

**Testimony of Jim Walden to the U.S. Helsinki  
Commission Hearing on “The First Clean Olympics?  
Rodchenkov Act Enforcement at Tokyo 2021”  
July 21, 2021**

**“It is quite obvious that the severe limitations on the powers of anti-doping authorities—when coupled with political influence and outright corruption—emboldened Russia in its efforts to cheat the system. After all, the world has long suspected what was actually happening within Russia.”**

**Affidavit of Dr. Grigory Rodchenkov, November 2, 2017**

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Dr. Grigory Rodchenkov was the head of the Moscow Anti-doping Center at the time of the 2014 Winter Olympics in Sochi. At the direction and under the supervision of Russian President Vladimir Putin, the President of the Russian Ministry of Sports Vitaly Mutko, and a number of other top-level state actors, and with the assistance of the Russian secret police, Dr. Rodchenkov helped orchestrate the most elaborate doping system in Olympic history. The scheme succeeded, at least for a while. Russia celebrated its highest medal count ever in 2014 – 33, with thirteen of them gold.

A year later, Dr. Rodchenkov boarded a flight from Moscow to Los Angeles with other things on his mind. Because investigative journalists had exposed aspects of the doping scheme, he learned that the Kremlin planned to stage his suicide, and then blame him for the scheme. He outwitted them. Long torn between his conflicting roles as an anti-doping pioneer, on the one hand, and doping enabler on the other, Dr. Rodchenkov left his family and life behind, intent on exposing the entire scheme to the world. And expose it he did.

In truth, WADA and the IOC had plenty of reason to act against Russia even before Dr. Rodchenkov’s revelations. By the end of 2015, there was ample proof of state-sponsored doping

in Russia, including through (a) informants, (b) whistleblowers, (c) a series of Russian Olympians having tested positive for performance-enhancing drugs, and (d) Russia's number one ranking for three consecutive years (2013, 2014, and 2015) on WADA's anti-doping rules violation reports. None of this caused WADA or the IOC to act. It was only when Dr. Rodchenkov revealed his truth to the *New York Times* that the harsh sunlight forced them to act.

The start of the Sochi investigation was encouraging. WADA engaged prominent and qualified investigators to objectively evaluate Dr. Rodchenkov's evidence. They poured over that evidence, found additional evidence, and in 2016, confirmed both the existence of the elaborate Russian state-sponsored doping scheme and the participation of scores of Russian athletes, lab personnel, state employees, and high-level politicians in the scheme. Not satisfied with the reports of WADA's investigators, the IOC empaneled two separate Commissions to conduct the investigation anew. Both confirmed Dr. Rodchenkov's evidence again by December 2017. Between 2017 and today, dozens of other investigative bodies or administrative panels have reviewed, confirmed, and sometimes even added to the available evidence—all confirming Russia's guilt. Russia's doping program is the most thoroughly documented crime in history.

It is because of the scope of Russia's crime, the brazenness of the crime, the unrepentant acts of obstruction to cover-up the crime, and the repeated acts of retaliation to discourage others from digging deeper into the crime—all sanctioned at the highest levels of the Russian government—that WADA's and the IOC's impotence or complicity is so alarming. Put simply, WADA and the IOC failed to hold Russia accountable in any meaningful way.

When I testified before this Commission in February 2018 and first proposed a long-arm, doping-fraud statute—empowering the Department of Justice and the FBI to root out doping-fraud systems in international sporting competitions—I did not make that proposal because of either

corruption within Russia generally or its state-sponsored doping at Sochi specifically. Rather, it was because I saw that the only system in place to address that corruption—the only true gatekeeper to protect clean athletes—was broken beyond repair.

In the end, all the effort and resources poured into these investigations produced little in terms of justice for clean athletes or reform. Ultimately:

- 13 Sochi medals were stripped, and then 9 were reinstated.
- 42 top-level Russian athletes were banned, and then 29 were reinstated.
- Russia withheld or tampered with crucial evidence of doping corruption. WADA's efforts to secure the evidence was ineffective, and the IOC literally did nothing to compel them. As a result, Russian authorities brazenly and illegally manipulated the Moscow Laboratory data to cover up its institutionalized doping scheme.
- Although WADA eventually obtained that evidence in 2019, and although the evidence revealed doping violations by hundreds of Russian athletes, WADA has brought few cases against these athletes. It delegated most cases to international sporting federations, and—not surprisingly—few cases have been brought.
- As “punishment” for its crimes, Russia suffered two Olympic bans, but these were largely symbolic, as Russian athletes were welcomed to, and participated at, every Olympic event since.
  - o In fact, three days after the 2018 Winter Olympics in PyeongChang, South Korea, the IOC reinstated Russia's Olympic Committee despite the fact that two of its Olympians—who had been carefully vetted before the games—tested positive for doping during the games.

- And in September 2018, WADA reinstated the Russian Anti-doping Agency despite the fact that Russia had not complied with two key requirements WADA had imposed: (a) admitting responsibility for the state-sponsored doping program; and (b) turning over long-withheld testing samples and the contents of its Laboratory Information Management System, which would have shown the full scope of Russia's doping fraud. To this day, Russia has still not admitted responsibility.
- Since Sochi, we have learned more about corruption within WADA. Authorities in Austria and Australia have filed criminal cases against two of WADA's Foundation Board Members—Anders Besseberg and Tamás Aján—on charges related to doping-fraud cover-ups, including in return for bribe money.
- And how did WADA's leadership react to American calls for justice and reform, including the Anti-doping Summit Declaration?
  - America—WADA's largest source of funding among nations—has been systematically excluded from a seat on WADA's Executive Committee since 2015.
  - Despite all this, WADA and the IOC lobbied hard to kill RADA before it became law.
  - WADA formed a group to assess ways to reform and excluded the United States from participating in that effort, which resulted in weak-kneed reform measures that were never fully implemented anyway.
  - And, when Congress demanded that WADA finally show a willingness to clean up its act and institute reforms as a condition of further funding, WADA's current President threatened to exclude American athletes from international competition.

Against this backdrop, it is clear that RADA is essential to restore integrity to international sports and protect clean athletes because the current system is corrupt, purposefully ineffective, and deeply conflicted. And doping is only one small part of the problem. It exists in an infrastructure that includes bribery, money laundering, elaborate drug trafficking networks, witness intimidation, and computer hacking. Also, doping is not just about dirty athletes. It is about the trainers, doctors, coaches, sports officials, and politicians who command it, support it, and cover it up.

Sadly, RADA will not make the Tokyo games clean. They will not be clean, that much I guarantee. The first nine years of my career I spent battling organized crime families in New York as a federal prosecutor. As resilient as the Mob proved to be, it pales in comparison to the deeply entrenched corruption in international sports, including by state-sponsors of doping who simply do not know how to train athletes *without* doping. That is the lesson of Sochi.

But Congress could do two other things to speed up and super-size RADA's impact.

The first is to use its oversight authority to make sure DOJ and FBI have a full-throated plan and allocate sufficient resources to bring cases. Investigations under RADA will be highly complex undertakings. The investigative teams will need to be fully educated in systems for doping detection and methods for gathering authentic evidence internationally. The team will need to coordinate with national anti-doping authorities, international sports federations, and Interpol. A skeleton crew will be insufficient. Given the scientific complexities, the challenges for evidence collection, and the expanse of international partners, DOJ and FBI must create a large, specialized unit, focused exclusively on penetrating the corruption within these international-sporting networks, just as DOJ and FBI did with the recent FIFA investigations. There are too many innocent athletes at risk and too much sponsorship revenue at stake for Congress to allow DOJ and FBI to under-resource its RADA team. I also hope Congress will consider adding RADA violations to

both the list of specified unlawful activities under the money laundering statutes and as predicate acts of racketeering under the RICO statute, allowing the RADA Unit to fully leverage those laws—together with the forfeiture and seizure laws—to make RADA enforcement as successful as possible.

The second imperative is to withhold funding for WADA until it implements key reforms. Some of those reforms are well outlined in ONDCP’s report of June 17, 2020. In short, WADA must achieve full independence from the political meddling of the IOC, its Executive Committee must be fully independent and should be comprised primarily of former clean athletes and anti-doping scientists, and it should implement rules to achieve greater transparency. As we sit here, WADA has sufficient data to know which countries and which sports are most likely engaged in doping fraud. If Transparency International can publish a Corruption Perceptions Index that serves as a reliable tool for the international community, WADA could use its data—including in the Anti-Doping Administration Management System—to publish a yearly Doping Corruption Index. This would be a valuable tool for the RADA Unit to follow as leads for its investigative activities.

I appreciate the opportunity to offer my views to the Commission. I wish to thank the Helsinki Commission for its leadership. I would like to acknowledge Dr. Rodchenkov for his bravery and perseverance. I also would like to acknowledge USADA generally, and its CEO Travis Tygart in particular, for setting an example for the world by holding U.S. athletes to an appropriate standard and for its commitment to identify cheaters among U.S. athletes. I hope there is a day when all other national anti-doping authorities follow the strong model that USADA embraces.

**Let me end with a statement directly from Dr. Rodchenkov himself:**

**“Russia’s overarching doping scheme was exposed but wasn’t admitted in Russia. They remain incorrigible. Cheating, lying and denying – those are three pillars of Russian**

**propaganda. The scheme and frauds in Sochi were realized by close coordination among the government, the FSB, athletes – after all, Russia’s Olympic Athletes themselves are often Police, Army and FSB officers – and RUSADA. WADA was and is losing the war against doping, purposefully. But we are gathered here, in Congress, pursuing an ultimate goal: to improve the global situation in favor of clean sport and punishing outlaws and cheats. Russia will remain accountable over years and years. From my personal perspective, to deter further cheating, WADA should not permit an accredited doping-control laboratory in Moscow—the Russian government and FSB will NEVER let it do its job. In the current situation, the WADA accredited laboratory in Russia will resume sample and result manipulation, develop new doping schemes and protect doping cheats. Over the next decade, all samples from Russian athletes should be tested in trusted foreign laboratories, where Russia’s further doping can be exposed.”**