

Speaker	Dialogue
Steve Smith	Hi this is Steve Smith and Rich Young from Bryan Cave Leighton Paisner and welcome to our podcast. Today we're talking about IOC Rule 50, which has been getting a lot of media attention lately. Rich do you wanna tell our listeners a little bit about Rule 50 and what it involves?
Rich Young	<p>Sure, so the seminal document in the Olympic movement is the Olympic Charter and then when you read the Olympic Charter they have bylaws under that, like bylaw to Rule 50.</p> <p>Rule 50 has been in the Olympic Charter since the 50s and it deals, it's called Advertising, Demonstrations and Propaganda. And most of Rule 50 has to do with advertising. You know whether they have a clean game or whether the athletes look like NASCAR, protecting IOC sponsors, all those kinds of things.</p> <p>But the last part of Rule 50 says: No kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas. And that is the basis of athletes being disciplined all the way back to the 1960s in the raised fists of Smith and Carlos.</p>
Steve Smith	In Mexico city.
Rich Young	Yeah exactly and then they have been lots since. In response to cultural changes on protects and Black Lives Matter the IOC Athletes Commission recommended a loosening of that rule and we can talk to Alan in more details about this, but the primary difference is it now allows protests, peaceful protests and demonstrations at numerous sites during the Olympic games that weren't there. Podium, for example is still not a place where you can protest, but in other places you can take a knee or raise your fist and do those kinds of things.
Steve Smith	Great well why do we bring in Alan and we can talk a little more with him about it. Alan thanks again for joining us from Tokyo. Today we're talking about Rule 50.
Rich Young	<p>You know, we have been reading about protects at the Olympic games for years and years. You've probably seen them at all 11 of your Olympic games. IOC has cracked down pretty hard on those, I guess would be my impression.</p> <p>This year in response to, maybe it's in response to the Black Lives Matter protests or George Floyd or the whole race issue that's occurred around the world in terms of protests. The IOC Athletes' Commission recommended a change.</p> <p>The change is subject to the rules of individual international federations and individual national Olympic committees. What's your take on the history of Rule 50 and where we are now, and where you think it's gonna go?</p>
Alan Abrahamson	That's a simple question and a long answer.
Steve Smith	It's kind of a long question too!
Alan Abrahamson	So the history of all this dates to the idea which some people still think. So let's start with the idea that the IOC is, has separated sports and politics. Let's start there. There are two canards right now that many people still think; that the IOC separates sports and politics, that the IOC is still for amateurs.

Speaker	Dialogue
	<p>Okay, the second one first. The IOC has not been for amateurs since the 1990s. The former IOC President, Juan Antonio Samaranch made that clear. That's why we have the likes of the dream team in basketball. Everyone at the Olympic is the professional now, plain and simple. Everyone gets paid. Maybe they don't get paid much, but they get paid. So, that's the second thing.</p> <p>The first thing is sports and politics. So, going back to the likes of even Coubertin, the baron de Coubertin, and his idea that the founder of the modern Olympics, who had this aristocratic idea that sports ought to be separate from politics and tried to, in his very French and very aristocratic way tried to separate the two and then going to Avery Brundage, who I think most historians would say the American who is the President of the IOC from 1952-1972, who history has not been kind to and for good reason.</p> <p>Especialy, after the kidnappings and killings of Israelis in Munich, it's abundantly clear that the Olympic and the Olympic games are part of society. But still the IOC has tried for many years to navigate its way through not being part of the overtly political world.</p> <p>So, Samaranch was President from 1980 through 2001, and – sorry this is a very long answer, but I think we need this sort of context. He was a former, he was Spanish and an ambassador to Moscow and understood well many of the very intricate relationships that animated the cold war universe and, <i>[cough]</i> sorry.</p> <p>Also, tried to steer the IOC through this perilous world, but he brought together the sports federations and the national Olympic committees in sort of a big tent sort of world. It was after the 1968 Olympics that Rule 50 came to be and everyone remembers the iconic picture of John Carlos and Tommie Smith on the podium in Mexico City and the black power salute and their courage in doing what they did.</p> <p>So the IOC under Brundage reacted very poorly, the United States Olympic Committee reacted very poorly. They were sent home and in 1972, Wayne Collette another sprinter was sent home. So this led repeatedly, time and again to this outdated notion that sports and politics ought to be separate.</p> <p>So, Samaranch gave way to Jacques Rogge, who is, his idea was to after the Salt Lake City Scandal of 1999; President Rogge was really there to just sort of calm the waters.</p> <p>Then came Thomas Bach. Bach's entire mission has been to stabilize the movement, but also to try to bring it into the 21st Century. And in a speech in Pyeongchang South Korea in 2014, he said: Ok enough! He said the IOC lives in a modern world, and that means that the IOC must be political, is part of a political world. That doesn't mean that it needs to be itself, it has to do business with the political entities that run this world. And so this whole idea of separating sports and politics went out for good.</p>

Speaker	Dialogue
	<p>Ok, so now fast-forward to the events of last year and the murder of Mr. Floyd has completely changed everything as far as the athlete's voice goes in the United States, and also amplified that voice in certain other western countries, Canada, Britain and some other countries.</p> <p>And so the IOC sensing that, or understanding, excuse me, that athletes wanted to have a greater say in what might be permissible speech at the games decided to conduct a survey. So let me back up just a second.</p> <p>In 2019, two American athletes staged protests at the Pan Am Games, Gwen Berry who is a hammer thrower and also a fencer. So the USOPC, the United States Olympic and Paralympic Committee, sanctioned them and then backtracked. And then last year also, the USOPC honoured Smith and Carlos, finally and belatedly.</p> <p>So the USOPC decided to undertake a series of its own internal guidelines about what was permissible and what was not. And it decided that it would not sanction any athletes who decided to protest within the United States at its events.</p> <p>The IOC conducted a worldwide survey and it got thousands of responses and most of those responses were, leave the podium alone, leave the podium alone. And so, that is more or less where we are now.</p> <p>Rule 50 came in to being after the Smith and Carlos thing and the IOC basically has said: No speech that revolves around politics or religious or other affairs is permissible at the games.</p> <p>And what they've done now is say: Leave the podium alone, but otherwise, as you begin competition you're allowed to make certain gestures or other commentary within certain bounds.</p> <p>And the reason they don't wanna – I'm sorry for going on for so long here – but the reason the IOC doesn't want to have certain, to inject political speech into the games is not just for what we in the west might think of as BLM reasons. But let's say an athlete from Taiwan was to get on the podium and say: Mainland China, you know, I don't like you. Or an athlete from Iran was to get on the podium and say: Israel I don't like you. Or an athlete from Georgia was to get on and say: Hey Russia, no way. I mean, the list of grievances around the world is endless and that's why this rule. So, with that as a very long background in context, that's where we are.</p>
Rich Young	Ok, it's my understanding and tell me if I'm wrong, that there is still a content restriction that you can't direct your criticism to a particular person, Is that right?
Alan Abrahamson	That is correct.
Rich Young	So, what kind of guidance is the USOC giving to his athletes on what they can do and what they can't do? I've read the IOC's guide on Rule 50, but I must say that if I was an activist athlete, I don't really see where the safe harbours are in that document, in terms of what I could say.
Alan Abrahamson	Yeah, I don't think there are safe harbours, and I don't know what will happen if we have an activist athlete per se. I think it would be ok to wear

Speaker	Dialogue
	a black glove, to raise your fist, to take a knee. I think those are all acceptable demonstrations before competition, not on the podium.
Rich Young	Good.
Steve Smith	<p>You know, Alan, one of the things that I think the IOC is probably very concerned about is where this could go and how this could affect its relations. You know, for example, let's fast forward about 7 months from now, we're gonna have games in Beijing and there's a number of grievances against Beijing, and you know, you throw in the Asian culture and where honour is so important.</p> <p>Do you see this affecting potentially the relations and the games in China? You know, if you get somebody who protests on behalf of the weegers or you know, whoever it may be. Do you see that causing problems for the IOC?</p>
Alan Abrahamson	<p>Yes, I wanna try and pick my words carefully here. I had written a column to this effect several months ago. If I were the United States Olympic and Paralympic Committee, I would say to my athletes in Beijing: If you choose to demonstrate on the podium, or even before competition in China, you must understand that we are, that you are taking a very serious risk to your health, safety and liberty.</p> <p>You have to understand that the cultural norms in China are different than in the United States and we cannot be, we cannot assure you that you will not be met with a very different kind of response than you might be met with in Tokyo, which is western liberal democracy.</p> <p>You might very well be met with a response from the security force or other, or the police or the military – we don't know but we can't guarantee that that would not be the case. And if you are arrested for embarrassing the Chinese state, we cannot predict what might happen.</p>
Steve Smith	Wow, so it is, you could follow the IOC rule, you could follow your IF's rule, you could follow the USOC rule and still end up in a Chinese jail?
Alan Abrahamson	I mean, as we all learn in law school, you have a duty to warn, and that is imminently foreseeable, is it not?
Steve Smith	Yeah.
Rich Young	And it seems to me that could have a very significant impact on the future of the Olympics, meaning if that creates controversy, does it make it harder for the IOC to go back to China in the future? Does it make China less willing to host the Olympics in the future? You know, we know right now that just because of the money that they're willing to put behind an Olympic, Russia and China are two very important countries in the Olympic movement.
Alan Abrahamson	Those are all salient points, on the other hand if you are a skeleton athlete, just to pick one, do you really want to spend time in a Chinese facility?
Rich Young	<p>Right, you know it's interesting having been involved in a couple of game selection processes. You know, you get infinite questions about funding and how you're going to run anti-doping and you're environmental impact and your cost of facilities and all that.</p> <p>I don't recall and maybe that's because these were US games, I don't recall any questions about local law coming down on people that are doing things that are permitted by the IOC. That may be a question that should be on</p>

Speaker	Dialogue
	the next questionnaire before either Olympic games or world championships get awarded to some countries.
Alan Abrahamson	<p>Well, I would think so and I think maybe things have changed or we've changed or there's just been so much change. Do you remember at the Sidney Olympics when the American Men's 4x1 Relay team was chastised so significantly because they were perceived by some people to be clowning around with the flag after winning? They were just being joyful and now can you imagine if some athlete gets detained by the Chinese authorities? I can't even begin to predict how that would play out.</p> <p>What I can predict is this, or what I do know is this, the President of the United States has made it abundantly clear that we have a new geopolitical rival. And the Chinese are using the Olympics as we are too, as a demonstrations of soft power.</p> <p>And, if I were, maybe this is the Midwestern boy in me having grown up in rural south-western Ohio. I was taught that when, you know, you were in somebody else's house, you were a guest and you were supposed to observe certain niceties in their country.</p> <p>I totally understand the tensions here, but we have a unique relationship with the rest of the world as Americans and I would think long and hard about certain protests, because when we as Americans do it, it often does not play well when we tell the rest of the world how they ought to behave, you know.</p>
Steve Smith	And appear to take a high ground on moral superiority.
Alan Abrahamson	Yeah we, I mean, consider the last four years. I'm not so sure that we have a lot of moral high ground right now.
Steve Smith	Alan, I think that's great. We will be very interested to see what happens with respect to protests during these Tokyo games and we'll look forward to reading your thoughts in <i>3 Wire Sports</i> .
Alan Abrahamson	Thanks and for the games at NBColympics.com. I will add gentlemen that the protests, such as they are, they've been peaceful and respectful, and have already begun at the first soccer matches. These were taken, which is totally appropriate and within the rules. I don't think anybody has any issue with that. I think the issue is on the podium. That I think ought to, my personal opinion, is that that ought to stay sacred space, as I've written before.
Steve Smith	Well, and if you, I mean if you give lots of opportunity for free speech, that argues in favour of leaving the podium as sacred space.
Alan Abrahamson	That's my argument...that is my argument...
Steve Smith	In total...
Alan Abrahamson	Yeah, I mean, it's not just you, because if it's you, there are two other people at least up there with you on the podium you know? And there are many, many reasons to leave the podium alone.
Steve Smith	Good! Well thank you very much, appreciate your time and look forward to hearing more from you in Tokyo.
Alan Abrahamson	Thank you gentlemen, really appreciated this conversation.
[END OF TRANSCRIPTION]	