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Introduction to the Association of American Law Schools 1996 Annual Meeting of the Section of Law and Sports - San Antonio, Texas: Legal Issues and the Olympic Games

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Conference

INTRODUCTION TO THE ASSOCIATION OF AMERICAN LAW SCHOOLS 1996 ANNUAL MEETING OF THE SECTION OF LAW AND SPORTS—SAN ANTONIO, TEXAS: LEGAL ISSUES AND THE OLYMPIC GAMES

ROBERT N. DAVIS*

In an effort to set the tone for this meeting I would like for us to imagine that we are all in a laboratory, each of us with our white lab coats on and each of us coming to the table with questions, concerns and ideas regarding our subject, Legal Issues and the Olympic Games. We are thus engaged in a vigorous and stimulating discussion representing a spectrum of ideas and concerns regarding the Olympic Movement.

Toward that end I would like to make an observation. There is an important linkage between the principles that are represented in the Olympic Movement and the principles that drive the United Nations. As Boutros Boutros-Ghali, Secretary General of the United Nations noted:

The Olympic ideal is a hymn to tolerance and understanding between people and culture. It is an invitation to competition, but competition with respect for others. In its way, Olympism is a school of democracy. In other words, there is a natural link between the ethics of the Olympic Games and the fundamental principles of the United Nations. In the International Olympic Committee, the United Nations has a precious ally in its action in the service of peace and bringing peoples together.1

The President of the National Olympic Committee for Guinea observed:

On reading the preamble of the charter of the United Nations and the fundamental principles of the Olympic char-

* University of Mississippi School of Law. In addition to Professor Robert Davis' remarks, Ronald Rowan and James A.R. Nafziger addressed the Annual Meeting on January 6, 1996.

ter, one is struck by the similarity of purpose of the two bodies, one of which (the United Nations) is celebrating its 50th Anniversary and the other (the International Olympic Committee) its centenary.2

Paragraph 2 of the preamble of the United Nations Charter provides:

We, Peoples of the United Nations determined to save succeeding generations from the scourge of war which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, and for these ends to practise tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security.3

For its part, the Olympic Charter provides in number 2 of its fundamental principles:

Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy found in effort, the educational value of good example and respect for universal fundamental ethical principles.4

As Fekrou Kidane, the editor-in-chief of the Olympic Review magazine noted:

The international dimension of the sports phenomenon has transcended national borders: sport fosters unity. Sport is a school of peace, and as such it should be taught. It would be simplistic and naive to think that practising sport is synonymous with working for peace. The function of diplomacy, in addition to its strategic implications, is to

4. Diallo, supra note 2.
reinforce friendship between peoples, to foster dialogue, and to give voice to the different interests at stake rather than to demonstrate power. Sport and diplomacy therefore have common goals. Sport can finally serve diplomacy and, inversely, diplomacy can serve sport. Yet in the last analysis, everything depends on what men do, for better or worse.  

All of these comments represent the noble side of international sport and some might say because they are comments from institutional representatives they may not reflect the whole story. There is another view. The other view is vividly recounted in the book entitled Dishonored Games: Corruption, Money and Greed at the Olympics. The book’s authors present a different picture. The introduction to Dishonored Games states the following:

In our book, we disclose what you are not allowed to see on your TV and what the newspapers do not tell you about the Olympics and world sport. For the last four years we have sought to discover who controls sport, where the money goes, and why what a decade ago was seen as a source of beauty and purity is now tacky, anti-democratic, drug ridden and auctioned off as a marketing tool of the world’s multinational companies. To our surprise it has turned out to be the most difficult investigation we have ever undertaken. In recent years we have written, or made TV documentaries, about the Mafia, the Iran-Contra affair, terrorism, corruption within Scotland Yard, and other dark areas of public life. The world of Olympic, amateur sport has proved the hardest to penetrate. Never before have we found it so difficult to obtain on the record interviews, documents and original sources. Early on in our research, one venerable International Olympic Committee member even set lawyers on us to prevent publication of criticisms of the Olympic leadership that had been made in a lengthy taped interview.

When the book was first published in Europe in 1992, the full weight of the International Olympic Committee’s publicity machine was thrown against us. This is our discovery about the world of modern Olympic sport: it is a

secret, elite domain where the decisions about sport, our sport, are made behind closed doors, where money is spent on creating a fabulous life style for a tiny circle of officials rather than providing facilities for athletes, where money destined for sport has been siphoned away to off-shore bank accounts and where officials preside forever, untroubled by elections.7

This then is the other view of Olympic sport, a view that is rather ignoble. These conflicting views raise questions and thus, the issue is joined as we look forward to celebrating in July of 1996 in Atlanta, Georgia the 100th anniversary of the first modern Olympics held in Athens, Greece in 1896.8 Atlanta will celebrate the largest peace time event in the world. It promises to be the most technologically advanced, include the most athletes competing before the most spectators9 and boasts of having all 197 official invitations accepted by participating countries.10 What more appropriate topic then than Legal Issues and the Olympic Games.

7. Id.
9. Id.
10. Atlanta Hits Full Attendance for Olympics, USA Today, Jan. 5, 1996, at 1. This summer promises to be the first Olympics in the postwar era to record perfect attendance. Id.