer shall render services solely and exclusively to the Manager in such boxing contests and exhibitions related to boxing as shall be arranged by the Manager in the manner hereinafter described. Such services shall be rendered for a period of two years from the date of the approval of this Agreement by the Athletic Commissioner of \_\_\_\_\_ State, except that such period may be less than two years if this Agreement is cancelled in the manner provided in paragraph 1 of Article C.

## B. COMPENSATION OF MANAGER

1. The following percentages of the amount of the boxing earnings (as defined in paragraph 2 of this Article) for the calendar year, or for such part thereof during which this Agreement shall be in effect, shall be paid over to the Manager—

IF THE BOXING EARNINGS ARE	THE MANAGER SHALL RECEIVE
Not over \$6,000_____	33 $\frac{1}{3}$ percent of the boxing earnings.
Over \$6,000, but not over \$14,000_____	\$2,000 plus 20 percent of the excess over \$6,000.
Over \$14,000_____	\$3,600 plus 10 percent of the excess over \$14,000.

2. For purposes of this Agreement, boxing earnings shall be the total amount received or accrued by the Boxer for boxing contests and exhibitions related to boxing less the following expenses paid or incurred by or on behalf of the Boxer during the calendar year in which such contests or exhibitions take place:

- (a) costs of necessary equipment,
- (b) fees necessary for obtaining the licenses for the Boxer to exercise his profession,
- (c) gymnasium and training camp expenses,
- (d) expenses, which are directly related to the exercise by the Boxer of his profession, and which are paid or incurred for transportation, living accommodations for the Boxer, Manager, and such other personnel as may be required by the Boxer,
- (e) medical and dental expenses of whatever nature arising from any injury suffered in the performance of his profession by the Boxer whether or not such expenses arise from an injury which was suffered before the effective date of this Agreement,
- (f) payments for training and public relations personnel, and
- (g) medical expenses for examination and tests required by Article D of this Agreement.

For purposes of this paragraph, boxing earnings shall be determined on the basis of receipts and expenditures of each calendar year or such lesser part thereof during which this Agreement shall be in effect. In determining boxing earnings, this paragraph shall be construed so as to match insofar as possible the earnings from boxing contests and exhibitions related to boxing against the expenses related to the particular contests and exhibitions taking place within the calendar year (or such part thereof for which this Agreement may be in effect) although the earnings and expenses may not have been received or paid within the calendar year (or such lesser part). The preceding sentence shall not apply to medical expenses described in (e) of this paragraph 2.

3. In the event that the expenses described in paragraph 2 of this Article (other than expenses described in (e) of such paragraph) exceed 20 percent of the total earnings of the Boxer derived from boxing contests and exhibitions related to boxing in any calendar year (or such part thereof for which this Agreement may be in effect) then the excess of such expenses shall be the personal liability of the Manager to be paid by him.

4. The Manager shall forward a statement of the boxing earnings of the Boxer for each calendar year (or such part thereof for which this Agreement may be in effect) to the State Athletic Commission which shall approve this Agreement as provided in paragraph 2 of Article E, and a copy of such statement shall be furnished to the Boxer.

The statements required by this paragraph shall show separately the amount received or accrued for each boxing contest or exhibition related to boxing in which the Boxer has engaged during the calendar year (or such part thereof for which this Agreement is in effect) and shall separately list the items of expense set forth in paragraph 2 of this Article. The statements shall be rendered within 60 days after the close of the calendar year, or after the close of such part thereof for which this Agreement shall be effective, whichever date is earlier.

#### C. CONTESTS

1. The Manager shall use his best efforts to secure remunerative boxing contests or exhibitions related to boxing, or both, for the Boxer. In the event that the Manager does not obtain a boxing contest for the Boxer for a period of four months after a request in writing for such a contest has been made by the Boxer, and a copy of such request has been filed with the State Athletic Commission which shall approve this Agreement as provided in paragraph 2 of Article E, then the Boxer shall have the right to terminate this Agreement.

2. The Manager shall consult with the Boxer before executing any contract on his behalf, and the Boxer, in his sole discretion shall have the right, before such contract is executed, to refuse to engage in any specific boxing contest or exhibition related to boxing.

3. The Boxer shall faithfully fulfill any contract entered into on his behalf under the circumstances described in paragraph 2 of this Article by the Manager and the Boxer shall attend to all training exercises as the Manager shall require.

4. The Boxer shall not engage in more than one boxing contest in any 14-day period which is scheduled to extend eight rounds or more.

5. While this Agreement is in effect, the Boxer shall not take part in any boxing contest or exhibition related to boxing except as shall be agreed upon between the Boxer and Manager.

6. It is understood that this Agreement relates only to the exercise by the Boxer of boxing skills in boxing contests or exhibitions related to boxing. Among the activities of the boxer to which this agreement does not relate are public appearances, speeches, dramatic performances, and employment of any kind for wages in any occupation other than one involving the use of boxing skills in boxing contests or exhibitions related to boxing.

#### D. HEALTH RULES

1. The Manager shall arrange for periodic examination of the Boxer's physical condition by a physician (other than a physician appointed by the Athletic Commission of any State) licensed to practice in the State where the Boxer maintains his principal residence and such examinations shall occur at least once during every 6-month period while this Agreement is in effect.

2. In the event that the Boxer shall be rendered unconscious (whether or not in a boxing contest) or in the event that a boxing contest shall be stopped because of the Boxer's inability to continue, the Manager shall arrange for the Boxer to undergo encephalographic, or similar tests to determine the extent of brain damage, if any, and the manager shall forward the results of such tests to the Athletic Commission of the State in which the contest took place. The Manager shall also forward a copy of such results to the Athletic Commission of the State in which the next contest of the Boxer takes place at least 10 days prior to the time when such contest is scheduled to occur.

#### E. ADMINISTRATIVE RULES

1. It is understood and agreed by and between the parties hereto that the services of the boxer are extraordinary, exceptional and unique.

2. This agreement shall not be valid until both parties have appeared before the \_\_\_\_\_ State Athletic Commission and the said commission has approved this agreement in writing.

3. This contract is null and void if during its term either the boxer or the manager is not duly licensed by the said commission.

4. The manager and the boxer both certify and warrant to each other and to the said commission, to induce its approval hereof, that no other person (except as hereinafter stated) in any way participates in the boxing earnings of the boxer, or in the manager's portion of such earnings, and that no oral or written agreement exists concerning such sharing or participation. The persons, other than the manager, who participate in the boxing earnings of the boxer are:

NAME	ADDRESS
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A description of the oral contract, or a copy of the written contract, with any of such persons is attached hereto.

5. The manager and the boxer both certify and warrant to each other and to the said commission, to induce its approval hereof, that if any person in any way participates in the boxing earnings of the boxer or in the manager's portion of such earnings, during the period for which the agreement shall be in effect, then it shall be the duty of each to notify the said commission in writing forthwith setting forth all circumstances of such participation.

As witness the hands and seals of the parties hereto:

Boxer -----  
 Manager -----

(Whereupon, at 12:20 p.m., the committee adjourned, subject to call of the Chair.)

[The page contains extremely faint, illegible text, likely bleed-through from the reverse side of the document. The text is too light to transcribe accurately.]

