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To : Members of the House Committee on Labor and Education

Re: Written Testimony of Patrick C. English in Opposition to the Proposed  
Amendment to the Muhammad Ali Act

Testimony of Patrick C. English, Esq.

As an individual who was heavily involved in the drafting of the Professional Boxer Health and Safety Act and the subsequent Muhammad Ali Act and who has an extensive boxing resume I feel that I am uniquely qualified to comment on the proposed amendments to the Acts.<sup>1</sup>

When John McCain and his staff drafted the Acts there was no agenda but one. That agenda was to make boxing better, safer, and more fair to boxers. There was no intent at all to favor any single promotional entity. That is not the case here. The clear intent is to favor a single promotional entity. The bill was substantially drafted by lobbyists for that entity, to wit Zuffa and its various subdivisions.

The bill does something that McCain expressly disavowed. There had been a history of coziness between certain promoters and ratings organizations. For

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<sup>1</sup> The views expressed herein have not been approved or reviewed by any client and are those of the author alone.

background on this read Jack Newfield's book, "Only in America: The Life and Crimes of Don King" and also read about the indictment and ultimate conviction of Bob Lee, then the IBF President. The Act was intended to create, among other things, a firewall between ratings organizations and Promoters. The proposed amendment destroys that firewall as to a selected entity which will be awarding in house championships based upon ratings which excludes boxers not affiliated with that entity. This is a betrayal of the current act and of what McCain and those who worked with him were trying to accomplish.

I am no apologist for the ratings organizations. Without any doubt I have litigated against the ratings organizations more than any other attorney when they have treated boxers unfairly. That being said, the mandatory process is important to allow boxers of merit the opportunity to fight for titles. This opportunity would be denied under the proposed Ali Act revision as to Zuffa fighters.

In addition to this basic and fundamental flaw in the proposed act, we note the following:

- The proposed Act betrays fighters by exempting what will be a single Zuffa controlled entity from the following provisions designed to protect fighters and would not be subject to the following :
  - (1) Protection from Coercive Contracts (Section 10 of the Ali Act)
    - Note that Section 10(B) could not be applicable to a Zuffa Entity, but Section 10(A) could be as the bill is currently drafted
  - (2) Required Disclosures for Promoters (Section 13 of the Ali Act)
    - Includes both required disclosures to Boxing Commissions and required disclosures to the fighters. Neither would be required under the proposed revision. The former impairs regulatory functions and the latter impairs the ability of fighters.
- Rules applicable to sanctioning bodies that protect fighters are not applicable under the proposed amendment. For example:
  - No requirement to create "guidelines for objective and consistent written criteria for the ratings of professional boxers."

- No requirement that the Zuffa controlled entity provide a “written explanation of the organization’s criteria, its rating of the boxer, and the rationale or basis for its rating” as part of an appeals process
  - No requirement to publish an explanation of change in ratings.
- With regard to sanctioning bodies, while they may not properly follow the above, fighters have legal recourse if a sanctioning body is not complying with its rules and regulations regarding rankings/title fights. Under the proposed Amendment the idea is for a Zuffa Controlled entity to operate as both a promoter AND a sanctioning body. This is exactly what the current Act prohibits. The reason for the prohibition is, of course, the protection of Fighters.
- There is no justifiable reason for there to be different language regarding the firewall between promoters and managers established by the Muhammad Ali Act and the proposed revision. It’s not clear from parsing the differences in language what benefit could be gleaned, but the same firewall protections should apply to the Zuffa Entity’s in its capacity as a promoter (again, under the notion here that the entity is both promoter and sanctioning body).
- The reporting of drug violations (PED’s) is dangerously weakened. Under the current system test results are reported to the Promoter and the local Commission and the ABC and the opponent. In the current bill results go to the promoter or the local commission or the ABC. The difference between the word “or” in the proposed amendment and the word “and” in the current Act has huge consequences. Under the proposed amendment legal responsibilities would be fulfilled if only the Promoter got the results. The potential for the hiding of results is obvious.
- Further, this is a closed system. Typically in boxing long term drug testing before a bout comes as a result of demands by the fighters. Examples include Usyk, Golovkin, Bivol, Haney, and a host of others. In a closed system as in MMA the contracts are set. There is no bargaining. Thus the opportunity to demand long term testing before a bout simply does not exist.
- Further the proposed law is vague as to what is to be tested for. Some years ago the Association of Boxing Commissions adopted the WADA list of prohibited substances and enhancement methods. The WADA standards are not incorporated into the proposed amendment.
- There is no requirement that participants in all title bouts be tested.

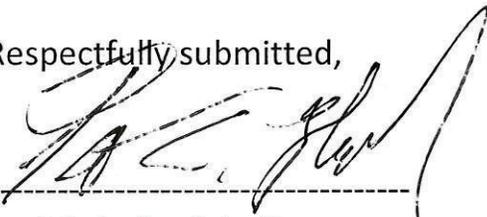
- The hypocrisy of the proposed Act is that it excludes MMA fighters. If this was an honest attempt at revision of combat laws it would include MMA fighters
- To qualify under the act it may be practically speaking impossible for any entrant who is not a Zuffa controlled entity. Two most notable examples are:
  - (1) Requirement of Equipment and Facilities for Training and Rehabilitation. This sounds good, but most boxers prefer to train in their own gyms with their own trainers.
  - (2) Comprehensive Anti-Doping Program. Again, this sounds good but it is ill defined. Does participation in the WBC and WBA's random testing programs constitute a comprehensive program ?
- At the recent Association of Boxing Commissions Conference a group of Fighters appeared . They quoted the Judge in the fighter's anti trust case against Zuffa - the case recently partially settled for 375 Million Dollars. They pointed out that there were findings that Zuffa had acted in a monopolistic manner and that there was no reason to believe that it would act in a different manner in boxing. In point of fact the proposed amendment would facilitate that.
- The proposed amendment would create two classes of promoters. From an equal protection analysis this would seem inappropriate and potentially unconstitutional.
- The marketing pitch for this amendment has included the assertion that the Muhammad Ali Act is not being amended but the Professional Boxer Health and Safety Act is being amended. The truth is that they are one and the same. The Professional Boxing Health and Safety Act came first and was amended by the Muhamad Ali Act. They are one single series of Federal Laws. To the extent this bill is being billed as anything other than that the marketing is false. Put bluntly, if the proposed amendment is being billed untruthfully it calls into question the honesty of those who are pushing for it.
- The proposed revision will kill the possibility of mega events. One of the purposes of the Ali Act was to enhance the possibility of co promotions leading to mega events.. The revision would create a closed system wherein TKO would have fighters under contract to it fight only fighters under contract to it. Having been involved in many of the most significant bouts in history ( e.g Lewis v. Tyson, the Gatti v. Ward trilogy, the Holyfield Bowe

trilogy, Joshua v. Klitschko , Whitaker v. Chavez and many others) I know to a virtual certainty that those bouts, involving multiple promoters would not have occurred under the closed system envisioned under the proposed Ali Act revision. Similarly, even in non mega events a closed system would limit boxers' opportunities. This was at the heart of the antitrust suit by MMA fighters against Zuffa resulting in a 375 million dollar settlement against Zuffa.

I do not pretend that the Ali Act or the Professional Boxer Health and Safety Act is perfect. There is room for improvement. Senator McCain recognized this. However the proposed Amendment is not the way to go. It lessens protections for boxers and is designed for a single purpose – to allow the new Zuffa boxing entity to avoid restrictions designed to protect boxers. I respectfully submit this is an ignoble goal.

If you wish I can suggest to the Committee a long list of knowledgeable Individuals who can help the Committee better understand the issues with this proposed amendment.

Respectfully submitted,



Patrick C. English, Esq.

Resume annexed