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***LINDLAND V. UNITED STATES OF AMERICA
WRESTLING ASSOCIATION: THE ROLE OF
ARBITRATION AND THE FEDERAL COURTS IN
THE MAKING OF AN OLYMPIC SUCCESS****

I. INTRODUCTION

Matt Lindland of the United States won a silver medal in Greco-Roman wrestling at the 2000 Olympic Games (“Games”) in Sydney, Australia. This achievement was the result of a lifetime of dedication and training, but it would not have been possible without the utilization of federal law and intervention by the United States Judiciary. The well-publicized conflict demonstrated the ability of federal law, arbitration, and the judiciary to affect the selection of American Olympians and the athletic competitions used to nominate them. This controversy was especially captivating given the urgency of the proceedings last summer with the 2000 Games fast approaching. Ultimately, Matt Lindland’s Olympic achievement was the result of victories both on the mat and in the courtroom.

In this analysis, I will first introduce the athletes and organizations at the center of the controversy. I will then describe the progression of this legal battle that began immediately following the Olympic Trials in Dallas. The disputed competition in question was followed by arbitration hearings in both Chicago and Denver, and then was adjudicated several times in the United States District and Appellate Courts. Lindland’s appointment to the United States Olympic Team was not secured until a short time before the Opening Ceremonies in Sydney.

* The author wishes to express his appreciation to Mr. James Loomstein for his many helpful comments and suggestions during the preparation of this note.

I. THE PARTIES

A. *The Athletes*

At the center of this conflict were two internationally ranked American wrestlers. Thirty year old Matt Lindland is a four-time national champion and current U.S. champion in the 167.5-pound weight class.¹ He is a former University of Nebraska wrestler, where he is now an assistant coach.² Lindland entered the Olympic Trials (“Trials”) as the overwhelming favorite and the top seed.³ Keith Sieracki is a twenty-nine year old Army sergeant stationed at Fort Carson, Colorado.⁴ He is originally from Richland Center, Wisconsin and is a member of the U.S. Army’s World-Class Athlete Program.⁵ This program facilitates and encourages those Army personnel with superior athletic talents to compete at the international level.⁶ He entered the Olympic Trials as the second seed.⁷

1 Abby Haight, “*Lindland Loses In Final, Plans To Appeal*”, THE OREGONIAN, June 25, 2000.

2 Mark R. Madler, “*Arbitrator Orders Olympic Wrestlers Back To The Mat*”, The Recorder, Aug. 11, 2000, Craig Sesker, “*Court Rules For Lindland*”, OMAHA WORLD-HERALD, Aug. 25, 2000.

3 Abby Haight, “*Lindland Loses In Final, Plans To Appeal*”, The Oregonian, June 25, 2000, *NBC Sports Olympic Website, Lindland Biography* (visited Oct. 22, 2000) <http://www.nbcolympics.com/?/bios/wr/lindmat/lindlmatbio_01.html>.

4 Paula Parrish, “*Supreme Court Stays Out of Fight/Lindland Wins Final Legal Battle For Olympic Berth*”, THE GAZETTE, Sept. 7, 2000.

5 *The GoArmy Website*, <<http://www.goarmy.com/events/armyolym/wrestling.htm>> (visited Oct. 16, 2000).

6 *Id.*

7 See *supra* note 1.

B. United States of America Wrestling Inc.

USA Wrestling (“USAW”) is the National Governing Body (“NGB”) for amateur wrestling in the United States.⁸ As a NGB, it is the sport’s representative to the United States Olympic Committee and the International Wrestling Federation.⁹ The USAW conducts both grassroots and elite wrestling programs across the country.¹⁰ The USAW is directly responsible for the selection and training of teams to represent the United States in international competitions such as the Olympic Games.¹¹

C. United States Olympic Committee

The United States Olympic Committee (“USOC”) is a corporation first established by federal law in 1950.¹² “The USOC is the “coordinating body” for amateur athletic activity in the United States and is the ultimate authority with respect to U.S. representation in the Olympic Games.”¹³ The purposes of the USOC are described in the Ted Stevens Olympic and Amateur Sports Act.¹⁴ They include the exercising of exclusive jurisdiction over “all matters pertaining to the United States participation in the Olympic Games.”¹⁵ Furthermore, the Act provides that the USOC is to afford “swift resolution of conflicts and disputes involving amateur athletes, national governing bodies, and amateur sports organizations.”¹⁶ The USOC can appoint an amateur sports

⁸ *The USA Wrestling Website*, <http://usawrestling.org/whatis.htm> (visited Oct. 16, 2000).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Foschi v. U.S. Swimming, Inc.*, 916 F. Supp. 232, 234 (E.D.N.Y. 1996).

¹³ *Id.*

¹⁴ 36 U.S.C. § 220503 (Supp. 2000).

¹⁵ 36 U.S.C. § 220503(3)(A) (Supp. 2000).

¹⁶ 36 U.S.C. § 220503(8) (Supp. 2000).

organization as the NGB for any sport included in the Olympics or the Pan-American Games.¹⁷

III. PROCEDURAL HISTORY

A. The Olympic Trials

The controversy began at the Trials on June 24, 2000, in Dallas, Texas.¹⁸ Only the champion in each weight class at the Trials competition was to represent the United States at the Olympic Games. As the reigning national champion, Lindland was automatically placed in the final for the 167.5 weight class at the Trials competition.¹⁹ Sieracki prevailed over the rest of the field in a single-elimination tournament.²⁰ The two wrestlers squared off in the best of three finals, with the victor to earn a trip to the Sydney Games.²¹ Sieracki prevailed in the first match by a score of 7-3, and Lindland fought back with a 4-0 victory in the second bout.²² The third and deciding match was competed ferociously, with Lindland bleeding from above his left-eye at one point and Sieracki claiming he was bitten on the ear.²³ The match went into

17 36 U.S.C. §220521(a) (Supp. 2000). “For any sport which is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation is authorized to recognize as a national governing body...an amateur sports organization which files an application and is eligible for such recognition.” *Id.* “The corporation may recognize only one national governing body for each sport for which an application is made and approved.” *Id.*

18 See *supra* note 1.

19 NBC Olympic Website, http://www.nbcolympics.com/?/bios/wr/lindmat/lindlmatbio_01.htmlWrestling//AthleteBios//1of2//MattLindland (visited Nov. 1, 2000).

20 *Id.*

21 Abby Haight, “Lindland Loses In Final, Plans To Appeal”, THE OREGONIAN, June 25, 2000.

22 *Id.*

23 *Id.*

overtime, and eventually Sieracki was ruled the victor by a 2-1 final score.²⁴

B. Internal Appeals

Lindland immediately protested the result of the deciding match.²⁵ He claimed that Sieracki's winning point was awarded as the result of a leg maneuver illegal in Greco-Roman Wrestling.²⁶ In a sport where officiating complaints are relatively common, a protest committee is provided on-site for immediate appeals.²⁷ After the on-site committee denied Lindland's protest²⁸ he was granted a hearing on July 13th in front of the USAW's Greco-Roman Sport Committee.²⁹ After a hearing conducted through a conference call and with five of its nine members participating, the Committee upheld Sieracki's victory.³⁰ The Committee relied primarily on the testimony of eyewitnesses to the match in upholding the original result.³¹ It was the procedure of this hearing on which Lindland based his further appeals.³²

²⁴ *Id.*

²⁵ Craig Sesker, "Court Rules For Lindland", OMAHA WORLD-HERALD, Aug. 25, 2000.

²⁶ Mark R. Madler, "Arbitrator Orders Olympic Wrestlers Back To The Mat", The Recorder, Aug. 11, 2000. In Greco Roman Wrestling, no holds are allowed below the legs and the legs themselves can only be used for support and balance. Bob Ryan, "Being Matt Lindland: He's Silver-Screen Star", THE BOSTON GLOBE, Sept. 17, 2000.

²⁷ *Id.*

²⁸ *See supra* note 25.

²⁹ Mark R. Madler, "Arbitrator Orders Olympic Wrestlers Back To The Mat", THE RECORDER, Aug. 11, 2000.

³⁰ *Id.*

³¹ *Id.*

³² Lindland v. United States of America Wrestling Association, Inc., No. 00-3220, 00-3236 2000 WL 1269687, at *2 (7th Cir. Sept. 5, 2000).

C. *The Ted Stevens Olympic and Amateur Sports Act*

Along with outlining the powers and duties of the USOC, The Ted Stevens Olympic and Amateur Sports Act (“Stevens Act”) delineates the relationship between the USOC, NGB’s, and the athletes they govern. The Stevens Act gives athletes the right to submit to arbitration a determination made by a NGB such as the USAW.³³ Before arbitration can be sought, an individual must have exhausted all possible remedies that are provided by the NGB.³⁴ Once the Greco-Roman Sports Committee denied Lindland’s appeal, he had exhausted his possible remedies with the USAW and was eligible to request outside arbitration. The Stevens Act allows submission of a conflict to any regional office of the American Arbitration Society.³⁵ Lindland and the USAW agreed to arbitration over the dispute, and the hearing was held in Chicago in front of Arbitrator Daniel Burns.³⁶

D. *The Burns Arbitration Award*

On August 9, 2000, Lindland and the USAW participated in the arbitration hearing.³⁷ Burns ruled that Lindland’s due process rights were violated because the Greco-Roman Sport Committee refused to examine videotape of the match, and because only five of the nine Committee members were present at the hearing.³⁸ Burns ordered a rematch of the third and final Olympic Trials’

33 36 U.S.C. § 220529(a),(b) (Supp. 2000). “A party aggrieved by a determination of the corporation under section 220527 or 220528 of this title may obtain review by any regional office of the American Arbitration Association. A demand for arbitration must be submitted within 30 days after the determination of the corporation.” *Id.*

34 36 U.S.C. § 220529(a) (Supp. 2000); 36 U.S.C. § 220527(b)(1) (Supp. 2000); *Barnes v. International Amateur Athletic Federation*, 862 F. Supp. 1537 (S.D.W.V. 1993).

35 36 U.S.C. § 220529(a), (b) (Supp. 2000).

36 Mark R. Madler, “*Arbitrator Orders Olympic Wrestlers Back To The Mat*”, THE RECORDER, Aug. 11, 2000.

37 *Id.*

38 *Id.*

bout.³⁹ The arbitrator stated in his decision that “the committee hearing...unfairly and unreasonably failed to provide a procedure for the equitable resolution of Lindland’s grievance.”⁴⁰ Burns further concluded that the hearing process significantly failed to afford Lindland “the prompt and equitable process called for in the Ted Stevens Olympic and Amateur Sports Act.”⁴¹ Burns set the rematch for five days later on August 14th.⁴²

A. Burns’ determination that Lindland’s protest was not given the benefits of due process was nearly as subjective as the referee’s decision to award Sieracki the second and winning point. The arbitrator had to examine the specific circumstances surrounding Lindland’s internal appeals, and decide whether they satisfied the general requirements of the Act.⁴³ The Act does not enumerate any specific guidelines for the execution of such protest procedures, and Burns had to use his subjective judgment in determining whether they were conducted in fairness to all parties. His decision to order a rematch could only represent his best opinion on the circumstances as a whole, and it is nearly impossible for any commentator to objectively determine whether it was correct or erroneous.

E. The Rematch

The rematch of the Olympic Trials’ final bout was held at the Olympic Training Center in Colorado Springs.⁴⁴ Sieracki, who returned from Russia only six days prior, appeared exhausted and unprepared.⁴⁵ Lindland, who quickly shed fourteen pounds to make weight for the bout, was dominating in defeating Sieracki by

39 *Id.*

40 *Id.*

41 Mark R. Madler, “Arbitrator Orders Olympic Wrestlers Back To The Mat”, *THE RECORDER*, Aug. 11, 2000.

42 *Id.*

43 *Id.*

44 Paula Parrish, “Another Twist In Wrestling Flap”, *THE GAZETTE*, Aug. 31, 2000.

45 *Id.*

a score of 8-0.⁴⁶ Following the match, the USAW refused to recognize the outcome as dispositive and proceeded to nominate Sieracki to the USOC as the representative to the Olympic Team at the 167.5-pound weight class.⁴⁷ This action was in disregard of the Burns Award, which ruled that the championship series stood tied at one, with the deciding third bout to be re-wrestled.⁴⁸ By refusing to nominate Lindland as the sole wrestler to represent the United States at the 167.5-pound weight class, the USAW did not recognize the Colorado Springs bout as a true re-match of the Trials' contest.

*F. The Campbell Award and Judicial Confirmation
of The Burns Award*

August 24, 2000 brought another dramatic turn of events. Following his defeat in Colorado Springs, Sieracki sought arbitration of his own seeking confirmation of his original victory in the Trials match in Dallas.⁴⁹ In Denver on the 24th, Arbitrator A. Bruce Campbell ruled in favor of Sieracki and instructed the USAW that he should remain the nominee to the Olympic Team.⁵⁰ In his decision, Campbell stated that there were no errors in the officiating of the match or in the appeals process that warranted a rematch of the Trials' bout.⁵¹ This decision covered the same ground as the previous arbitration, but disagreed with Burns'

46 *Id.*

47 *Lindland v. United States of America Wrestling Association, Inc.*, No. 00-3177, 2000 WL 1209451, at *1 (7th Cir. Aug. 24, 2000).

48 Amateur Wrestling with Mako Furukawa website, <http://amateurwrestle.about.com/sports/amateurwrestle/library/blmedia081000.htm> (visited Nov. 12, 2000).

49 Paula Parrish, "Another Twist In Wrestling Flap", THE GAZETTE, Aug. 31, 2000.

50 Craig Sesker, "Court Rules For Lindland", OMAHA WORLD-HERALD, Aug. 25, 2000.

51 *Text Of The Finding And Conclusions, As Well As The Award, Concerning Case 30 190 00483 00*, <http://www.themat.com/pressbox/pressdetail.asp?aid=158> (visited Oct. 22, 2000).

finding that the internal protest procedures failed to grant Lindland due process.⁵²

On August 23rd, the day that the Denver arbitration hearing began, Lindland sought judicial enforcement of the Burns award in the United States District Court, Northern Division in Chicago.⁵³ Lindland's cause of action was provided in the Federal Arbitration Act ("FAA").⁵⁴ The FAA enumerates a private right of action for individuals seeking to enforce arbitration decisions, and requires the judicial enforcement of all valid awards.⁵⁵ Nevertheless, the District Court denied Lindland's request, and he immediately appealed to the United States Appellate Court of the Seventh Circuit in Chicago.⁵⁶

1. Mootness and Jurisdiction

The Appellate Court first discussed Lindland's standing in seeking to enforce the Burns Award. In denying adjudication of his claim, the District Court ruled it was "dismissed as moot" because the Burns award was limited in its relief.⁵⁷ The District Court reasoned that the award's purpose was to grant Lindland a rematch but the outcome of that bout was not intended to compel the USAW into nominating the winner to the USOC.⁵⁸ The Appeals Court disagreed, stating that the claim could not be moot so long as it was still possible for USA Wrestling to designate Lindland as its nominee for the team.⁵⁹

⁵² *Lindland*, 2000 WL 1269687, at *2.

⁵³ Craig Sesker, "Court Rules For Lindland", OMAHA WORLD-HERALD, Aug. 25, 2000.

⁵⁴ See 9 U.S.C. § 9 (1994); (stating "...at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award.")

⁵⁵ *Lindland*, 2000 WL 1209451, at *1.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

The District Court also found that it had no jurisdiction over Lindland's claim.⁶⁰ The Seventh Circuit again disagreed, finding that the jurisdiction requirement was satisfied due to the diversity of citizenship between the parties and because a position on the U.S. Olympic team could not be said, as a legal certainty, to be worth less than the required \$75,000.⁶¹

2. *Language*

The Appellate Court decided that the Burns Award coupled with Lindland's victory in the rematch entitled him to the nomination to the Olympic Team.⁶² In determining that Lindland's victory in Colorado Springs compelled the USAW to nominate him to the USOC, the Seventh Circuit looked to the language of the arbitration award. The Burns award ordered "Bout #244 of the June 24, 2000 Olympic Trials will be re-wrestled in accord with the USA Wrestling rules and officiating in effect at the time."⁶³ The Court stated that the purpose of the Burns Award was to completely restage Trials Bout #244, which according to the USAW's own rules entitles the winner to be sent to Sydney as a member of the American team.⁶⁴ If the result in Colorado Springs could not compel the USAW to action, the Burns Award had the effect of staging an exhibition match. The Court pointedly states that the USAW's own rules do not say the winner of the championship bout will be nominated if "it is in the mood to do so," but that the winner's name will automatically be sent.⁶⁵ The Court found that the Burns Award made the rematch determinative

⁶⁰ *Lindland*, 2000 WL 1209451, at *1.

⁶¹ *Id.* (stating that "The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$ 75,000, exclusive of interest and costs, and is between-- (1) Citizens of different States.") 28 U.S.C.S. § 1332 (Supp. 2000).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.* at *2.

⁶⁵ *Lindland*, 2000 WL 1209451, at *2.

and its outcome the complete substitution of the result of the third bout in Dallas.

3. *USAW's claims*

The USAW maintained that the Burns Award was flawed because Sieracki was not a party to the arbitration hearing.⁶⁶ In rejecting this claim, the Court looked to the language of the Stevens Act. Section 220529 calls for arbitration between the aggrieved athlete and the NGB, and does not require arbitration between the athletes themselves.⁶⁷ Furthermore, the Court explained that Lindland named the correct party in his arbitration complaint, as it was only the USAW that could redress his grievance with nomination to the Olympic Team.⁶⁸ The decision went on to explain that arbitration hearings never have required the participation of all parties who could be potentially affected by an award, and such an arrangement “would work a revolution in arbitral proceedings.”⁶⁹

G. Writ of Mandamus and Further Court Action

Following the Seventh Circuit’s decision to enforce the Burns Award and order the nomination of Matt Lindland to the USOC, the USAW promptly did the opposite and informed the USOC of its nomination of Keith Sieracki.⁷⁰ On August 25th, the following day, Lindland was again in the Seventh Circuit courtroom petitioning for a writ of mandamus to force the USAW to comply with the decision made the previous day and nominate Lindland to the USOC.⁷¹

⁶⁶ *Id.*

⁶⁷ *Id.*, see also 36 U.S.C. § 220529 (Supp. 2000).

⁶⁸ *Lindland*, 2000 WL 1209451, at *2.

⁶⁹ *Id.*

⁷⁰ *Lindland v. United States of America Wrestling Association, Inc.*, No. 00-3177, 2000 WL 1257260, at *1 (7th Cir. Aug. 25, 2000) (per curiam).

⁷¹ *Id.*

In a brief and terse opinion the Court granted Lindland's request for the writ, and threatened a penalty of contempt on the USAW if they continued to ignore judicial mandates.⁷² The opinion concluded by distinguishing the conflicting Burns and Campbell awards, stating that the "Judicial Branch of the United States of America has instructed it to implement the Burns Award" and "choosing which instructions to follow should not be difficult."⁷³ The Court made it clear that the USAW's refusal to comply with the Burns Award became illegal once the Court ordered its enforcement.

H. Sieracki's, USAW's, and USOC's Appeal

Following the issuance of the writ of mandamus, the USAW finally submitted Lindland as its nominee to the USOC on August 25th.⁷⁴ However, the USOC refused to accept the submission, claiming it was untimely because Sieracki's entry had already been submitted to the International Olympic Committee ("IOC").⁷⁵ Lindland once again returned to court where the Northern District ordered the USOC to request the IOC to substitute Lindland for Sieracki.⁷⁶ The USOC complied with the judicial order and the IOC accepted the tardy roster change because it came under judicial order.⁷⁷ Following his removal from the Olympic roster, Sieracki attempted to persuade the District Court in Denver to enforce the Campbell Award, but that court transferred the request to the Northern District.⁷⁸ Sieracki, the USAW, and the USOC appealed together to the Seventh Circuit and a decision rejecting

⁷² *See Id.* (stating "Moreover, once the order has issued, USA Wrestling must immediately perform its obligations, and if it does not do this the district court must hold it in contempt of court and impose a sanction adequate to ensure that our directions are implemented immediately and unconditionally.")

⁷³ *Id.*

⁷⁴ *Lindland*, 2000 WL 1269687, at *1.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.* at *1-*2.

⁷⁸ *Id.* at * 1.

all of the appeals along with the request for enforcement of the Campbell Award was made on September 1st.⁷⁹ This decision affirmed Lindland's place on the Olympic Team, and came exactly two weeks prior to the opening of the Olympic Games in Sydney.⁸⁰

IV. ANALYSIS

In their appeal to the Appellate Court, the USAW, USOC, and Sieracki made several claims. Although the Court did not find any to be persuasive, the arguments raise intriguing questions about the manner in which disgruntled athletes may utilize The Stevens Act.

A. Enforcement of the Campbell Award

The Appellants first argued that the Campbell Award was no less valid than the Burns Award under the Federal Arbitration Act and it should be enforced.⁸¹ The Court conceded that enforcement of the Campbell award was not barred by Section 10 of the FAA, which provides for the setting aside of any arbitration award that is the result of corruption, fraud, or evident partiality.⁸² But the Court also recognized that judicial enforcement of the Campbell Award would have constituted annulment of the Burns Award, as relief from the Burns Award was a part of the Campbell Award.⁸³ The Court was not willing to discard the result of the first arbitration hearing.

In rejecting Appellants' argument, the Court focused on the illegality of the second arbitration proceeding. The Seventh Circuit ultimately ruled that the Campbell Award would be unenforceable even if Lindland had not sought judicial

⁷⁹ *Lindland*, 2000 WL 1269687, at *1.

⁸⁰ *Id.*

⁸¹ *Id.* at *2 and 9 U.S.C. § 10 (1994).

⁸² *Lindland*, 2000 WL 1269687, at *2.

⁸³ *Id.*

enforcement of the Burns Award.⁸⁴ The Court found the second hearing to be ultra vires because Arbitrator Campbell exceeded his powers in granting the award.⁸⁵ An individual may seek arbitration under the Stevens Act only of certain determinations of organizations such as the USAW.⁸⁶ The basis of Sieracki's claim to arbitration was not a decision of a NGB under the scope of the Act, but rather the decision of Arbitrator Burns.⁸⁷ Furthermore, Rule 48 of the American Arbitration Association, a rule that governed both proceedings, prohibits the arbitration of any award already decided.⁸⁸ The application of Rule 48 to this matter clearly indicated the impropriety of the Denver hearing. The second arbitration hearing covered the same issues as the first, and it is unclear why Arbitrator Campbell did not recognize the precluding effect of the first decision.

B. Legality of the Burns Award

Appellants further argued that the Burns Award was not worthy of judicial enforcement. They claimed that the Chicago hearing was fatally flawed because Sieracki was not a party to the proceedings.⁸⁹ The Court rejected this argument based on the language of the Stevens Act. The Court determined the Act "provides for arbitration between an aggrieved athlete and the national governing body, not for arbitration among athletes."⁹⁰ Because Lindland and the USAW attended the hearing, it fulfilled the requirements of the Act.⁹¹ The Court further explained that

84 *Id.* at *3

85 *Id.*

86 *Id.*

87 *Lindland*, 2000 WL 1269687, at *3.

88 *Id.* at *4.

89 *Id.* at *5.

90 *Id.*

91 *Id.* (stating "Arbitrator Campbell himself remarked that 'customarily in a USOC Article IX arbitration...the competing athlete who does not initiate the arbitration...is not a participant and not considered a necessary party by the USOC.' If the USOC now favors a different approach, it should change its own

although Sieracki had no right to participate in the hearing, his interests were fully represented by the USAW.⁹²

The Court is correct in interpreting this issue, yet it raises concerns regarding the operation of arbitration hearings under the Stevens Act. The Court inferred in its opinion that the first judicially enforced arbitration award will always be valid over a conflicting award.⁹³ This may not have been problematic in this situation where Sieracki's interests were equal to the USAW's. In other situations however, the interests of parties directly affected by arbitration awards may not be represented in the hearings where they have a vested interest in the outcome. This aspect of the Stevens Act is troubling considering Sieracki arguably had a far greater interest in the outcome of the Burns hearing than did the USAW.

C. *Private Right of Action*

The Appellants also argued that the Burns Award should be set aside because the Stevens Act does not provide for a private right of action.⁹⁴ The Appellants claimed that Lindland did not have the statutory authority to seek judicial enforcement of the Burns Award.⁹⁵ In rejecting this argument, the Court states that Lindland sought to enforce the Burns Award under the Federal Arbitration Act, a statute that contains a private right of action.⁹⁶

The plain language of the Federal Arbitration Act supports the reasoning of the Court. "At any time within one year after the award is made, any party to the arbitration may apply to the court so specified for an order confirming the award."⁹⁷ In their appeal, the Appellants relied on an interpretation of a 1984 Seventh

rules rather than ask a federal court to disregard an award that was reached following normal procedures.")

⁹² *Lindland*, 2000 WL 1269687, at *5.

⁹³ *Id.* at *2.

⁹⁴ *Id.* at *5.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ 9 U.S.C. § 9 (1994).

Circuit decision that analyzed the predecessor of the current Stevens Act.⁹⁸ Although this decision examined the right of action contained in the Stevens Act, it did not involve the application of the Federal Arbitration Act. It was the FAA that contained the private right of action upon which Lindland relied in seeking judicial enforcement of the Burns Award.

D. USOC “In Concert” With USAW

Moving beyond the Appellants’ contentions, the Court states that the most relevant issue is whether the USOC is bound by a judicial determination originally leveled against the USAW.⁹⁹ If the USOC was not bound by the enforcement of the Burns Award that was originally directed against the USAW, it could make its own determination as to who should be nominated to the Olympic Team. The USOC contended that as an organization entitled to make independent decisions, it should not be bound by a ruling originally entered against the USAW.¹⁰⁰ In examining this issue, the Court looked to Fed. R. Civ. P. 65(d): “Every order granting an injunction and every restraining order...is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.”¹⁰¹ Because the USAW and the USOC are separate entities, the order of August 24th would only bind the USOC if the parties were in active concert with one another.

The Court found the entities were in active concert based on their joint action in contesting Lindland’s claims and their joint resistance to the Burns Award and the subsequent judicial orders.¹⁰² Specifically, the Court points to the USOC’s promise to

98 *Michels v. United States Olympic Committee*, F.2d 155 (7th Cir. 1984).

99 *Lindland*, 2000 WL 1269687, at *5.

100 *Id.* at *6.

101 *Id.* at *5.

102 *Id.* at *6.

enforce the decision of the Campbell hearing and its implicit promise to ignore the Burns award as evidence of its active participation in the entire conflict.¹⁰³ Also, on August 24th, the USOC decided to accept the USAW's nomination of Sieracki to the Olympic team, with full knowledge that such action was contrary to the will of the Appellate Court.¹⁰⁴ The Court found these actions to be strongly indicative of a joint effort between the USAW and the USOC to defeat the Burns Award and the prior decision of the Seventh Circuit.¹⁰⁵

The Court stated that this presumption of active concert could be defeated if the USOC proved it acted independently in deciding to nominate Sieracki over Lindland to the IOC.¹⁰⁶ However, because the USOC did not have any independent grounds for choosing Sieracki, this presumption could not be defeated.¹⁰⁷ The USOC had never chosen to send an individual to the Olympic Games without regard to a NGB's nominee.¹⁰⁸ If the USOC regularly made decisions based on the athletic prowess of individuals, or had a valid reason for selecting Sieracki, the Court stated it would have respected that decision.¹⁰⁹

This distinction made by the Court is critical to the outcome of this controversy. Had the Court found that the USOC had an independent ground for its decision, it may not have found an obligation for the USOC to abide by a judgment originally directed against the USAW. But it is readily apparent that the USOC had no just motivations independent of the USAW's to exclude Lindland from the Olympics. The USOC attempted to argue that they independently found Lindland unfit to be its nominee because of his persistence in fighting for his nomination to the Olympic team.¹¹⁰ The Court reiterates its rejection of this justification it

103 *Id.*

104 *Lindland*, 2000 WL 1269687, at *6.

105 *Id.*

106 *Id.*

107 *Id.*

108 *Id.*

109 *Lindland*, 2000 WL 1269687, at *6.

110 *Id.* at *7

expressed in its opinion of August 24th.¹¹¹ The Court found it repugnant that an organization would purport as valid the punishment of an individual for seeking to enforce a legal right provided for by law.¹¹²

E. 21-Day Exception

The Appellants also rely upon a section of the Stevens Act that prohibits injunctive relief against the USOC 21 days before the beginning of an international competition like the Olympics.¹¹³ The purpose of this section is to prevent judicial interference in the corporation's internal conflict resolution process when there is little time for that body to commence such proceedings.¹¹⁴ The decision issued by this court came fifteen days before the beginning of the Sydney Games.¹¹⁵ The Court rejected this argument, stating that following the Appellants' reading of the section, the USOC could avoid its legal obligations by refusing to comply with judicial obligations until the statutory three-week period.¹¹⁶

The Court's interpretation of the relevant section prevents its use as a loophole for the USOC in similar situations. It is quite unlikely that Congress intended this clause to be used as an escape valve from judicial orders. Such an interpretation would

¹¹¹ *Id.*

¹¹² *Lindland*, 2000 WL 1209451, at *3. (stating "Moreover, the suggestion of the USOC (at page 17 of its memorandum in the court) that Lindland has demonstrated unfitness for the team by initiating litigation, rather than accepting the results of USA Wrestling's internal processes, demeans that august organization. Congress gave athletes not only a right to arbitration but also a right to judicial enforcement of ensuing awards. To propose that competitors forfeit their rights as athletes when they use legal entitlements under the Ted Stevens Olympic and Amateur Sports Act and the Federal Arbitration Act is to confess antipathy to one's legal obligations- a step that makes judicial enforcement of the award all the more vital.")

¹¹³ *Lindland*, 2000 WL 1269687, at *7, 36 U.S.C. § 220509(a) (Supp. 2000).

¹¹⁴ *Id.*

¹¹⁵ *Lindland*, 2000 WL 1269687, at *7.

¹¹⁶ *Id.* at *8

undermine the arbitration provision of the Stevens Act, as enforcement of awards could be avoided by a USOC. In this controversy, not only was there time for the internal conflict resolution process to begin, it was completed well before the statutory time limit. The conflict resolution process of the USOC was completed when Arbitrator Burns made his award on August 9, as provided for in the Stevens Act.¹¹⁷

F. "Subsequent" Legislative History

The final argument addressed by the decision is the unusual attempt of the Appellants to submit "subsequent legislative history."¹¹⁸ Senator Ted Stevens, the sponsor of the Act, wrote a letter to the Appellate Court at the behest of the Appellants asking the Court to vacate its order in favor of Lindland.¹¹⁹ From its reading of the letter, the Court suggested that the USOC misinformed the Senator on the nature of the controversy.¹²⁰ Notwithstanding that possibility, the Court stated that "legislative history is a chancy subject; subsequent legislative history is weaker still."¹²¹ In deciding Senator Stevens' letter should have no probative value, the Court explained that such attempts by a congressman to influence a judicial decision are a misinterpretation of the functions of our branches of government.¹²²

The Court correctly recognized that Senator Stevens' opinion on this matter should hold no weight.¹²³ It was unreasonable for the Appellants to expect the Court to be influenced by a legislator, even one who sponsored the statute in question. Had the Court given weight to Senator Stevens' opinion, the precedent could cause letters to flood the nation's courts from politicians

117 *Id.*

118 *Id.*

119 *Id.*

120 *Lindland*, 2000 WL 1269687, at *8.

121 *Id.*

122 *Id.* at *9.

123 *Id.* at *8.

influenced by parties involved in litigation. Even besides the logistical problems that could follow,¹²⁴ the attempt is a reminder of the importance (and necessity) of the distinct and intentional separation of powers between our branches of government. If every legislator's opinion was given evidentiary impact in our courts, the ideal of judicial proceedings decided on its evidentiary merits could become a myth. Fortunately, the Seventh Circuit correctly decided that such a path should not be embarked upon.

G. Strategy

Matt Lindland succeeded in the litigation versus the USAW and the USOC. The pivotal action in the controversy came when Lindland sought judicial enforcement of the Burns Award just as an opposite holding arose at the hearing in Denver. Although the Appellate Court listed other factors in its decision, it cannot be overlooked that the courts found the Burns Award dispositive partly because it had been the first enforced in a federal court. By seeking judicial enforcement of the Burns Award before Sieracki had the opportunity to present the Campbell Award to a court, Lindland effectively precluded any attempt by Sieracki to enforce the award in his favor. Had Lindland not sought judicial enforcement in a timely manner, the outcome of this controversy may have been less clear to the courts.

V. IMPACT

Beyond the behavior of the USAW and the USOC and their continual refusal to comply with judicial mandates, the Lindland case demonstrated how potentially unfair proceedings may arise from the Stevens Act. The most troubling result of the Lindland proceedings is the Court's inference that similar controversies are to be won by getting to the courthouse first. The FAA commands the judicial enforcement of any fairly decided arbitration award.

124 *Id.*

In this case, the Seventh Circuit in upholding the Burns Award, relied significantly on the fact that it was the only one enforced by a court. The Court also cited AAA rules that prohibit the annulment by an arbitrator of a previous award. The arbitration award enforcement process gives significant advantage to the individual who first requests arbitration, especially considering the Stevens Act and USOC regulations do not require an adverse party's participation in the hearings. The Court also infers that since the AAA does not allow arbitration over previous awards, only one arbitration hearing is allowed under the Act. In this unique situation, Sieracki's interests were vigorously represented in the Burns hearing by the USAW. However, it is conceivable that this may not always be the case, and an individual could suffer from an arbitration ruling without representation in that proceeding and without an opportunity to instigate arbitration of their own.

It may be difficult to improve the arbitration provision provided in the Stevens Act. It is apparent that a possible flaw in its execution is that it does not require the participation of all affected parties in the matter. Sieracki had an important stake in the outcome of the arbitration decisions, and his interests were well represented by the USAW and the USOC because they shared his position. However, would the process have been equitable if his interests were not fully represented? Most likely, an amendment to the Act could provide that all affected parties be involved in the arbitration hearing, but that could bring problems of its own. Namely, many parties could claim to be "affected" by an arbitration decision, and any definition of such eligible parties would be difficult to enumerate. But such a term was clearly defined in this case, as Keith Sieracki was obviously a party directly affected by the outcome of the arbitration. The lines may not always be drawn so brightly. The arbitration method may become unworkable if multiple parties are included. Because of these conflicts, there may not be a clear manner in which to assure the process will always be equitable.

A possible solution may be to provide some sort of appellate process outside of the judiciary to assure that an arbitration award was granted according to the law and in fairness to all parties. Such a procedure would allow an individual adversely affected by

an award, such as Sieracki, to challenge the findings of an arbitrator without necessarily attempting to seek arbitration of their own. Such a procedure may have allowed Sieracki to present his contentions without having to persuade an arbitrator to enter a conflicting award.

VI. CONCLUSION

The ultimate decision was correct. The Seventh Circuit acted properly in enforcing the Burns Award and compelling the USAW and USOC to comply with the judicial mandates. These organizations were determined to abide by their own rulings and judgments of this controversy, and had the Court not compelled them into action, it only would encourage others to disregard judicial decisions at will.

The Court correctly interpreted the legal issues of the controversy, but the question of the ultimate fairness of the outcome is more difficult to decipher. Although the Court downplayed its importance,¹²⁵ Lindland did win the race to the courthouse. But winning this race may not have made the outcome unfair. Even if Sieracki “won the race” it would have not erased the deficiencies of the Campbell Award outlined by the Seventh Circuit.¹²⁶ The Court still would have been asked to enforce a conflicting arbitration award that came second in time. Lindland certainly gained the upper hand by seeking enforcement first, yet that fact may not have proved determinative to the courts. The Court maintained that the Campbell Award would have been invalid even if brought to the courts first.¹²⁷ The application of the arbitration provision in the Stevens Act may well prove troubling in the future. However, in this situation the enforcement of the

125 *Lindland*, 2000 WL 1269687, at *4. (stating “Nor is it sensible to say, as Sieracki does, that Lindland won a race to the courthouse. The Campbell Award is invalid, so timing is immaterial.”)

126 Namely, its violation of AAA Rule 48.

127 *Lindland*, 2000 WL 1269687, at *4.

award that provided for the rematch appeared to provide an equitable solution.

What is lost in the myriad of litigation that surrounded the case was that the original issue was whether the Olympic Trials referee so botched the final bout that a rematch was in order. Questionable officiating is an inseparable aspect of all sports, especially in events like Greco-Roman wrestling where the rules are complicated and the officials have a broad level of judgment. The decisions made by the protest committees of the USAW and by both of the arbitrators were, by their nature, quite subjective. The protest committees had to review the officiating of the match and make their own decisions on the fairness of the scoring and the original outcome. The arbitrators in turn had to review the procedures and decisions of the USAW protest committees. It is impossible for this writer or any commentator to conclusively decide whether those decisions were correct or erroneous. If Arbitrator Burns was correct in determining the Trials match and the review procedures were deficient, his decision to restage the match was as fair a solution as could have been provided in such a situation.

But ultimately, this litigation arose out of the protest procedures of the USAW. As an organization that is, to a certain degree, a product of federal law, its procedures are subject to scrutiny by the courts. It may be confusing to many that the outcome of an athletic event may end up in litigation, but truly this case was ultimately about the execution of conflict resolution mandated by federal law. The enforcement of the Burns Award was the most equitable solution that could have been provided for in this controversy.

VII. EPILOGUE

Despite the denial of the appeal by the Seventh Circuit, this controversy was not completely put to rest until September 19th, five days after the opening ceremony of the Olympic Games. One day after the Seventh Circuit affirmed the lower courts' decisions, Sieracki asked the United States Supreme Court to stay the

orders.¹²⁸ Four days later, Supreme Court Justice John Paul Stevens, without comment, refused Sieracki's request to issue the stay.¹²⁹ Sieracki's final attempt to win a place in the Games came on the 19th, when he appealed to the Court of Arbitration for Sport, a special panel that convenes during the Olympics to expedite dispute resolutions that arise during the Games.¹³⁰ Lindland's counsel immediately sought a hearing with a District Judge seeking to an order compelling Sieracki to withdraw his motion with the international court.¹³¹ The order was secured that at 1:45 that morning, fifteen minutes before the international court was set to commence.¹³² Since arbitration procedures over this matter were codified in the Stevens Act, it is unlikely any court would have approved a removal to an international tribunal.

The Olympic Greco-Roman Wrestling competition began on September 24th. Lindland won his first three matches, defeating Georgian, Algerian, and Ukrainian opponents to reach the gold-medal match against Mourat Kardanov of Russia.¹³³ Lindland was finally stopped in the final, shutout by a score of 3-0.¹³⁴ In contrast to Matt Lindland's silver medal winning trip to Sydney, Keith Sieracki provided this understandably dark reflection, "The Olympic experience has been the worst experience of my life."¹³⁵

Michael Steadman

128 Daniel C. Vock, "Adroit Moves, Sheer Persistence Lead To Olympic Victory", Chicago Daily Law Bulletin, Sept. 26, 2000.

129 *Id.*

130 *Id.*

131 *Id.*

132 *Id.*

133 Sun Sentinel Wire Services, "No Reprieve For Lindland In Greco-Roman Final", FT. LAUDERDALE SUN SENTINEL, Sept. 27, 2000.

134 *Id.*

135 Paul Parrish, "Supreme Court Stays Out of Fight," THE GAZETTE, Sept. 7, 2000.