

The Canadian Commission of Inquiry Into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance

Dick Moriarty, Dennis Fairall and P. J. Galasso
University of Windsor SIR/CAR

This year's article is a post hoc presentation as a result of the Dubin Inquiry Report. Three sources have been utilized in preparing this presentation:

1. The 638-page report by the Hon. Charles L. Dubin entitled, *The Canadian Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance*;
2. A 50-page report of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, submitted by Chairpersons Bob Porter and John Coles to Parliament under the title, "Amateur Sport: Future Challenges"; and
3. Public and media documents (print and electronic) combined with personal interviews with Charlie Francis, Molly Killingbeck and other principal participants involved in the Dubin Commission hearings.

■ ULTIMATE GOAL

The events surrounding use of anabolic steroids by Ben Johnson and his teammates are, in the opinion of many, a predictable result from the shift in goals of Canadian sports. Sport Canada switched from its original mandate in 1967 directed toward mass participation, academic development through a national advisory committee, and support for sport governing bodies in a decentralized volunteer system to its 1988 goal to win medals through national sport organizations. The emphasis was on Top Ten performances to be achieved by high performance sport programs in a centralized bureaucracy. The stated goal in Minister of Fitness and Amateur Sport Jean Charest's 1989 policy statement, *Towards the Year 2000* was to elevate Canada to one of the top three positions in the world in the area of sport.

Significant Events in the Escalation from Mass Participation to Elite Athletics

In 1967, for the first time in history, Russia beat Canada in hockey. Since so much of the Canadian sports psyche depends upon performance in hockey, Pierre Elliot Trudeau, who was the Prime Minister at the time, established a *National Task*

Force on Sport, which ultimately led to the establishment of the Fitness and Amateur Sport branch of the Ministry of Health and Welfare. In *Sport and Politics in Canada: Federal Government Involvement Since 1961*, Macintosh, Bedecki and Franks (1987) point out that Pierre Elliot Trudeau strongly favored a centralized and socialized Canada which shifted from 'unity through diversity' to 'unity through sport.'

Once sport became a tool of government, a shift began from mass participation and recreation to elite international athletics. First the Criminal Code was changed so that bingo proceeds went not only to charity but also to sport, and subsequently the lotteries were developed, initially to fund the Montreal Olympics and subsequently for other Olympic efforts or programs. Iona Campagnolo was the first Minister of State for Fitness and Amateur Sport, and she was quick to realize the political gain at home and the international recognition abroad to be gained from hosting the Montreal Olympics and developing athletes who could win medals. Gerald Mach was brought to Canada by the Canadian Track and Field Association from Poland. He highly endorsed the high performance sport centre concept, wherein the universities, their facilities and athletes would be utilized in developing elite athletes. He was also a strong supporter of the Athletes Reserve Fund program whereby semi-professional athletes involved in international competition could secure their own dollars or development through performance fees or corporate sponsorship.

Sport Canada, for the most part, was oblivious to the growing problem of performance enhancing drugs. Alex Paul-Macdonald was the first Canadian to test positive for drug use. In 1983, members of the Canadian weightlifting team were detected at Montreal customs attempting to import 22,000 steroids. Sport Canada spoke out strongly against the use of drugs. The emphasis was turned to winning prizes, rather than policing athletes, and it took the scandal of the Seoul Olympics to bring about the Dubin Commission, where forty-eight athletes from a variety of sports admitted illegal use of drugs.

A number of scholars and a very limited number of coaches and sport administrators had predicted that the policies of Sport Canada established a structure which would inevitably lead to cheating, not only by use of drugs, but also by violation of amateur status rules. However, the euphoria of sports success blinded the vast majority of Canadians to the sports scandal which would result.

In terms of the role of government in sport, the suggestion is that there be a shift back to mass participation and that dollars for national sport organizations should be allotted on the basis of mass participation, ethical behavior and doping control, and involvement of women and minority groups. In terms of government involvement in sport, it has been suggested that Sport Canada should function at an arms-length and that they should evaluate programs on social, educational and national goals, rather than medal counts.

■ CONFLICT BEHAVIOR

The urine sample of Ben Johnson, Canada, athletics 100 metres, collected on Saturday, 24th September, 1988, was found to contain the metabolites of a banned substance, namely stanozolol, an anabolic steroid. (Burfoot, 1988)

This statement was read by Michele Verdier following the Canadian sprinter's positive urine test following his gold medal and world record performance in the 1988 Olympic Games in Seoul, Korea. Canada's Minister of Sport, lawyer Jean Charest, proclaimed, "Ben Johnson will never represent Canada again," and that "there will be a full inquiry into the entire affair." (Charest, 1988).

These are the precipitating events which led directly to the Dubin Inquiry; however, responsibility for the positive test of Ben Johnson went far beyond the athlete, and included individuals and groups in the sport establishment, all the way up to the Minister himself.

Ben Johnson was the athlete who violated the drug regulations and also amateur status rules regarding performance fees and the Athletes Reserve Fund. Charlie Francis procured and distributed the anabolic steroids to Ben Johnson and his teammates. Dr. Jamie Astaphan and Walter Matuszewski were the doctor and masseur, respectively, who administered the drugs, supervised the program of steroid use, and subsequently demanded and received hush money for a coverup. Ross Earle was Ben Johnson's confidant and banker who raised money through charitable bingos to help pay for the drug program and the coverup.

Jean-Guy Ouellette, President of the Canadian Track and Field Association, was reputed to have called Europe in 1987 to ascertain at which meets drug testing would occur, supposedly to view the system before establishing a more thorough drug testing program in Canada. The information he gleaned from colleagues was then passed on to Charlie Francis who used it to avoid detection of his drug-developed athletes. Techniques used to avoid "testing hat" or positive results were agreements with meet managers to leave the athlete's name out of the hat so it could not be drawn randomly or to substitute urine samples of non-users for the users (Molly Killingbeck, 1991).

Canadian Olympic Committee and Sport Canada

The behaviour of the CTFA was really a mirror image of events at the Canadian Olympic Association and Fitness and Amateur Sport level. The Inquiry witnessed the testimony of our highest ranking international Olympic official, Richard Pound, the International Olympic Committee Vice-President. When questioned why he did not ask Ben Johnson if he took steroids, following numerous rumours and allegations, he stated, "As a lawyer, I felt I was better off not knowing" (Robertson, 1989). The program really started in earnest that year when Cote Demers, a member of Canada's weightlifting team, along with three of his teammates was discovered at Customs in Montreal attempting to smuggle 22,000 anabolic steroid pills into Canada (Dubin, 1990: 145).

The committee of ministers of the Council of Europe, in response to public concern over the abuse of drugs in sport, adopted a resolution in 1967 on the subject of doping in sports, and a number of European countries developed extensive policies and anti-doping programs over the next two decades. Some of these programs were aimed at reducing or eliminating the use of drug-enhanced sport performances, e.g., the Nordic Confederation anti-doping program; while others directed their programs at finding ways to circumvent the rules, e.g., the Eastern Bloc. Many of the values and much of the procedure of this latter group were

imported into Canada when Gerald Mach was brought in to head up the Canadian Track and Field Association in preparation for the 1976 Montreal Olympics. He did not check his values at Customs and his philosophy fit in very nicely with the pursuit of excellence sought by Sport Canada. One difficulty that he encountered was that the mixed economy of Canada made it more difficult for the government to marshal resources to develop state athletes. One way of addressing this problem was to co-opt the universities through the High Performance Sport Centres. A number of universities across Canada bought into this program and made their facilities, resources and prestige available in return for provision of coaches like Charlie Francis and enhanced competition and prestige that comes from identification with national and international athletes and programs. Unfortunately, many of the universities and those representing them did not have the foresight to realize that when a scandal occurred, universities would be accused of complicity and greed for things that went on in their facilities but over which, in reality, they had little jurisdiction.

Sport Community, Media and Public

The sports community, the media and the public regrettably bought into the unwise focus on medals and unrealistic expectations for world sport dominance by Canada.

Molly Killingbeck, a member of the 1989 Canadian Olympic track and field team and an admitted steroid user, asserts in her published press release:

In the realm of sports, the Canadian people, politicians, sports officials and corporate sponsors desire, above all else, Olympic Medals and recognition on the world stage.

Canadian athletes have done everything possible to deliver those medals for our country, at great personal risk and sacrifice. The athletes are a reflection of society, a society that has placed "winning" on the highest plane. The politicians, sponsors and officials will hide behind memos and claim no knowledge of what they subtly endorsed. (Killingbeck, 1989)

■ THE DUBIN INQUIRY

After 122 witnesses, including 48 admitted steroid users, 295 pieces of evidence, \$3.7 million of expense, 91 days of public sessions and 14,617 transcript pages, the Inquiry officially ended September 19, 1989. (Smith, 1989)

The Dubin Inquiry, estimated at a cost of \$3.7 million, has cost Canada more than the \$3.2 million that it took to send the entire Canadian Olympic team, staff and equipment to the Games of the 24th Olympiad.

On November 16, 1988 at 10:02 a.m. at 1235 Bay Street in Toronto, Ontario, the Dubin Inquiry into drug use in Canadian amateur sport officially opened. Ninety-one public session days later, the Dubin Inquiry officially ended on September 19, 1989.

The inquiry involved testimonies from forty-eight steroid users, coaches, sport administrators, medical doctors, sport scientists and International Olympic Com-

mittee representatives. The testimonies involved 122 witnesses in total from around the world who were examined and cross-examined by a core of Canadian attorneys. A total of 103 legal representations were made by approximately seventy lawyers.

By the end of the proceedings in Toronto, forty-eight Canadian athletes, including Johnson and other athletes in track and field, football, weightlifting, bobsledding and wrestling had admitted to use of anabolic steroids (MacLeod, 1989).

Within the 600-plus pages of the Dubin Commission report are seventy recommendations. Recommendations 1 through 8 deal with the role of government in sport and government involvement in sport.

Recommendations 11 through 25 deal with doping controls in Canada, the funding of the anti-doping program and federal regulations aimed at reducing the availability and use of anabolic steroids. Fundamentally, the Sports Medicine Council of Canada was recommended as the independent body responsible for investigation, education, monitoring, and out-of-competition testing, research and development and collaboration with sports governing bodies to produce drug-free sport and take care of the athletes' wellbeing. Funding for this program would come from the sports governing bodies and the Coaching Association of Canada. Federal regulations would be put in place to increase the penalties for possession, trafficking and importing banned substances by moving them from Schedule F to Schedule G of the Food and Drug Act.

The Sports Medicine Council would also be responsible for educating the public, athletes, coaches and officials of the physical, ethical and legal reasons why drugs should be prohibited in sports.

Recommendations 26 through 33 basically are aimed at "leveling the playing field" by having the International Amateur Athletic Federation investigate incidents, ban countries to using out-of-competition testing and increasing the length of bans for violations. Further, it is recommended that the International Olympic Committee ban countries without doping control programs, establish a world doping control program and provide dollars to Third World countries to initiate such a program. Closer to home, the Canadian Olympic Association should refuse eligibility to sport organizations with ineffective doping control administration.

Recommendation 34 encourages the Sports Medicine Council of Canada to finger for the College of Physicians and Surgeons medical doctors distributing, supplying and administering banned substances.

Recommendations 35 through 56 deal with recommendations to improve the situation at the coach, athlete and sport organization level. Coaches are to secure certification through the National Coaching Certification Program and they are responsible for reporting violating athletes. National sport governing bodies are to establish mechanisms for investigating, adjudicating, penalizing and handling accusations in the field. In terms of athletes' rights, there is to be an appeal process with an independent arbitrator mutually acceptable and there is to be no penalty on self-incrimination and no retroactive penalties. Suspended athletes and coaches would lose their financial support from Sport Canada. Both groups have the right to appeal after suspension; however, the onus is on the athlete or coach to initiate such an appeal. Further, the right of reinstatement requires drug testing during the period of suspension.

Recommendations 47 through 50 suggest that the COA, IOC, and national sport governing agencies have stricter penalties for violation, including at least the next world championship.

Recommendations 51 through 56 deal with the Weightlifting Federation which was dealt with very harshly. There is to be strict monitoring of their program by the Sports Medicine Council of Canada and no dollars are to be made available for foreign training camps.

The Canadian Track and Field Association, and those involved directly in the Ben Johnson positive test, are dealt with in Recommendations 57 to 61 which require a portion of the CTFA budget go to the Sports Medicine Council of Canada for drug testing, direct that Sport Canada withdraw support if there is no active doping program, require investigation of reports of infractions and require stricter adherence to the regulations regarding the Athletes Reserve Fund.

Charlie Francis was suspended from coaching privileges, since he contributed to the spread and acceptance of doping and participated in the conspiracy of silence.

Dr. Jamie Astaphan was condemned, and the College of Physicians and Surgeons was encouraged to take appropriate disciplinary actions. Ben Johnson, and a number of other athletes who tested positive or admitted drug use, were suspended from receiving any financial support from Sport Canada; however, Dubin insisted that the decision regarding their eligibility must be left to the national sport governing bodies and to the International Olympic Committee and the IAAF.

Summary of Dubin Recommendations

In summary, the Dubin Report recommended:

1. Increased and improved drug testing at the national and international levels,
2. Third-party testing by the Sports Medicine Council of Canada,
3. Stricter sanctions, including suspension for at least the next world championship, after a violation,
4. Legal sanctions for steroid distribution and use,
5. Clearer demarcation on rights and responsibilities of Sport Canada and the sports governing bodies, with the former responsible for financing carded athletes and national teams, and the latter responsible for the selection and eligibility of such teams,
6. Change in emphasis by the sporting community, the media and the public at large from winning medals to personal excellence,
7. Establishment of an independent arbitrator to deal with appeals,
8. Ethics and morality modules in the National Coaching Certification Program.

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