



I.

**BACKGROUND**

The National Governing Body ("NGB") for the Sport of Shooting in the United States is the National Rifle Association ("NRA"). The NRA was recognized by the United States Olympic Committee ("USOC") as the NGB for the Sport of Shooting pursuant to the Amateur Sports Act of 1978 (36 USC 371 et seq). The sport of shooting has been competed in the last Olympic and Pan American Games and is on the agenda of the next Olympic and Pan American Games.

The Amateur Sports Act and the USOC Constitution and Bylaws provide for the processes by which an organization or individual may register a complaint against an NGB with respect to compliance with the USOC Constitution and Bylaws. Included in these processes is the ultimate right to seek arbitration before the American Arbitration Association ("AAA"). These rights are outlined in Article VIII and Chapters VI and VIII of the USOC Constitution and Bylaws, and Section 205, (36 USC 395) of the Amateur Sports Act. These processes require that certain conditions, also outlined in these documents, be met. Article VIII, Chapters VI and VIII, and Section 205 are attached to this Decision.

On September 20, 1993, the USOC Received COMPLAINANTS' Complaint against the NRA.

The RESPONDENT filed a Motion to Dismiss the Complaint.

In accordance with the USOC Bylaws (Chapters VII & VIII), the USOC President, Dr. LeRoy Walker, appointed a panel of five voting members of the USOC Board of

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Directors for the purpose of deciding the procedural and jurisdictional issues raised in this matter as well as any matters which the Panel determines to be related. The Panel

members are:       Sandy Baldwin, Chair and  
                          Walter Bush,  
                          George Schaefer,  
                          Bonny Warner and  
                          Christopher Wood.

On August 3, 1993, the USOC received a Challenge filed against the NRA pursuant to Article VIII of the USOC Constitution.

The USOC asked the Respondent in this proceeding to agree to consolidate these two cases for hearing purposes before the same Panel in an effort to economically resolve the issues raised in the Challenge and Complaint. However, the Panel agreed that the issues raised in the Challenge and the Complaint would be treated separately. Respondent agreed to this procedure.

Following significant efforts to establish a hearing date which met the schedule and needs of the Parties and the Panel Members, a hearing date of November 10, 1993 was established in Chicago, Illinois.

The Parties were provided the opportunity to submit additional written material in advance of the Hearing. The Parties were given the opportunity to provide oral argument through Counsel. The Hearing was open to the public and was stenographically recorded. The burden of proof was on the NRA to sustain its Motion to Dismiss. The COMPLAINANTS were allowed to proceed first, the NRA responded, and the

COMPLAINANTS were allowed rebuttal. In addition, the Panel asked questions of the Parties. The Hearing began at 9:30 o'clock on the morning of November 10, 1993 and completed at 1:00 o'clock in the afternoon. At the conclusion, the Chair of the Panel advised the Parties that the Panel would take the matter under consideration and both Parties agreed that the Panel would have 20 days to provide its written decision.

**II.**

**ISSUE CONSIDERED**

Failure to Join an Indispensable Party. The USOC Constitution provides the process by which a Complaint may be filed under Article VIII against a NGB. The process allows any amateur sports organization or person which belongs to, or is eligible to belong to an NGB, to compel the NGB to meet requirements of Article IV (B) and Article VIII, Sections 1 and 2 of the USOC Constitution by filing a written complaint with the USOC.

The NRA is the recognized NGB for the sport of shooting. It meets its member requirements in the USOC through a Committee of the NRA, the International Competitions Committee ("ICC"). Under the USOC Constitution and in compliance with USOC Membership & Credentials Committee requirements, the ICC is to be independent from the NRA and act as the NGB in the Sport. The ICC is not named in the Complaint as a party.

Chapter VIII of the USOC Bylaws, Section 2(A) states that failure to join an indispensable party or a lack of subject matter jurisdiction which could result in the dismissal of the proceeding may be raised whenever appropriate. Thus, it is clear that failure to join an indispensable party should be considered as an issue in deciding whether a complaint has been properly filed and therefore, whether a complaint which fails to name an indispensable party should be dismissed. The Respondent alleges in its Motion to Dismiss that the ICC is an indispensable party which should have been joined in the Complaint.

The Parties provided both written and oral argument on this issue.

### **III.**

#### **DECISION**

After having considered all of the written documents submitted by the Parties, which are incorporated herein by reference, as well as the oral arguments presented at the Hearing, the Panel unanimously concurs in the following decision:

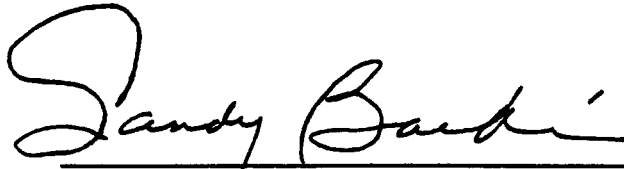
The Complaint of the Complainants does not name the ICC as a party to the Complaint, either as a Complainant or as a Respondent. The Panel finds, however, that the ICC does not constitute an indispensable party that requires joining in this action and it is against the NGB for Shooting that the Complaint is properly filed. The ICC is a Committee of the NRA. Section IV of the NRA/ICC Charter sets out the relationship between the NRA and its Committee, the ICC. Whether the ICC is independent from the

NRA and acts as the NGB is a factual issue raised by the Complainants as a part of their Complaint alleging non-compliance by the NRA with USOC membership requirements. This is an issue for determination at a hearing on the merits of the Complaint.

Since the ICC is a Committee of the NRA and presumably an agent, also, there is no need for the Complainants to name the ICC as a Respondent to the Complaint.

**The Respondent's Motion to Dismiss is denied.**

The Respondent should file an answer as required by Chapter VIII, Section 4 of the USOC Bylaws in anticipation of a hearing on the merits. Unless the parties agree otherwise, the Answer should be filed within fifteen (15) days of receipt of this Decision. The Panel has scheduled a hearing on the merits to begin on January 5, 1994 in Colorado Springs, Colorado. Further details regarding this Hearing will be forwarded at a later date.



Sandy Baldwin, Chair  
Walter Bush, Panel Member  
George Schaefer, Panel Member  
Bonny Warner, Panel Member  
Christopher Wood, Panel Member

**Dated this 30th day of November, 1993.**