

September 6, 2023, Public Hearing of the  
Commission on the State of U.S. Olympics and Paralympics:  
“The Future of Olympic and Paralympic Sports in America”

Opening Statement of  
Commissioner Joseph E. Schmitz

I would like to thank our chair and co-chair, Dionne Koller and Han Xiao, for their leadership.

My background that is most relevant to today’s hearing is my years of experience as the Senate-confirmed Inspector General of the Department of Defense, dealing with challenges such as sexual assaults at our three national service academies, and human trafficking around the world.

The most important lesson-learned that I applied as Inspector General is what C.S. Lewis called the Principle of First and Second Things: “You can’t get second things by putting them first; you can get second things only by putting first things first.”<sup>1</sup> Money and survival are paradigmatic and very important second things. But as one C.S. Lewis expert explains the Principle, “the society that believes in nothing worth surviving for beyond mere survival will not survive.”<sup>2</sup>

First things in “The Future of Olympic and Paralympic Sports in America” include our core American values such as integrity, accountability, and government transparency, and, of course, the safety, health, and well-being of our Olympic and Paralympic athletes.

Government transparency is embedded in our Constitution itself, providing each of us a Constitutional right to know how our government spends our money. Article I, Section 9, of our Constitution provides that, “a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.”

While the U.S. Olympic and Paralympic Committee is by no means a government agency like the Department of Defense,<sup>3</sup> it is a Congressionally-chartered corporation. In the Ted Stevens Olympic and Amateur Sports Act of 1998, Congress confirmed that the Committee’s authorities include the authority to “organize, finance, and control the representation of the United States in the competitions and events of the Olympic Games [and] Paralympic Games.”<sup>4</sup>

Congress has also granted the Committee what amounts to a monopoly to raise revenues utilizing the Olympic name and symbols, including the “5 interlocking rings.”<sup>5</sup> Congress has also mandated, starting in January 2021, that the Committee make an annual payment of \$20,000,000 to the United States Center for SafeSport “for operating costs of the Center.”<sup>6</sup>

Finally, I would like to thank Congress for establishing this Commission, our staff and my fellow Commissioners for all their hard work and dedication leading up to today, and our witnesses for participating in today’s hearing. I look forward to hearing from our witnesses about *both* our first and second things as applied to “The Future of Olympic and Paralympic Sports in America.”

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<sup>1</sup> C.S. Lewis, “Time and Tide,” reprinted in GOD IN THE DOCK (1942); see Plato, *The Laws* 361b-d (360BC) (“[T]here are two different kinds of good things, the merely human and the divine; the former are consequential on the latter. Hence a city which accepts the greater goods acquires the lesser along with them, but one which refuses them misses both.”).

<sup>2</sup> Peter Kreeft, *A Refutation Of Moral Relativism: Interviews With An Absolutists*, p. 133 (1999).

<sup>3</sup> Cf. *DeFrantz v. United States Olympic Committee*, 492 F. Supp. 1181, 1194 (DDC 1980) (“[T]he decision of the USOC not to send an American team to the summer Olympics was not state action, and therefore, does not give rise to an actionable claim for the infringement of the constitutional rights alleged.”); see 36 U.S.C. §220505(b)(9) (providing for removal of civil suits from State to federal court and no private right of action); 36 U.S.C. §220509(a) (“In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, . . . a court shall not grant injunctive relief against the corporation within 21 days before the beginning of such games if the corporation, after consultation with the chair of the Athletes’ Advisory Council, has provided a sworn statement in writing executed by an officer of the corporation to such court that its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games.”).

<sup>4</sup> 36 U.S.C. §220505(c)(3).

<sup>5</sup> 36 U.S.C. §220506(a)(2).

<sup>6</sup> 36 U.S.C. §220541(g).