Making a Killing | Ep. 13 Olympics Special, Travis Tygart on Corruption and Doping in Sports

TRANSCRIPT

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- Paul Massaro, Adjunct Fellow, Kleptocracy Initiative
- Travis Tygart, Chief Executive of the U.S. Antidoping Agency


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Paul Massaro:
All right. Well, so good to be here. This is Paul Massaro with the Kleptocracy Initiative at the Hudson Institute, and I am here with my friend, Travis Tygart, the CEO of the U.S. Anti-Doping Agency. And it's a very exciting time for anti-doping, both because the Tokyo Olympics are right around the corner, just one week now until they kick off. And in fact, the Helsinki Commission will be holding a hearing next week, examining these Olympics and examining the enforcement of the new law, the Rodchenkov Anti-Doping Act, which actually criminalizes doping in international competitions and redefines doping as fraud which when pursued by these structural actors, these corrupt coaches, administrators, officials, and so on and so forth, it indeed is.

So Travis, thank you so much for joining us today. I'm wondering if you could begin by telling us a little bit about your role, perhaps also your role in passing this legislation, and maybe just broadly what is USADA and what is your mission?

Travis Tygart:
Yeah. Thanks, Paul. Well, it's really awesome to be here, a huge honor and privilege for me. So thanks for the invitation. And as you said, I'm the CEO here at the United States Anti-Doping Agency. We are not a government organization, but an independent not-for-profit organization. We're recognized by government through an authorization that we have to be the independent anti-doping agency for the Olympic, Paralympic, and Pan-Am movement here in the United States. And our mission is to uphold the rule of sport to ensure that effectively athletes, coaches, doctors who participate in sport follow the rules. I really think it's as simple as enforcing the rule of law like we do in many societal situations. And it all comes down to protecting, like all laws do, those who might be victims from people who break the law in order to get what they think is theirs, despite what the law might provide.

So, we truly look at this as an equal opportunity endeavor that we're upholding athletes rights to win without having to break the rules in order to do so. And so big picture, that's what we do on a daily basis. Our jurisdiction here is in the United States, of course, and we run testing programs, education programs, research from a scientific standpoint to ensure best laboratory analysis are in place and robust scientific endeavors are pursued. And then of course-

Paul Massaro:
Could I just-

Travis Tygart:
Yeah.

Paul Massaro:
Could I just really quick ask, you're saying your jurisdiction is the United States, so there are a lot of other anti-doping agencies, right? All around the world. And how do you interact with these foreign jurisdictions? And what does it look like the broader international framework that governs this operation that can sort of keep sport clean?

Travis Tygart:
Yeah. So at the top is what's known as the World Anti-Doping Agency, and this is with respect to the rules around performance enhancing drug use. So protecting sport and athletes rights, WADA, which is a hybrid of the International Olympic Committee who pays half and has half the seats, as well as
governments from around the world that have, based on a regional representation, sit at that table. There's an executive committee of 12, and then there's a foundation board, again, split half sport from the IOC, half from various governments around the world. Unfortunately, our U.S. government no longer has a seat on the executive committee. And in fact, we will be rolling off as well of the foundation board this next year. So there's some serious questions around the effectiveness and the fair or not fair representation from the-

**Paul Massaro:**
Despite the fact that we pay more than anybody else.

**Travis Tygart:**
Yeah, we're the single largest payer on the government side by I think $1.5 million. I think Japan is... Excuse me. Japan, I think is next. And then significant drop-offs after Japan. We're at about 3 million to 2.9 something and change, and then I think Japan is about 1.6 or so. So we're not formally a member of WADA, we don't have USADA, that is, we don't have a vote, but we do have to follow their rules, and we can provide input on those rules from time to time. But at the end of the day, we don't have a seat at the table to making those decisions. They're more like organizations like us around the world. So in the UK, for example, there's the UK Anti-Doping organization. Down in Australia, there's an organization that is not independent like us, but a government entity that is appointed by the government, financed entirely by the government, called Sport Integrity Australia.

And really every country has what we would call a NADO or a National Anti-Doping Organization. It could be independent like us, or might have government oversight like the Australia example I just gave you.

**Paul Massaro:**
Yeah, and now I'm familiar with, of course, the Russian Anti-Doping Agency, which was in fact involved with doping athletes during that state doping scandal. Is that correct?

**Travis Tygart:**
Yeah. I mean, that's a perfectly good example of a corrupt system, right? And it fell under the sports minister's office. And this is a concept that many in the U.S. don't fully appreciate. Most countries around the world, it's more common than not. The U.S. may be the only one that doesn't have a minister of sport, but these are cabinet level positions at the highest level that interact with the executive branch of the country, or in this case, directly with Putin, his right-hand man Mutko was the sports minister. And he had all the wealth or the finances that he needed to be successful and using sport to further propagate the national interest that Russia had. And so what did they do? Well, they dope their own athletes. They covered up their positive tests. They sent knowingly cheating athletes despite international treaty called the UNESCO convention against doping in sport was they were a member state, too.

And despite these private sport rules known as the WADA code that we enforce, they turned a blind eye to the all of those commitments and knowingly paid for and then devise and orchestrated a deep seated cheating scheme to send Russian athletes to games around the world in order to win and to exert their influence and national power on the global stage through support.

**Paul Massaro:**
Right. And now there are going to be at the Tokyo Olympics as well, right?
Travis Tygart:
They will be at the Tokyo Olympics. Thankfully two very courageous whistleblowers came forward initially, led to an investigation by the media. Unfortunately, WADA, as I mentioned, that you would think as the global regulator, they would have been the ones who immediately bring this out and expose it and then hold it to account. But it was the media through these two whistleblowers, investigations then in response to the media took place. And then this whole another whistleblower, Grigory Rodchenkov, who ran the Moscow laboratory, again-

Paul Massaro:
Yeah, we're familiar with Dr. Rodchenkov of course. We've had Yuliya Stepanova at Helsinki hearing as well to testify. So I mean, these courageous whistleblowers absolutely critical to uncovering this corruption. And I wonder given the lack of response and the way that we're now so many years later, what? Seven years later and we've still seen no real penalties for Russia. Is this a result of having half of the executive committee of WADA be IOC? Is there a lack of independence at WADA? And if so, what is the solution to that?

Travis Tygart:
There's absolutely lack of independence, and it's not just the sports side of the house at WADA that sit around that table who want the money coming in from Russia, because Russia is pouring. The spickets are turned on to host sporting events in Russia. And many of these sports like biathlon, for example, weightlifting where the U.S. may come up with $250,000 for a city of Indianapolis, for example, to host the FINA, the Swimming World Championships. Well, there in a cosmic stand city, or in Russia itself, they're getting $30 million to host the event in those countries. So the money pouring in is tremendous, and the sport leaders are cognizant of that. But then on the flip side, you have countries sitting around the table who were also friendly with Russia, and don't want to take hard action against Russia.
And unfortunately what you see happen is they carry favor, but they also then trade political chits. So the foreign affairs minister of a particular country who might be outside of the sport context negotiating some oil contract with the state-

Paul Massaro:
Oh, I see.

Travis Tygart:
... he doesn't want his person at the WADA table to kick WADA out of the Olympic games, because if they do, then their oil contract's not going to go through. So this quid pro quo that they use sport as trading favor in other contexts has just created a thread of corruption and lack of independence that really underserved athletes who are trying to do it the right way.

Paul Massaro:
Right. And that has really interesting stuff. Do you feel that the United States misses out on the way that international sport plays in the kind of global geopolitics? Are we missing something, given our lack of you say a minister of sport or a lack of, I guess it would be department of sport and culture or something like that in the USA? Are we failing to see a bigger picture in the way that international sport interacts with so many other parts of kleptocracy and authoritarianism and so on and so forth?
Travis Tygart:
Yeah, listen, I think these countries are playing with sport, they're playing a 4D chess game. And I'm not advocating necessarily for a minister of sport office to be created because I think there's a whole lot of bureaucracy and inefficiencies and headaches that go along with that as well. But certainly having a coordinated understanding that, hey, we can't play checkers any longer because they're playing this sophisticated 4D chess game and they're beating us and our influence. And if you think about it with our financial investment in sport with NBC, when it comes time to the Olympic games, the U.S, since 1984, when the games were in LA has effectively propped up the Olympic movement, our companies have. We support it financially more than any other country in the world, and our broadcast rights are what gives the IOC the billions of dollars it has to spread the wealth around the world to help other countries grow their sporting events.

But the lack of a very coordinated and determined strategy to appreciate all of these nuances, I think has absolutely hurt us within that international sphere. And we don't have, in my opinion, the influence that we otherwise should have. And again, I don't know that it's about anything other than what the Olympic values are, which are, I think American values. It's the rule of law, it's inclusion, it's treating people how you want to be treated, not having corrupt dictators be hypocrites and holding up this beacon of Olympism of hope for democracies and rule of law, and yet laugh behind everyone's back as they're robbing those blind.

Paul Massaro:
Yeah. So that's really interesting. And I think that when most people, at least most Americans, think about doping and think about cheating in sport, they're thinking more about the Lance Armstrong case or something like that, right? Which of course you were a pretty important part of. Where in fact, the way this ends up happening in real life is through state structures, is through the actual involvement of intelligence agencies even, and so on and so forth. So can you say a few words to kind of the difference between, I guess this career making work you did, essentially pulling the veil off the U.S. postal service cycling doping bring? And how that's different from what we see from Russia or what we might see from China, or what we see when we have a Tamas Ajan sort of figure? And for those that may not know, Tamas Ajan was the head of the International Weightlifting Federation and for decades covered up doping and exchange for bribes and basically ran the whole Federation as his personal fiefdom. So what is the difference between those two?

Travis Tygart:
Yeah, listen, I mean, in part, it's how sport is structured in each of the areas that we're talking about Russia versus let's say the U.S. and the Lance Armstrong case. Now, the outcome, the cheating, and the robbery, and the fraud of sport is probably not that much different, quite honestly. I mean, the scope of what Russia did, way bigger than the U.S. postal cycling scanned, although, at the time we were clear that that was the most professionalized, commercialized conspiracy to rob sport that we had seen up to that point. Certainly Russia eclipses that by far, but it was basically taking private resources. I mean, in order to do it in a way that you can defeat the testing program, the anti-doping system, you have to be pretty sophisticated in how you get away with it.

They took private money and hired experts, doctors themselves. So it wasn't being directed by any state organ, it was all them on their own, but agreeing and conspiring to doing it. And look, they defrauded sponsors, they defrauded sports fans, they had specific contracts with sponsors that said they had to follow the rules of sport and they couldn't dope, and yet they did it anyway. So they were turning a blind eye to commitments they had made, and it was described as they were thieves in some of these contracts. They also took out big insurance contracts that paid pretty enormous bonuses, consecutive
Tour de France wins that Armstrong had. So it was private fraud, what we're talking about with, and it was on the scale that a limited number of private people were going to do it.

It's still a massive scale from what we had seen prior to that time point. But you can't really compare it on the level and the scope and the breadth and the type of resources and the number of athletes involved like what you saw in Russia. And it was state funded, state-directed laboratory, state-funded, state-directed sport organization RusAF, the Track and Field Federation for Russia. Their athletes, and the testimony of the witnesses and the lab results that eventually were uncovered, there were thousands of athletes under the direction of the state. Eventually this cabinet level right-hand person of Putin who was orchestrating this entire program to knowingly sending these cheating athletes around the world to go.

Paul Massaro:
Yeah. So with such a huge, such a such a ground, such a new form of fraud, and I mean, in so many ways, not new, right? Because of course the soviets were engaging in this for a very, very long time prior to the modern framework. But how come the international sport framework hasn't been able to get it together? How come we keep seeing this? Again, and again, and again, we keep seeing lack of punishment, we keep seeing a lack of deterrence. I mean, what is lacking and what is it going to take?

Travis Tygart:
I think the history speaks for itself, obviously, with East Germany. When we first took over in October of 2000, everyone viewed the U.S. as the dirtiest country in the world, because our system was so broken. We had our sports handling the anti-doping efforts, and there were the infamous 13 athletes that had positive tests, allegedly, that went to the Sydney Olympic games. And so the view was, and I think part was because of the U.S. athletes were winning, people were jealous that we were winning, but there was some evidence that supported this theory that we were not doing it the right way either. So a game changing event occurred when the U.S. Congress and the United States Olympic Committee decided to externalize and get rid of what I've called the fox guarding the hen house scenario and set up an independent structure.

And that simultaneously-

Paul Massaro:
That was you guys.

Travis Tygart:
That was us. And that simultaneously happened around the world, and everyone was hopeful that that was what was going to happen at WADA, the global regulator as well. So I think there was a reset for a period of time and kind of a marker put in the ground that, hey, this is important. We are going to have international treaties and uniform rules, enforcement of those rules by these organizations around the world. But what you saw pretty quick into it was the bad actors were finding new ways to defeat those rules. And what ended up cropping up is states realized, okay, they couldn't just leave it to their own athletes to do it by themselves any longer, they needed to have sophisticated, you mentioned the FSB, the military intelligence units involved over in Russia. They went to great lengths to figure out how to break open the urine collection container, and then empty out the dirty urine to put in clean urine and reseal it where it couldn't be detected. And the evidence didn't show that it had been tampered with.
And so this is the link they had to go to in order to try to defeat the system that had been set up to deter, hopefully, but also detect any of this type of cheating. And I think it is worth noting through whistleblowers and the media, this state-sponsored doping was exposed.

Paul Massaro:
Yes, it was. Yeah.

Travis Tygart:
It didn't get handled well. And I think it was exposed, Paul, and part because Yuliya and Yuliya testified at the Helsinki Commission, as you mentioned previously, but both her and her husband, Vitaliy said, "Look, in part why we had the courage to come forward is because we saw what was happening in the United States. We saw that they held Lance Armstrong accountable." So when our Russian ministry people and lab people and anti-doping and sport people were telling us, oh, the WADA rules, one's following them, everyone's cheating, don't worry about these WADA rules, well, they saw the U.S. do something different and they would testify to this. So that gave them the courage and the hope that no, not everybody is doing it like Russia is doing it, and that inspired them to come forward.

And that's a pretty tremendous, I mean, it's incredible the courage it took for them to do so, but it's that little seed of hope and truth around the rule of law being enforced that motivated them to come forward and ultimately do the right thing that led to the discovery and the exposure of this state-sponsored system.

Paul Massaro:
It really is a wonderful example of America leading by example, and demonstrating that it is possible to hold to the rules. It doesn't need to be corrupt everywhere. And in fact, you can have values and you can live by them too, which is really quite an extraordinary thing. That all said, I mean, we often talk about the two sort of big words for the counter kleptocracy world, transparency and accountability. Right? And so I agree with you that we've seen transparency here and that transparency was extremely important, and I think that whistleblowers are an enormous part of bringing that, but then we need accountability, right? And so far we have not seen accountability. And in fact, a lack of accountability can make problems worse and can deter a future whistleblowers.

So we have, as you're aware of, Travis, because you were a really important part of this, take in a slightly different tactic now, right? So there has been the criminalization by the United States of doping by non-athletes in these international competitions by corrupt structural elements of this new crime so that we can kind of generate that sort of accountability that has been so lacking over the last, almost decade now. So I guess my first question for you is of course, one big part of this law was not just the criminalization of the act, but indeed the redefining of the act as fraud, as corruption. So why is, in your view, doping corruption? Why should one understand it as a fraudulent act?

Travis Tygart:
Yeah, well, again, a couple of comments. I mean, I think, let me be real clear. The only reason there was transparency on the Russia case was thanks to two whistleblowers and the media.

Paul Massaro:
That's right. Yeah.
Travis Tygart:
And the system itself would have been happy to sweep this under the rug. And what's really interesting is even when the German documentary first exposed it in December of 2014, WADA was not going to take action and do any investigation. And it took a letter from myself and chairman, Edwin Moses at the time, basically saying you have to investigate this or we’re going to try to bring it to the full executive committee for a vote and several other NADOs around the world did the same thing. So I don't think for a second, but for the media, this case would have reached the levels that it did. And you're absolutely right on accountability. The sport side of WADA and the government side who were influenced by Russia did not take the action, and they had the tools to do it, but they didn't hold them accountable in the way that they should have held them accountable.

And that sends an unbelievable message to the next state that might be willing to take this risk. Hey, you can get caught red handed with your hand in the cookie jar, and nothing's going to happen. Your athletes are still going to go. They may have to play a different anthem. It'll be a rebrand for your athletes when they go to the games, but they're still going to be able to go, and everyone will know they're there representing Russia, and you'll still get all the same national pride benefits if they otherwise win. And who knows if that system over there has actually changed so that now clean athletes are going from Russia, as opposed to the dirty athletes that we saw in the past.

So there is a huge gap in the both exposing it, but also holding it accountable. And that's really where the Rodchenkov Act, I think comes in to play an incredible role in providing first that deterrent effect, so hopefully the next state minister says, oh, no, I don't want to go to jail in the United States, and he'll think of we would put them in jail, but we're not to think that these bad guys aren't going to continue to try to get away with what they get away with, particularly if they're pressured by the people above them within the state. So when they do, the Rodchenkov comes in to define conspiracies to dope athletes going to major international competitions as fraud, because frankly, that's what it is.

NBC pays its billions of dollars to the Olympic games like they did in 2014 at the Sochi Winter Olympic games and Russia wins the most metals in that games. But after the fact, when this fraud gets exposed, the Russia drops to like fourth on the metal list because they lost so many metals from the cheating. Well, the sports fans got robbed. The investment that NBC made in those games, they didn't get what they were promised. They were promised real competition that was honest, that was played by the rules. And that's why it's valuable. It's not valuable to secretly cheat by any means necessarily, and then let's celebrate who wins. We all hate to lose, but what we hate more than losing is losing to someone that cheats us. Right?

And so it is corruption. And I think it's finally we are really willing to recognize that doping is fraud and ought to be treated like fraud from a criminal enforcement standpoint. And it's why we were so supportive of the Rodchenkov Act, and we're thrilled to play a role in helping enforce it for these major international competitions being held around the world.

Paul Massaro:
Let's talk about that enforcement. I think that we're coming up on the first great test of this new law. I was reading, there was an excellent article in the economist yesterday that said 10% to 40% of athletes may be doping at the upcoming Olympics. And that the actual deterrent effect against doping fraud has been minimal for all the reasons that we've talked about already on this podcast. So I'm very interested as to what role will USADA be playing in the enforcement and indeed what should we expect from Tokyo 2021? Should we be expecting indictments to follow the games?
Travis Tygart:
Yes. So our role obviously in the enforcement is laid out pretty clearly in the statute about how we cooperate and share, and it's a two way sharing of information with various law enforcement agencies here in the United States. And so as we develop information and leads and tips or other evidence, whether through testing or through our whistle play clean whistleblower line, for example, we had close to 500 tips that came into our whistleblower line last year. And so some of those rise to the level of potential criminal activity, whether state laws here in the United States or federal law in the United States or potentially Rodchenkov Act.

So that's going to be one funnel where we will immediately be bringing that information, that evidence to law enforcement to then coordinate as they do with their network, wherever those crimes potentially have happened to then ultimately coordinate well with local law enforcement in some of those countries like was done in the FIFA case, big soccer case. It held corrupt leaders accountable [crosstalk 00:27:13], bring charges against those who are under the jurisdiction of the Rodchenkov Act that can aspire to dope athletes in advance of particular games. And you may know, athletes are explicitly excluded from criminal prosecution. However, as evidence that was intentional I think in the act for a number of reasons, one being the athletes are going to be primary witnesses and whistleblowers.

So as they may participate, may test positive, may otherwise want to come forward with the evidence, even if they don't test positive, they will be held accountable under sport rules. So our rules, they won't be able to compete any longer as is appropriate, but they'll be able to provide information and evidence that will be extremely helping in getting those that are higher up in the system who aren't part of a testing regime might not even fall under the jurisdiction of international sport rules. So Vitaly Mutko, who I mentioned previously, the Russia sports minister, he's not bound by the sport rules if he can believe that. Tamas Ajan, who you mentioned previously, he's not bound. He runs the International Weightlifting Federation or did for 40 years until he left in under questionable circumstances of embezzling money, covering up positive drug test, et cetera. These people aren't covered by the sport rules. And so they are held to no account, even though they're polluting and corrupting the very games that all of us want to watch on Olympic.

Paul Massaro:
Well, and that's exactly right. And historically, the only parties that have been punished in these circumstances are athletes. And when athletes dope, they indeed should be disqualified and suspended and all sorts of other stuff. But I mean, have we ever seen structural elements, the structural elements of this crime seriously deterred or punished in any meaningful way?

Travis Tygart:
In our Armstrong case, the team director, for example, got a lifetime ban, and it was-

Paul Massaro:
So you've been able to do that. Yeah.

Travis Tygart:
... because we had jurisdiction over him and he fought jurisdiction, but we did, and we were confident and we did. And then the substantive crimes or sporting crimes under the WADA code, not criminal crimes are federal or state or national crimes just to distinguish the two. But yeah, I mean, there's opportunities and there's been coaches we've held accountable in the past, but the tools are much different. And certainly internationally that not common given that many of these people fall outside of
the jurisdiction of the National Anti-Doping Organization or other entities that they may have the ability to bring a case against them if they otherwise could.

Paul Massaro:
Right. And it's worth also noting that there is extraterritorial jurisdiction on that statute that would all apply to any competition, any international competition that touches the U.S. economy. But indeed it also applies within the United States to any competition that falls under the WADA rules. So I think, for example, about what was this? Travis, you'll have to remind me of this, but there was this recent scandal with this Nike coach up in Oregon, was it? That was he engaged in doping of some sort. I mean, he would fall under the Rodchenkov Act. Is that right?

Travis Tygart:
I think the easiest one is the Armstrong case. I mean, there were many and we had 11 of Armstrong's former teammates come in and sit down and be part of the solution and provide evidence. We were hopeful that Armstrong himself was going to do that. He never did. He ended up suing us and ultimately threw in the towel when he recognized the power of the evidence that we had on the case against him. But we were hopeful he was going to come in and be part of the solution as well, because there were, in our mind, many people that fell outside of our jurisdiction that knew or were complicit and allowing him to pull off and the team to pull off the fraud that they pulled off.

And so the Rodchenkov Act, if it was in place back during that investigation, it would have been a wonderful tool to be able to, not only get to the truth a lot quicker, but also I think a broader level of truth, and some folks who probably got away with being involved in complicit in some of the fraud, because the limits of our jurisdiction or the tools that we have to uncover that.

Paul Massaro:
And we see a lot of other crimes related to the crime of doping, right? I mean, for example, the DOJ has taken action against Russian hackers who've hacked you, right? And hacked WADA and other anti-doping agencies. And indeed we've the drug trafficking, which I know what the BALCO allows for that. So can you talk a little bit about how doping fraud hooks into some of these other state and non-state crimes?

Travis Tygart:
Yeah. I mean, you mentioned the hacking with the Fancy Bears, right? They're part of the government unit, it's military intelligence group, and they're very sophisticated in their ability to cyber intrude and they did it not only to the DNC and the FBI and other state organizations, but they did it to us. They backed into one of our employees laptops when he was on assignment working for the Paralympics. And that was all in response to try to cover up their involvement with the Russia state-sponsored doping scheme. So they're willing to go to great lengths to try to keep this stuff covered up. The other area, and you mentioned the drug trafficking, of course, the other type of fraud on the insurance companies that I mentioned who were paying some of these big bonuses in the Armstrong case, for example, but the other one is the match fixing.

It's often been with the gaming market as big as it is, and it's growing daily here in the United States, you're kind of a fool if you're willing to cheat to win, and you're also not betting on yourself to win. And so those go hand in hand. And again, these are the elements of the criminal world that see the amount of money and how easy it is to get the money in the sport arena by doping, betting on yourself, otherwise, bribing people to have events take place in certain countries. The level of corruption,
unfortunately, is at its height, given the lack of accountability that typically happens when sport controls
it and just the influx of money, billions of dollars flowing into sport like we’ve never seen before.
And you got to understand, sport does everything it can particularly at the IOC level to remain
autonomous. And they want to govern themselves, they want to police themselves, and they simply
can't do it. And yet they live in this sort of twilight zone where they're based in Switzerland, but they live
around the world and very few are ever truly held accountable because the laws haven't caught up with
that structure to effectively hold them accountable. Thankfully the Rodchenkov Act does that now with
respect to doping through fraud at these major international competitions.

Paul Massaro:
Right. Right. Right. So what else needs to happen? In your view, what would be the next big step for
Congress to take or for the U.S. government to take beyond, of course, seeing an indictment come down
the line? What are the next steps to reform in your view?

Travis Tygart:
I think ONDCP submitted its second report to Congress in June. And ONDCP, the Office of National Drug
Control Policy, they have the seat when we have a seat at the World Anti-Doping Agency. They're the
government representative. Again, in the absence of sport minister or minister of culture position, it
falls to our drug policy office. And they've been wonderful at WADA since its inception in 1999
effectively using that seat to try to influence, but they don't have much influence and they don't always
have a seat. So they haven't had a position on the executive committee since 2015. So all of these
important decisions about holding Russia accountable, how do you investigate, do you do a review of
how WADA has handled this investigation to give confidence that we're not going to make the same
mistakes going forward, the U.S. has not had a say or a voice or a vote on any of those material
decisions. And as a result, the sport side ends up controlling it.
So the silver bullet of the solution would be to remove conflicted sport leaders from the WADA table.
You can't have a regulatory body filled with people that are needing to be regulated.

Paul Massaro:
Right. And have a financial stake in the outcome of their decisions.

Travis Tygart:
That's right.

Paul Massaro:
Yeah.

Travis Tygart:
And we've been loud and clear since our existence, since 2000, the fox can't guard the hen house. We
can't have someone with a material interest and the outcome of the regulatory decision making that
regulatory decision. It's inherently conflicted, and it won't result in the right outcome. And even in just
perception, it doesn't give confidence to the people that you need to have confidence that decisions are
being made for the right reasons, not for some political or out of fear of some political influence.
Paul Massaro:
That's right. So this Olympics that is upcoming is, of course, a little different than other Olympics. We've now had Tokyo, Japan declare its fourth state of emergency in response to COVID. I've read that the COVID has disrupted the testing framework. Should we be expecting more doping than usual at this Olympics because of that disrupted framework? Or is it just going to be pretty normal on that front?

Travis Tygart:
It's the question I get asked a lot during this time before any games. And look, I think there was a real chance for this to be the cleanest games ever. And our hope is the Summer Olympics returned to Los Angeles in 2028. And our hope is though we're going to put a stake in the ground, that's going to be a celebration of clean sport and the rule of law and everything good about what the Olympics ought to stand for and what democracy stand for. I worry the lack of testing during 2020 due to the pandemic around the globe. It was down, according to WADA statistics, about 45%. Not down near that much here in the United States, and we went to great lengths to not only put in virtual testing during that time period where we knew we were going to have to reduce testing because it just couldn't be done in a safe and effective way, we immediately, however, modified our procedures, added COVID testing for our doping control officers on a weekly basis to ensure safe testing.

We actually had a surge in our testing. We had the largest number of out of competition testing we've ever had in the fourth quarter of 2020. We've continued to exceed our numbers in 2021, but numbers around the world from a testing standpoint are down, according to WADA statistics, 20%. What really scares me the most is it in advance of the 2016 Olympic games down in Rio, there were 1,913 athletes in 10 high-risk sports alone. Okay. So not all 20 plus sports. 10 sports alone, there were 1,913 athletes that had no tests in the months leading into Rio. That is unacceptable. And if we have a repeat of that, combined with the reduction in testing that we know has happened due to COVID, it's not a good situation and we're very skeptical of what's going to happen.

We've called for transparency on the testing numbers. Let's see who's been tested going into the games and we post on our website, lead by example. You can go and look on our website, and this has been the case since I think 2002, our athletes demanded that their names and the number of tests they've had be posted on our website. So when Katie Ledecky, for example, wins a gold medal, hopefully as she could leading into these games in swimming event, you can go and look, how many times she's been tested in the past several years. Lily King or Emma Coburn on the track, you can go and see it. Unfortunately, WADA doesn't do that. It adds a level of transparency and account and ultimately accountability and will go a long way in ensuring that the games are as clean as they possibly can be.

Paul Massaro:
Do other NADOs, do other National Anti-Doping Organizations do that?

Travis Tygart:
We understand FINA, which is the Swimming Federation, did it in advance the 2016. And I understand they're doing it again now. They just had a new CEO hired, who I understand is doing it, but we're not aware of others around the world at this point. They're doing it. We've encouraged it and we've challenged people to do it. We think it would go a long way and helping athletes have confidence. It was an athlete-led initiative in the U.S. because athletes want to know, hey, Travis, we're fine if you come to our house anytime, come to our world, come to our school, come to our training, collect a sample without us knowing. But what we want to know that people were sitting next to, or standing next to on
the pool deck on the block and attract a block that they're being tested at the same level. And I don't think it's too much to ask for that to be done on the international levels.

**Paul Massaro:**
Yeah.

**Travis Tygart:**
The last point, Paul, so there's a ton of unknowns, right? The last point I think, I really believe the deterrent effect of the Rodchenkov Act will go a long way in deterring some of this behavior. And so while we may not have a case before the games and maybe let's see what happens after the games, the cases are going to obviously be based on the evidence. Hopefully, the deterrent happens and I think it will. But if people are going to cheat at the level that we've seen in the past, hopefully the Rodchenkov Act also can be enforced and they can be held accountable, even if it's after the games.

**Paul Massaro:**
Right. And I mean, in some sense, of course, the ideal is that the deterrent effect takes place immediately, but I think both of us have been watching this long enough to know that I suspect there will be certain states, certain teams that will try to test the waters and see how serious we are. So I think that when it comes down to that, I'd hope our law enforcement will be ready to demonstrate that seriousness and to demonstrate a real deterrent effect. So I guess a final question for you, Travis, and you've been very generous with your time, thank you for joining us today. And that is looking beyond Tokyo, you had mentioned the LA Olympics, which would be wonderful to really put a marker down as a restoration of democratic values, a restoration of the Olympics clean sport. But before that, we're going to Beijing.

We're going to a great authoritarian power and already just yesterday, the UK parliament voted for a diplomatic boycott of the games, that's a diplomatic boycott has been included in congressional bills on China. It already seems like many are calling for the Olympics to be moved or at a very least a diplomatic boycott on account of the genocide against the Uighurs, but also on account of the fact that China is this aggressive authoritarian state. So I'm wondering, what does that mean for the future of the games if they continue to be held in these authoritarian states and continue to be able to like serve as this reputation laundering for dictators?

**Travis Tygart:**
Yeah. Listen, I think the procedures for how the vote of where these games are held historically has been a very corrupt process. I think it's again where the UNSC with its allies, democratically minded and thoughtful leaders around the world must change the way the IOC hands out these games. They're set for Paris in 2024. It goes to Italy for the winter, and then here in LA, the 2030 games are open for decision, the 2032 games are open for decision. And I think these issues while athletes want to be able to compete, and there's been some really adverse effects on athletes, like around our 80 boycott. It's a really difficult and complex analysis. We should hopefully support athletes, but support them by making sure the games end up in places that aren't littered with these types of corruption and human rights issues, so that the question of a boycott doesn't ever come up, because you want to go to these democratically run countries that are inclusive in recognizing ports of human rights.

And that can be done on the front end, don't wait until the back end for that to happen. But I think, again, that's one of these areas where the IOC holds the power and it's a political process, and they're
going to go wherever the money and the power leads them, unfortunately, unless they’re otherwise held accountable to doing it in the way that it should be done according to the rules.

**Paul Massaro:**

Yeah, I always think of this now infamous quote from the head of the Skiing Federation, that everything is easier in dictatorships, and to me, I think that says just about all you need to know about how these federations and the IOC think. And that is to say like, all right, we understand the language of corruption and bribery and that kind of stuff, and we do not understand the language of human rights and democratic values. And that’s such a shame. I mean, if that’s your mentality, then you are indeed going to have many problems down the line, but I am a fan of these games and I know you are. And I really I’m hopeful that we can find a way to make them last another few centuries in a democratic, sustainable, human rights, and rule of law based way.

So, Travis, thank you so much for being here today, talking about your work and the Rodchenkov Act. This has been the making a killing podcast. And if you have any sign off or anything like that, Travis, drop it.

**Travis Tygart:**

Thanks, Paul, for having me. And of course, what you just said in conclusion, I mean, the hypocrisy around this issue with the games, that’s what really undermines the confidence in the games, and the belief in Olympism is something that’s supposed to bring the world together. But when these dictators act and the way that they do to undermine that and do it without accountability, the hypocrisy around it is just really disheartening. And it’s why those of us in democratic countries have to use whatever leverage and authority and influence we can in order to ensure that the values of Olympism, the Olympic movement for what otherwise stands for, to give hope to kids around the world, to citizens around the world, that the world can be a better place based on truth and democracy, ultimately wins the day. But unfortunately that hasn’t been the case the last several years with the IOC.

But listen, thanks for having me. I always appreciate your energy and your perspective and your great work on the Rodchenkov Act and everything the Helsinki Commission and the Hudson Institute do to further these efforts for athletes. So thank you very much, Paul.

**Paul Massaro:**

Thanks a lot.