Voices in Sports and Sports and Society

Robert A. Mertzman



Sports and Sports and

Robert A. Mertzman

University of South Florida

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sports and society telecourse programs and suggested readings

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Medicine and Sports: Peak Performance vs. Optimum Health

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Sports and Government: Sports Subsidies

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preface

Voices in Sports and Society arises out of an extraordinary conference held in Tampa, Florida, The Summit: The First International Conference on Ethics and Sports, hosted by the Ethics Center at the University of South Florida. Nowhere before had such a diverse group of talented and concerned academics, professionals, authors, journalists, and athletes met to openly discuss ethical and managerial issues in sports. Panels composed of athletes, psychologists, journalists, sociologists, coaches, philosophers, college presidents, lawyers, social activists and sports administrators, discussed issues, often very personal issues, of importance in sports and society before and with a general audience.

The conference was the idea and result of years of visionary work by Professor Peter French, Ph.D., noted ethicist and Director of The Ethics Center at the University of South Florida. Together with the energy and creativity of the conference producer, Marcia Sage, J.D., they made this historic gathering a reality. Few innovative ideas are brought into reality without significant financial support, and major funding was provided by the USF Foundation.

It was unpredictable, but during the conference a special feeling arose among the diverse gathering; they knew they were participating in something that was very special. We hope that much of that feeling is conveyed in these pages. The reverence and seriousness in some of the discussions is complemented by the good-natured jousting and repartee in others. The conference participants made themselves available for in-depth interviews and enthusiastically attended each other's panels and presentations and posed challenging questions. The virtues of this book are the direct result of the quality and generosity of the participants.

Voices in Sports and Society was developed from both the scheduled conference activities and hours of interviews conducted by Robert Mertzman. The conference was professionally videotaped by Philosophy Lab Corporation under an agreement with the University of South Florida, and transcripts were derived from the recordings. Monte Dorriety did the yeoman's task of transcribing the audio into electronic form. Janet Mertzman then undertook the difficult task of transforming the rough transcriptions into literary form while accurately conveying both the meaning and the character of the off-the-cuff spoken word. Robert Mertzman organized the elements into modules, coordinated the sections with the 26 video programs in the "Sports and Society: Ethics, Management, and Decision Making" video series and telecourse, and wrote the brief introductions to the modules.

We would also like to thank each and every person whose words and ideas appear in this book. Of course, any shortcomings or errors in the book are solely my responsibility.

—Robert Mertzman



introduction

Within these pages we have an extraordinary opportunity to meet people who care deeply about sports—for themselves, for those they love, and for society.

We are fortunate to be included in a sport's 'family discussion' where personal issues, sensitive issues, and issues frequently not discussed with 'outsiders' are addressed in a lively fashion. There are times when their voices praise how sports made wonderful things possible, and there are times when their voices speak out to make sports better by identifying problems and suggesting changes in the way things are done. Throughout this discussion we hear the voices of those who love sport as a wonderful personal experience, and of those who love sport for what it can do for us and for our society.

We are privileged to listen to lively discussions among athletes, academics, coaches, administrators, doctors, lawyers, and business people concerning important issues in sports. During May of 1998, these people were brought together by The Ethics Center at the University of South Florida for "The Summit: The First International Conference on Ethics and Sports" in Tampa, Florida. Through panel discussions, interviews, and keynote speeches, they created an atmosphere of shared inquiry into sports and society issues. In speeches, panel discussions, or one-on one interviews, we are exposed to many voices from a variety of perspectives presenting ideas and arguments, frequently from a deeply personal point-of-view. Together we explore issues which demonstrate how and why sport is an important part of our society.

As we listen to the talks, discussions, and interviews, we encounter unique descriptive accounts which depict how sports actually affects individuals, organizations, institutions, and societies. We

are also presented with prescriptive recommendations on how sports should be conducted by individuals, organizations, institutions, and societies. Some recommendations on what should be done (prescriptions) are based upon presuppositions of the way things are (descriptions). However, some descriptive accounts and prescriptive recommendations may conflict. Issues in sports and society are not only about what is—they are also about what should be.

By exploring a variety of ethical, scientific, and managerial perspectives on issues in sport, the big picture regarding the interrelationship of sports and society comes into focus. Equipped with this general background we may choose to pursue specialized investigations into these issues. We can see how our specialties may fit into the larger context.

- Descriptive adequacy of sports can be pursued by the social, physical, and psychological sciences, which seek "the facts" to support or suggest theories which can be used by athletes, coaches, administrators, and managers.
- Prescriptive adequacy can be pursued by ethicists, athletes, coaches, administrators, managers and academics to determine what should be done, what actions are permissible, and what steps need to be taken to "do the right thing." By knowing how our descriptive understandings and prescriptive recommendations affect sports, we may improve both sport and society for ourselves and for others.

While a variety of voices are included here, we realize that no single work could, or perhaps should, contain every available point of view. Our goal has been to provide a wide range of voices sufficient to convey key information, as well as the

depth of feeling and personal importance that sport has for many in our society. We certainly do not claim to have provided the last word on the subjects.

As in most family discussions, there is an underlying assumption of love, care, or at least common interests among the participants. In such a context, talk can be more open and sometimes more strident than in a public argument. So when some of the voices seem harsh, remember that you are witnessing a family quarrel. And as we might find in the study of a real family, we have a wealth of material for scientists interested in describing how things are in sports and society, and we also

have a wealth of material for ethicists and managers interested in prescribing what the goals of sport and society should be and how we should pursue those goals.

As you read this collection of voices in sports and society, consider both what the participants say "is the case" and how they think things "ought to be." Then ask yourself, what do I think about this? What should I do about this? What would I have done if I were in the same situation? In this way we can all participate in the family discussion and become part of a virtual summit conference on sports and society.



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module

Ethics, Management and Decision Making in Sports and Society

In this module we consider the foundations of ethical issues in sports and society.

Issues regarding sports and society arise in the personal decision making of athletes, coaches, and managers of sports, but these issues do not arise in a vacuum. Sports thrive within societies which have institutions, values, rights, responsibilities, and rules. Sports both influence and are influenced by society.

Our introduction begins with the personal sports and society perspective of the Honorable Alan Page. His experience as a professional football player, as a lawyer, as a father of athletes, and as a Supreme Court Justice for the State of Minnesota, provides him with a special perspective on the place of sports in society. He identifies a number of significant issues in sports which he believes need to be addressed. He recognizes several ethical issues which are both societal as well as endemic to sports and recommends actions which need to be taken to remedy the situation. During the interview which follows his keynote address, the Honorable Alan Page reveals himself to be a loving father and a concerned citizen, as well as an athlete whose participation in sports created career opportunities.



We then turn to the panel discussion "Is It Only a Game?", where we look at the role of sport in society and the tension between sportsmanship and gamesmanship. In this panel discussion we encounter the perspectives of ethicists, psychologists, sports journalists, college presidents and sports association administrators and activists.

We are introduced to the subject by Michael McNamee, Ph.D., Reader in Applied Philosophy, Cheltenham and Gloucester, UK. Dr. McNamee and participating panelists Robert Lipsyte of *The New York Times*, Brenda Light Bredemeier, Ph.D., Social Scientist at the University of California, Berkeley, Scott Kretchmar, Ph.D., Professor, Penn State University, William E. Shelton, Ed.D., President of Eastern Michigan University, and Daniel E. Doyle, Jr., Founder and Executive Director, Institute for International Sport discuss a variety of fundamental issues concerning the conduct of sport.

A series of interviews follows the panel disucssion and provides several different points of view regarding the place of sports in our lives and our societies. The interview with Jan Boxill, Ph.D., Lecturer in Philosophy at the

University of North Carolina, provides a definition of sport and an opportunity to gain insight into her deeply felt reasons why the opportunity to play sports should be an important right in society. Oregon State University English Professor Michael Oriard, Ph.D. presents his personal story of transition from athlete to scholar and shares insights derived from his pioneering research into the history of sports in America. San Diego University Philosophy Professor Lawrence M. Hinman, Ph.D. delves into the relationship of sports and play; he characterizes some aspects of sport and play among children as a rehearsal for life and discusses the relation of ethical concepts, principles, and the-

ories as they apply to sports. Wisconsin University Philosophy Professor, Claudia Card, Ph.D., explores the important role that sports can play in character development. Professor Franz Dwachter of Louvain, Belgium shares his insights from the study of sports as a product of modernism and seeks to understand society and its history through the study of sport. Baylor University Professor of Religion, Blake Burleson, Ph.D., places sport into the context of American religious history and into the personal life of athletes and their careers.

The interviews, panel discussions, and keynote speech prepare us for our encounter with sports and society issues in the subsequent sections.

keynote address



Justice Alan C. Page



Justice Alan C. Page

You are here today and for the next two days to listen, learn about, and discuss ethical issues in sports. I'm pleased to be a part of this gathering.

Conversations you'll be having over the next couple of days will not only play a role in improving sports, but—to the extent that sports is a metaphor for what goes on in the real world—these discussions will have a role in improving society.

I left professional football after the 1981 football season. Since that time I have been a runner and the father of a daughter who is soon to be a graduating inter-collegiate athlete, but I haven't spent a great deal of time thinking about ethical issues as they relate solely to sport. I have, however, spent time thinking about, worrying over and working on ethical issues as they relate to the law. Thus, when I was asked to speak at this conference, I wasn't really quite sure what it was I had to offer—especially to a group that is made up of experts in amateur and professional sports, and experts in the area of ethics. Ethical concerns arise in virtually everything we do. The issues are so broad, complex and pervasive that it is going to be a challenge to those of you attending this conference to begin to scratch the

surface of the issues that you'll be discussing, let alone for me to tackle the subject in the time that I have.

One can hardly open a newspaper or turn on the evening news without finding a story about some wellknown professional or amateur athlete that implicates ethical issues in sports. All too often, lately it has to do with the athlete's misbehavior whether it be in uniform or out of uniform. We hear about misconduct in legal behavior, including the possession and sale of illicit drugs, drug and alcohol abuse, and the use of violence on anyone who gets in the way, whether it's an opponent-you can almost name any hockey player you want or you can pick anybody who was in that brawl last night in New York, a coach and of course the name Sprewell comes to mind, a photographer and there's the name Rodman-or someone unconnected to the game, such as a bar patron, a groupie, a girlfriend or a wife. We hear about promiscuity, sexual assaults, performance enhancing drugs and the general lack of respect for both the game's and society's rules and values. And what about the importance of sportsmanship? Or should I say the rampant poor sportsmanship: the trash talk, the taunting and that dancing the players do. Has good sportsmanship lost its meaning altogether?

Now image is everything for today's athlete and I should say athlete-entertainer, especially in front of the unblinking eye of the TV camera. Once players sacrificed themselves for the good of the team. Many of today's players are more likely to sacrifice the team for themselves. The issue of greed cannot be ignored as multi-millionaire athletes and billionaire owners become the norm and their primary objective seems to be finding ways to divide up what they hope wi'l continue to be an ever growing golden pie. Just take a look at what has happened to the Florida Marlins.

Today's athlete isn't simply a member of a team, he or she is sole proprietor of a multi-million dollar entertainment industry and it's interesting that the media just can't seem to get enough, no longer even pretending to be an objective observer. The media does everything in

its power to make everything bigger than life, as though events in life itself aren't big enough in their own right without the help of sensationalism. The more sensational the story, the better it sells, I suppose. But do I really need to know the amount of a particular athlete's child support payments or do I need to know who he's sleeping with? I don't think so. Whatever happened to the day when some things were actually private?

There are other issues as well, some that affect the integrity of academic institutions nationwide. I'm talking about the fact that the NCAA, an organization whose role and sole purpose (at least as I understand it) is to regulate college athletics, is for all practical purposes setting the academic agenda for students at all grade levels - from kindergarten through college. Does anyone else in this room find this to be as bizarre as I do? I always thought that academic agendas were the coveted responsibility, particularly at the high school and elementary school levels, of the local community.

What makes me think about this in particular is the relatively recent controversy regarding college-bound athletes who are denied their athletic scholarships by the NCAA because one or more of their high school courses don't meet the NCAA's academic requirements. Whether or not these courses—which were apparently good enough to get these students into college in the first place and good enough for them to graduate—are good courses or not, is really not the point. Although in the case of some Minnesota athletes who have been affected by this, the courses involved were honor's courses from some of our state's best high schools. The point is that when we allow the NCAA to dictate high school curriculum and make judgments about what children need to learn, we are abdicating our responsibility.

This is the same NCAA which requires athletes to take a minimum course load each semester or quarter and requires them to make continuing progress towards their degree to remain eligible. Yet, why is it that after spending three to four years as an intercollegiate athlete so many end up no closer to earning a degree than they were when they first walked in the door? Is it time that we consider divorcing the academic enterprise from those revenue producing athletic enterprises? How else can we save the integrity of our academic institutions?

How about those athletes who spend three to four years in school but still lack some of the basic skills? During my last year with the Vikings, we had a new defensive line coach who thought that the best way to teach Jim Marshall, Carl Weller and myself how to be better football players—how to be better defensive linemen—was to have us read the play book in our team meetings at night. There were nine of us in the group. Now I don't know how many of you have had the opportunity to read an NFL play book, but I suspect one or two of you probably have. For those of you who haven't, the difficult words are offense, defense, block,

tackle, etc. Out of the nine young men in that group, five of them couldn't read that play book. Each one of those young men had spent three to four years in some of this nation's best academic institutions. Obviously they missed out on learning how to read in the first, second and third grade—long before they became athletes. But they, like thousands of other children before and after them, slipped through the cracks of an imperfect educational system. They were fortunate, however, to have better-than-average athletic skills which allowed them to reach a certain level of success. But what about all those others? While that was twenty years ago, I don't have a great deal of confidence that things have changed all that much.

Maybe it's time for the sports world to consider a code of conduct or code of ethics. As a lawyer, I was governed by rules on lawyers' professional responsibility. As a judge, I'm governed by the code of judicial conduct which sets the floor for ethical conduct. Certainly lawyers are not perfect and clearly there are those who fail to meet our ethical standards, but having minimal standards with a disciplinary process in place raises the ethics of everyone in the profession. Maybe it's time to at least consider such codes for the world of sport—covering athletes, their agents and those who manage, own and control athletic teams.

The ethical issues that are going to be grappled with at this conference gained attention because sports and athletics are so big and so important—and that's good. However, it's also important to recognize that athletes are only the visible tip of the iceberg. They bring attention to these issues in ways that few others can. But from where I sit, I can tell you that these issues go well beyond the athletic arena. I will also say that I believe the solutions to these issues start right here, with people like all of us here in this room—those who are interested in exploring ways to strengthen society's moral fiber. That task has never been more important.

Our world continues to grow more and more complex, more and more complicated. Every day each of us is asked to make choices about who we are and who we will become. Those choices affect our well-being, as well as the well-being of others. It is not always easy to do the right thing in the face of powerful economic, social and occupational pressures. Indeed it becomes even more difficult when a nation's social values seem to stress winning and the pursuit of self-interest—not just in sports, but in every level of everyday life. Too often the focus is on climbing the social and economic ladders as quickly as possible without much concern for who gets stepped on along the way. You know the old sayings: "it's a dog eat dog world"; "you need to look out for number one"; "nice guys finish last".

Think back to a time when you felt torn between doing what you know is right and what was most expedient. We find ourselves in those situations all the time. How do you respond? How about the situation in which the difference between right and wrong was more gray than black and white? How do you respond to those situations? Do you rationalize that since it wasn't entirely clear what the right response was, any choice you made would be okay?

The American Heritage Dictionary defines character as moral or ethical strength, integrity, fortitude. Wrapped up in some of these ethical situations are issues of character. In a sense, character is who we are at our very core. It's what determines what we believe and how we choose to respond to any given situation. Character is not something that we are born with. . . .nor does it develop automatically. It must be consciously developed. Character is also not something that is static. Whether we are fifty or fifteen, five or seventy-five, we will be forced to re-evaluate and renew our character again and again. It isn't enough to rely on what we've done in the past; that's old news. It isn't enough to give lip service to what we believe; actions speak louder than words. How we act today and every day for the rest of our lives defines who we are. That's true for everybody in this room; that's true for athletes. How they act today and every day for the rest of their lives will define who they are. Character doesn't just happen-doesn't just happen. People with character take responsibility for who they are and what they do. They don't blame others and they recognize their role as responsible individuals.

To resist the pressures and temptations that seduce us, to make the easy choices rather than the right choices, and to be a person of character takes a strong person. I don't mean strong in the physical sense for, quite frankly, physical stature has nothing to do with character. If strong in the physical sense had anything to do with it, there isn't an athlete out there who wouldn't be a person of good character. I mean strong in the sense that believing that each one of us has an obligation to act in ways that build rather than diminish our character and the character of those around us. Athletes have a special obligation to be people of character. Whether we like it or not, whether we want it or not, whether we're prepared for it or not, our athletic status makes us heroes to some and role models to many. That's simply one of the things that comes along with athletic success. However, just because one is a good athlete doesn't mean that one is a good person. While being gifted athletically makes one worthy of some recognition and may even make one a hero, it does not make one a role model.

What does it mean to be a person of character? It means being honest and trustworthy, saying what we mean and meaning what we say, not saying something when we don't mean it. It means keeping our promises, playing fairly, making decisions with others in mind, and treating people with respect and respecting ourselves. It means working to figure out the difference

between right and wrong and then acting accordingly, including taking responsibility for our own actions.

Have you noticed that while everyone clamors to be recognized for success, nobody wants to take responsibility for failures—especially on the athletic field? Of course, given the pedestal that we place our athletes upon, it's reasonably understandable why nobody wants to be responsible for being vanquished. More and more there seems to be a tendency to view ourselves as isolated individuals competing for the big prize.

We seem to distrust each other more and cooperate less. There is more and more evidence of the rising intolerance that we seem to have for one another, in sports, as well as society generally. But the fact is that although I was once considered to be a great football player, it doesn't necessarily mean that I'm a man of good character. The fact of the color of my skin doesn't mean that I'm NOT a man of good character. The fact that your language or religion or gender is different from mine doesn't make either one of our characters better or worse. The outward differences which identify us as individuals does not change the content of our character.

I mentioned intolerance briefly, and I guess I would be remiss if I didn't digress just for a moment to comment on what seems to me to be an unacceptable rise in intolerance. In some circles it has become fashionable to preach the politics of separation and hate. While I personally don't believe separation brings progress or makes things better, it is at least an option to consider. The politics of hate, however, are destructive and unacceptable. Whether that hate comes from a group that is white, a group that is black, a group of religious zealots, or any other group makes no difference. When it is combined with separation and followed to its logical conclusion, that hate leads to what we see or what we saw over the last four or five years in Rwanda, what we've seen in Yugoslavia, and what we've seen in our riots here at home in the central cities—which leads me to the topic and the issue of race and the role it plays in sport and life.

I'm sure you're all very familiar with President Clinton's town hall meeting on the role of race in sport. Having identified sports as being one arena where racial harmony exists, the President and a panel, including among others, John Thompson, Jackie Joyner-Kersey and Jim Brown, hoped to explore the successes and stereotypes of the playing fields and what lessons they might hold for the rest of the country. I must admit that I didn't actually see the town hall meeting, cable TV having not yet made its way to the Page household. But I have had some first hand experience with issues of race, both inside and outside the arena of sports. Indeed as an African-American, that experience never goes away. My sense of the town hall meeting, based on the news articles and TV spots that I saw, was that it was probably a

good thing as far as it went. My fear is that it didn't go far enough.

Certainly, they talked about the increased opportunity for African-Americans as players at amateur and professional levels, and they noted that the opportunity for people of color still lagged behind when it comes to coaching, front office management and leadership opportunities. But, quite frankly, there's really nothing new in that. We didn't need a town hall meeting to tell us those things. The real question is, what does it all mean? More important, what do we do? Increased opportunity on the playing field is good, but having a few additional young black millionaires in the grand scheme of things doesn't mean very much - especially when one of the results is that it perpetuates the myth for young black boys that perfecting their athletic skills to the exclusion of their intellectual abilities will allow them to grasp that golden ring that will pull them up and out of poverty and away from discrimination. The reality is, that for all but the exceptional few, that simply isn't going to happen. After all, on any given day, any given afternoon, all the jobs in professional athletics are taken. I don't know how much time the panelists spent discussing the need for children of color to perfect their minds before they perfect their bodies. But however much time they spent doing that, it couldn't have been enough.

One specific part of the panel's discussion that I found curious was the exchange between Jim Brown and the other panelists about black athletes using black attorneys and agents. I found it curious because underlying the discussion was the notion or at least the assumption that all black athletes should be using the services of black agents or attorneys. Why weren't they asking why white players aren't using black agents and attorneys? Why aren't team owners and team managers using black attorneys? Did anyone stop to ask why there are so few black agents or attorneys in the first instance? The problems of race are not the problems of the racial minority. The problems of race belong to all of us, no matter where our ancestors came from, no matter what the color of our skin.

To some degree, there is an underlying assumption today that equal opportunity has in fact been achieved, that we live in a color-blind society, that in our nation today all people are treated as equals. The truth is we're not close. We're not close! The phrase "living in a color blind society" should not mean living in a society that is blind to unequal treatment. We may be better at covering up our bias, but making bias harder to detect is not the same as making it go away. When I look at issues of race whether in sport or society at large, I do have great concern, not only about where we are or where we've been but also where we're going.

It seems that over the last ten to fifteen years it has become more and more acceptable to look at and talk about race in a way that has become very, very dangerous. It seems we have taken a step back and I find that troubling and I'm not the only one to have these concerns. Indeed former United States Supreme Court Justice, Harry Blackmun, wrote an opinion in a dissent regarding a 1989 case involving race discrimination in the salmon industry. I would like to share at least part of what he said. "The majority's legal rulings (talking about how the court dealt with the issue of race discrimination) essentially immunizes these practices from attack... Sadly, this comes as no surprise. One wonders whether the majority still believes that race discrimination or, more accurately, race discrimination against non-whites is a problem in our society or even remembers that it ever was." Those were powerful words from Justice Blackmun.

If we are to begin to solve the issue of race in sport and in society, each of us, all of us, and each person that we have the ability to influence are going to have to act. As Jackie Joyner-Kersey said at the town hall meeting, "we can talk and we can talk, but people need to listen and people need to do something about it." Playing the race card without doing more will not solve these difficult problems. In fact according to Cornell West, author of *Race Matters*, talking about racism can even be damaging when rhetoric becomes the substitute for analysis. It is also damaging when it becomes the substitute for action.

What can we do? Ultimately, that's the question, isn't it? To start, we must begin by looking inward and eliminating our own biases and setting aside our own stereotyping of other racial groups. Stereotypes are damaging whether intended to be positive or negative. Just as a sample of one is not representative of the group, neither is the group necessarily representative of the one. Most of my interactions with people are with individuals. I have conversations with people. It's how we as individuals treat other individuals that will determine how well these issues of race get resolved.

We need to begin looking at people for their individual qualities and not for their group characteristics, which is not to say that we have to like everyone. There are a lot of people around that I don't particularly care for. Nobody likes a jerk and I certainly don't. But it's the characteristics of the individual that we have to consider, not the group characteristics that come along with the individual. Until we as a society begin to deal with how we treat individuals based on their individual selves rather than their group characteristics, these issues of race will continue to plague us.

In certain team sports, we have learned to live and work together. In that sense, we have shown that racial harmony is not an impossible dream. With the right motivation we can achieve an environment in which people of all colors can live in harmony. We can do that. Some of you may be saying to yourselves, "well all that sounds good, but I'm not so sure that individual effort

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really will have that much impact. After all this problem of race has been around for a long time and appears as though it's going to be around for a long time to come." I can only ask that you give it a try because ultimately the problem of race stems from the individual and the solutions will be found in individuals.

I would like to share with you a quote from a speech that Robert Kennedy gave in 1966 at the University of Capetown in South Africa that, for me, exemplifies the impact that individuals can have when they are willing to act. This quote has special meaning when you consider the changes that have taken place in South Africa since 1966 and the individual effort that went into that. What he said is this, "Each time a man (and I would add a woman) stands up for an ideal or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope. In crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance".

Ultimately, the issue of race is one over which individuals have control. If we change, the racial climate will change. If we don't, it won't. The question for those of us in this room and also for those of us across this country is whether we have the will to change - and the choice is ours. I happen to believe that we can change.

In closing I would like to leave each of you with a simple question. It's a question that I ask myself every day. How each of us answers this question will determine the future of the course of race in sport and in society. The question is this: What is the action that you will take to bring about change?

Thank you.

Justice Page then accepted questions from the audience.

QUESTION: I am interested in helping stem the tide of violence in sports. What has been the role of the legal system as you understand it so far in making some of the events that occur in the arena have less of an impact on the rest of society?

ANSWER: The issue of violence, primarily off the field but even to some degree on the field, is one that is beginning to pervade society. If only the athletes were the problem we'd be in pretty good shape. Unfortunately that's not the case. Let's consider domestic violence, which is how a lot of violence is manifesting itself in sport. In Minnesota, a state with 4 million people, we had in excess of 13,000 cases come to our courts in 1996—13,000 cases come to our courts and those only represent the incidents that came to court. They do not represent all the domestic violence for which no one took action. We have a serious problem.

We have, both in sport and society, a problem that

quite frankly I'm not sure the legal system can do much about. We can issue restraining orders; we can lock up the offender for some period of time. But ultimately every one of these offenders is going to get out. The question is, "how do we get people to play by society's rules?" Part of the answer has to do with the cost to those who engage in domestic violence or other kinds of violence. What is the cost to them? Right now there's not a very high cost—and so it continues. I'm not sure what the answers are.

I know we keep ratcheting up the penalties and I'm not sure that that's been good or bad. To the extent that anybody thinks about what they do before they slap their wife or girlfriend or whoever and are prepared to do it anyway, I'm not sure that increasing the penalty makes that much difference. In some respects, it encourages the attitude, "well, if I'm going to go to jail, I might as well get my money's worth." Although I haven't seen the numbers, it's a concern to me that there appear to be more and more people who are willing to kill the victim, people who are not being concerned about the outcome. So I'm not sure that inflating the penalty makes that much difference. I don't know what the answer is.

FOLLOW-UP QUESTION: Nothing happened with smoking until lawsuits started to be brought against the cigarette companies. Having been an athlete yourself you know there's an old boy network, a code of "we're all athletes together," that seems to prevent an Evander Holyfield from suing a Mike Tyson, or a P. J. Carlesimo from pressing charges against a Latrell Sprewell. Maybe we need suits brought when someone is legitimately injured.

ANSWER: I can't say much about the Sprewell incident because there is ongoing litigation and we have all sorts of ethical issues as a judge talking about pending or impending cases. But I will say, I think I can say, that incidents such as these go beyond whether P. J. Carlesimo has an interest in filing charges. The state has some interest in regulating that kind of conduct. In some states, whether the complainant is prepared to file charges or not, the state will initiate it's own actions. I don't know whether that is possible in that particular case, but it does seem to me that the state has an interest.

Regarding the Tyson incident: Some of the extracurricular violence in sport is understandable. You are in the heat of the game, something sets you off and it's not all that unexpected that you might lose control. It's when people go so far over the top, go so far outside the bounds of the sport, that you have great concern. Obviously, that's one of the concerns about the Tyson incident.

QUESTION: My name is Don Sabo and I'm Trustee

with the Women's Sport Foundation. Would you share some of your comments or observations, please, on the state of gender equity in the United States or your home state Minnesota?

ANSWER: Again, that is clearly an issue that is likely to come before our court and one which I should not prejudge. However based on past comments when I served for a while on the Board of Regents at the University of Minnesota, one of the issues that I was interested in and concerned about was gender equity. That issue is of interest to me naturally; I have three daughters. Why shouldn't they have the same opportunities that I had?

There is much discussion about "well if we increase opportunities for women, we have to decrease opportunities for men." First of all, I don't think that's the case; and if it is, so what? What's the big deal? The question is not whether we're going to have equal numbers; the question is whether we're going to have equal opportunity, which—I may get myself in trouble here again—makes me think about affirmative action. If we had equal opportunity, we wouldn't have to spend one minute talking about affirmative action. That would be a non-issue. We ought to be talking about getting to equal opportunity whether it's gender equality, racial equality, or any other kind of equality. We have to get there and we're a long way from there at this point.

QUESTION: Justice Page, you sighted a laundry list of bad boy behavior and incidents on the sporting field, everything from the Yankees/Orioles brawl yesterday to the Sprewell things, the Tyson things - and some off the court. Since you were raised in an era before all these athletes were born and played in an era when they were kids at best, I'm wondering first if you've noticed any changes in the amount or type of that bad behavior on or off the field, and secondly, does that behavior reflect where society has gone or is it somehow contributing to the way society is going?

ANSWER: Let me answer the second part of that first. I think it both reflects and contributes. It does both. One can go back 20 or 30 or 40 years and find the same sort of thing going on; however I have the sense that there has been an increase not in misconduct itself, but in the level and the quality of the misconduct, as there has been in society at large. Let's face it. We have 7, 8, 9, and 10-year-old children leading the parade here in some respects. It's not just the athletes that are bad actors. We have a society whose character and moral fiber is definitely being challenged. We see the athletes. They are visible, but there are a lot more folks out there than the athletes. None of this is new, this misconduct was going on when I played. It's certainly far more visible today, almost anything today rates a mention. Twen-

ty years ago, some of what went on wasn't worthy of the evening news. Now everything is worthy of the evening news. I think that's part of what continues the cycle. I don't know what begins it.

QUESTION: I was raised in Africa, but every time I looked on television, I found blacks excelling in sports, so why do blacks excel in sports?

ANSWER: If I had the answer to that one I'd be a multi-billionaire. I don't know. I excelled in sports. I suppose to some degree because I worked hard and I enjoyed what I was doing. I had some natural ability. I was in the right place at the right time and as best as I can tell looking back, one of the strengths I had as an athlete was the ability to focus on the task at hand and not get sidetracked by all the things that were going on in the periphery. That's just me, other people excel for any number of reason. We can get into this debate about blacks being genetically predisposed, but I have no clue quite frankly. The question I tend to ask, is "is that important? Shouldn't whoever can perform better excel?"

QUESTION: I'm Claudia Card from the University of Wisconsin, Madison. What do you think about making sports athletic activities available to people who are not especially gifted, including people who have disabilities?

ANSWER: Well, let me just give a cheer for Wisconsin. Two of my children are Wisconsin graduates, one of them last year. My other two children attended other universities, one is from the University of Washington, and one will graduate from Northwestern.

One of the great things about athletics at the early stages is everybody gets to participate. Later, we start narrowing the participants to those who are highly skilled. I think it is vitally important, vitally, that everyone who wants to participate have the opportunity. Having had four children that had four different levels of athletic ability, it seems to me that it was just as important for the one with the least athletic ability to be able to participate. It's not about having fans in the stands, not about having people come and watch; it's about participation. That's where you learn. You learn about yourself. You learn about working with others, living with others. You learn about your abilities and limits; you learn about expanding your limits. These lessons are important for everybody whether you're disabled or you're the best athletic specimen ever to come down the pike. Those lessons are important and valuable for all of us.

QUESTION: My name is John Wilson from Millersville University, Pennsylvania. My question is: what is private in terms of what the media reports? I