

# unprotected

There's a horror in the shadows of American competitive swimming: a continuing legacy of sexual abuse, usually involving male coaches who prey on young women—and a governing body that looks the other way.

*By:* RACHEL STURTZ

PHOTO: ERIC OGDEN/TRUNK ARCHIVE

“Don't cry Anna. Didn't you say I am like a father to you? (*smack, blood in my ear*) You have all those boyfriends anyways. I want to keep you focused on swimming.' I am thirteen and in a private discussion with my coach that was set up after nationals. Ripping pain, grunts that sound like the monster in a horror movie, blood, my hair pulled out lying on the ground, the smell of fear. It smells like fresh chlorine and metal.”

—From an essay by Anna Strzempko, describing an alleged 2008 rape at the hands of her swim coach

**AT THIRTEEN**, Anna Strzempko was nine years into her amateur career when she reached the finals of the 2008 YMCA Long Course National Championship, swimming for the Greater Holyoke YMCA Vikings in western Massachusetts. For the past five seasons, no Viking had made it to nationals, and this was a turning point,

that quiet moment when Strzempko's potential went from competitor to contender. The curly-haired middle-distance freestyler was the baby of the swim team, and in a sport where young promise follows a quick route to glory, she now had her start.



Anna Strzempko says she was first raped by her coach at age 13.

JESSE BURKE

Strzempko's swim coach was a tall, gray-haired taskmaster. He'd trained and built swimmers for 30 years, some going on to the Olympic Trials and NCAA Division I schools. According to Strzempko and other swimmers, he threw clipboards at his athletes and screamed when they made him mad, either for a slow interval or just by

catching him on a bad day. They were used to the mood swings, but they were still terrified of swimming badly. Parents generally didn't mind. They saw it all as part of his method.

The coach was good at spotting talent, and on an August day in 2008, Strzempko says, he called her into his office and told her she had the potential to compete in the 2012 Olympic Trials, four years away. Like any athlete who has performed under a no-bullshit authority figure, she was thrilled, because nothing the coach said was said lightly.

Toward the end of their discussion, the coach asked the eighth-grader where she was planning to go to high school. After she told him, he informed her that swimming came before education and that she needed to be prepared for this reality. Strzempko said education came first in her family, and this set him off. Strzempko recalls him saying "Not this again" and then slapping her face. Next, she says, he ordered her into a storage room adjoining his office.

There, according to an account she would give years later to her parents and police, her coach anally and vaginally raped her. Strzempko's brain couldn't piece together what was happening. She was unable to cry or scream. Her body bled from two orifices. When the coach was finished, she says, he left her lying faceup on the room's cement floor.

Lightheaded and unsteady, Strzempko got to her feet and walked through the YMCA to the lobby, where her mother was waiting. Monica Strzempko, a self-described helicopter parent who was then 49, asked her subdued daughter why she wasn't more excited about the news of her Olympic prospects. Strzempko said she was happy, just shocked.

**Sex Crimes and Young Athletes:** The author of “Unprotected,” an expert on the sexual abuse of children, and two lawyers on the front lines discuss the sex-abuse horror stories that plague youth sports—and why these cases often go unreported for years.

They drove home in silence. When they arrived, Strzempko went to the bathroom and vomited. That night, unable to sleep, she applied ice to the darkening bruises hidden by her swimsuit, where her coach allegedly had punched her during the rape.

A few days later, Strzempko says, it happened again, and over the next two and a half years, she alleges, her coach periodically raped her in the storage room just above her local YMCA pool. There was no pretense of this being a “relationship.” The coach treated her the same in practice, but every so often, Strzempko says, he’d use one of his closed-door meetings as an occasion for assault. She remembers him speaking about it only once, to emphasize to Strzempko that no one would believe her if she said anything.

Frozen by a mix of awe and fear that’s common among young rape victims, Strzempko didn’t tell anybody about what was going on. Out of guilt for losing her virginity to her middle-aged coach, she never told her parents. Out of shame, she never told her friends. She kept swimming, but she tried to escape the sport in her own self-damaging ways.

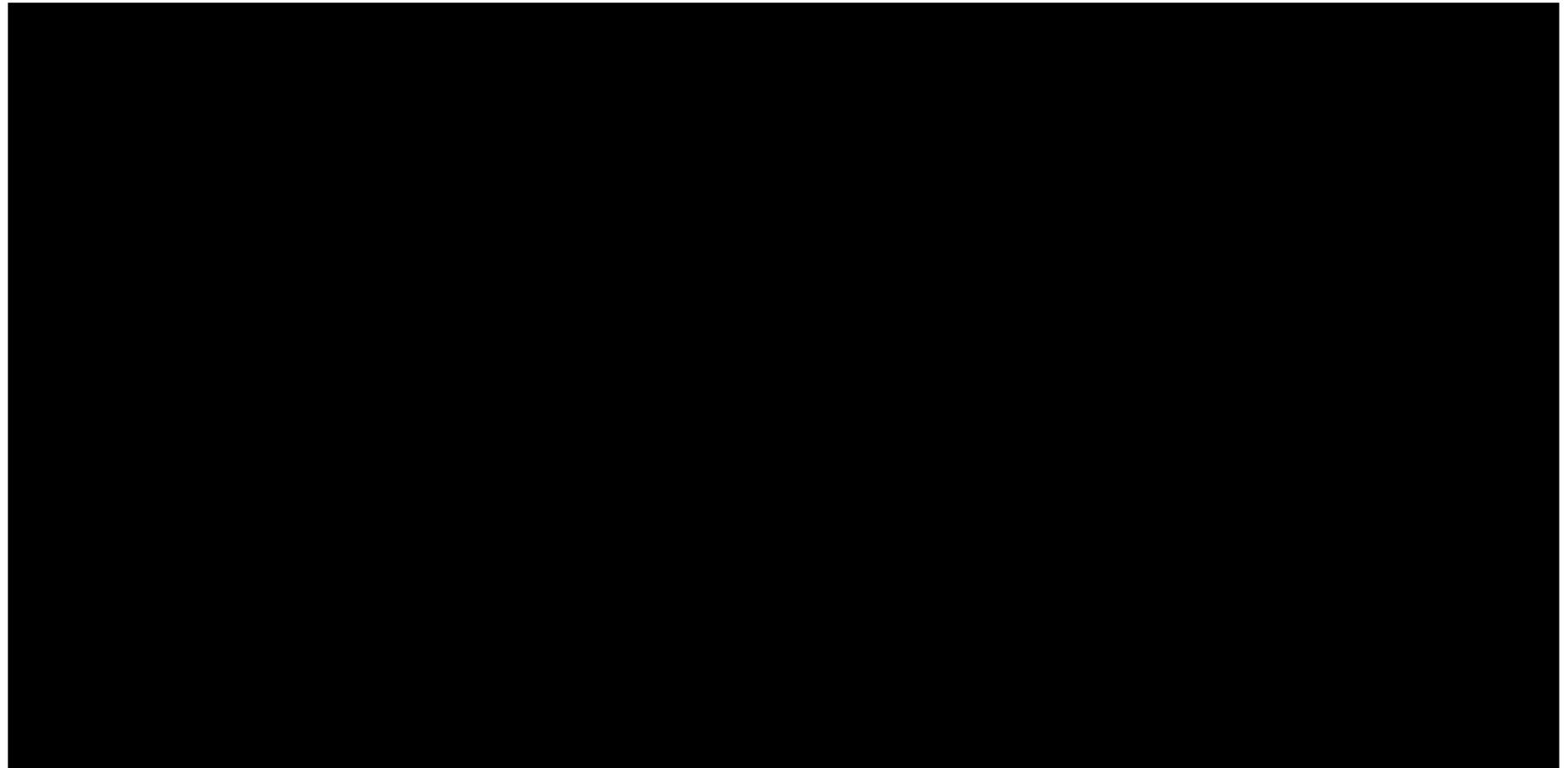
At an away meet in 2009, she slammed her torso on the edge of a porcelain hotel tub, injuring a rib so she could avoid the pool. (She swam anyway.) After that she stopped eating, winnowing her body down until her gaunt frame sank in the water and her doctor ordered her to stop competing. By 2011, she was through with the Holyoke team but still working the front desk at the Y, unable to leave the only world she knew. Three years after the assaults began, when she was 16 and daydreaming about suicide, Strzempko told a friend. That friend immediately told Strzempko's parents.

Monica was speechless. Anna wasn't forthcoming at first, telling her mother that, yes, she'd been molested but, no, she wasn't ready to talk about it. Then one night, in bed with her mom, she told her bits and pieces. Still ashamed, she hedged, saying the coach had molested her, but only with his fingers. The full scope of her abuse would only come out over time.

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**THIS WAS THE START** of a legal and emotional ordeal for Strzempko that is still going on. Her coach, who lost his job with the YMCA in 2012 and lives in Holyoke, denied he ever laid a hand on Anna. The coach declined to speak with *Outside* about Strzempko's charges, but as you'll see below, his counter-story was laid out during an official state review of the matter that concluded in late 2012.

Monica informed the YMCA of Anna's allegations the day after her daughter came forward, and the coach was immediately suspended pending an investigation. Ultimately, he was not charged with a crime by the Holyoke Police Department. Officer Jennifer L. Sattler, a detective who questioned Anna when she was 17, said in a report that Anna, who was traumatized by the experience of being questioned, "displayed difficulty during this interview." According to Monica, Sattler later told her that Anna didn't "act" like an abuse victim. Without DNA or an eyewitness, the police told the Strzempkos, they didn't have a case.



**Anna Strzempko:** Author Rachel Sturtz and lawyer Jonathan Little talk about the case of Anna Strzempko, who says she was raped multiple times by her coach, starting at age 13.

The Massachusetts Department of Children and Families (<http://www.mass.gov/eohhs/gov/departments/dcf/>) found Strzempko's story credible enough that it launched an investigation, one that her family hoped would remove the coach from the profession. The DCF ruled to support Strzempko's report of abuse, based on the statement she made to the Holyoke police, but the agency's involvement ran aground when the coach and his lawyer appealed the ruling in what's called a Fair Hearing. This allows someone accused of abuse to challenge the conclusion in a nonjudicial setting run by DCF staff professionals.

The coach's lawyers challenged Strzempko's credibility, bringing forth witnesses who spoke in support of his good character and claiming that the kinds of encounters she described could not have happened in a Y that was usually teeming with other people. The coach said he never closed doors during meetings, though one of his witnesses refuted him, saying that he would sometimes close the door if the "fitness room was noisy."

"The Appellant acknowledged that he would meet with swimmers in his second-floor conference room at the YMCA during business hours," says a report produced by the DCF after the coach's appeal. "His meetings were one-on-one but they were 'never a step away from others' while in the conference room. There were always people 'meandering about.' (Testimony of Appellant.)"

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Anna's brain couldn't piece together what was happening. She was unable to cry or scream. When the coach was finished, she says, he left her lying faceup on the storage room's cement floor.

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The coach's lawyers also said that the DCF investigator had failed to follow proper procedures, which stipulated that Strzempko be interviewed by an investigator within three days of the report filing, undergo a forensic interview, and find people and evidence that could corroborate the incident. Monica says she and her husband, Stan, were never told of these requirements and that they could affect the outcome of the case.

To make matters worse, when Monica first reported the rape after hearing about it from Anna, she gave an incorrect detail to YMCA board members—she'd originally thought Anna had been abused during a swim-team trip. Anna says she consistently reported that the first assault happened at the Y, but it's true that her story changed

over time, which sometimes happens when victims report abuse. She initially told police that her coach molested her five times, using his fingers. She now alleges that there were roughly 20 assaults, and that all of them involved rape.

Anna's family didn't bring any witnesses forward during the appeal, acting on the advice of a lawyer who said that the Strzempkos shouldn't get involved. They came to regret that, because the coach won the appeal in late 2012. Whatever really happened between him and Anna, Monica says that the DCF decision was taken by YMCA families as vindication for him.

In July 2012, for reasons that remain unknown—because the YMCA refuses to talk about it—Anna's coach was fired, but he could still work with underage female swimmers again if somebody decides to hire him.



Jonathan Little, who was hired by Strzempko's family to pursue legal restitution on her behalf. OUTSIDE ONLINE

Monica had also brought the case to the attention of USA Swimming (<http://www.usaswimming.org/DesktopDefault.aspx>), the sport's Colorado Springs-based national governing body (NGB). After the DCF's initial ruling was overturned, USA Swimming interviewed everyone involved, including the coach, but ultimately decided not to change his status. Its investigation eventually ended, too, and it sent a FedEx letter to the family in September 2013 to let them know it would not explore

the case further. When USA Swimming contacted Anna again last spring, the Strzempkos became frustrated with the organization's process and decided to stop cooperating with it.

The matter is far from over, however. Last May, Strzempko's family hired a lawyer, Jonathan Little, to look at the possibility of pursuing legal action on her behalf. At press time, the family was preparing to file suits against USA Swimming in Colorado and against the YMCA in both Massachusetts and Illinois, home to the Y's national headquarters. The suits will allege that a lack of institutional oversight by USA Swimming and the national YMCA left Strzempko vulnerable to abuse. In the Massachusetts suit, in which Strzempko's coach will be named if the matter isn't settled out of court first, Strzempko will seek restitution for the pain she suffered from the alleged abuse.

In the meantime, Strzempko—now 20 and a student at Wesleyan University—has started to go public, which is a big step. Last summer she told her story to Al Jazeera and signed her name to a petition filed by the Women's Sport Foundation (<http://www.womenssportsfoundation.org/>) (WSF), which asked 19 other women (<http://cdn.swimswam.com/wp-content/uploads/2014/05/Wielgus-petition-HOF-2014-FINAL.pdf>) who have reported sexual abuse—including long-distance swimmer Diana Nyad and Olympic gold medalist Deena Deardurff Schmidt—to protest the fact that USA Swimming's executive director, 64-year-old Chuck Wielgus, was about to be inducted into the International Swimming Hall of Fame (ISHOF).

The petition spelled out a sorry history. “As of May 1, 2014, more than 100 USA Swimming coaches have been banned for life, making this one of the worst sexual abuse scandals in the U.S. Olympics sports world,” it stated. “Many of these coaches had well-known, long histories of sexual abuse, yet Wielgus enabled these men to continue to coach for years. ... [He] has not been a leader in protecting victims; he has instead responded to outside pressure, and only after other avenues of obfuscation have been exhausted.”

The petition went on to describe some of the botched cases, the ways in which USA Swimming had actively worked against victims of abuse, and an alleged culture of cover-up and scorched-earth litigation that bought silence. The arguments worked, persuading the Hall of Fame and Wielgus to jointly announce in June that his name would be withdrawn from consideration

(<http://www.swimmingworldmagazine.com/news/no-hall-of-fame-for-chuck-wielgus-withdraws-name/>).



Diana Nyad signed a petition successfully preventing the induction of Chuck Wielgus, the executive director of USA Swimming, into the International Swimming Hall of Fame. JEFFERY A. SALTER/REDUX

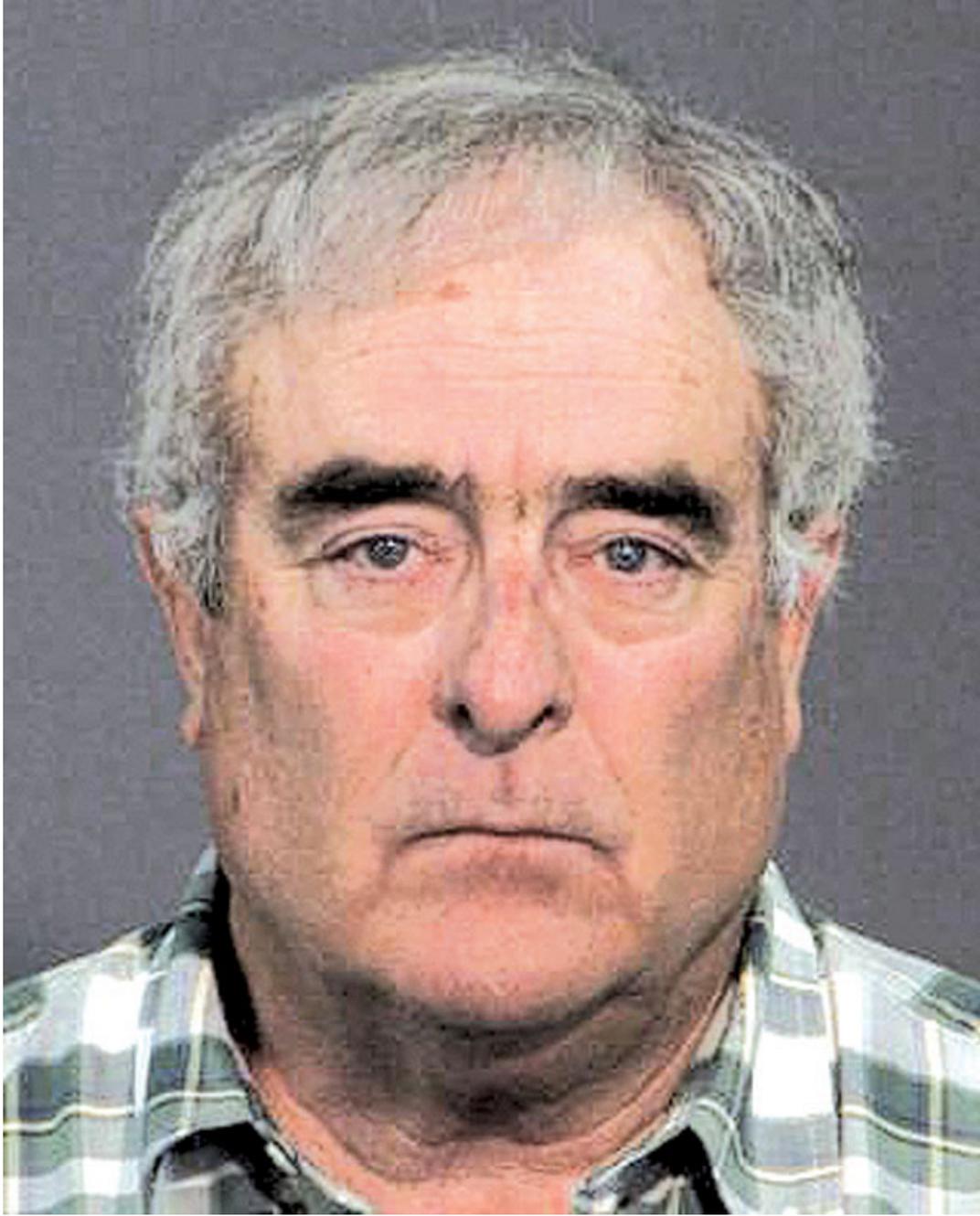
Wielgus, who declined requests from *Outside* to discuss his role in past and current cases, responded to the petition on a USA Swimming blog four days after it appeared. While not admitting culpability, he issued a general apology (<http://www.usaswimming.org/ViewNewsArticle.aspx?TabId=2536&itemid=6114&mid=13910>) for not having done more.

“Going back in time, I wish I knew long before 2010 what I know today,” he wrote. “I wish my eyes had been more open to the individual stories of the horrors of sexual abuse. I wish I had known more so perhaps I could have done more. I cannot undo the past. I’m sorry, so very sorry.”

Many critics of USA Swimming think the apology is too little, too late, and that the organization can never really be reformed until there's a change at the top.

## 2

**MORE THAN ANYTHING**, the Strzempkos want one message to hit home: sexual-abuse cases involving young athletes, across every sport, happen with much greater frequency than people realize. No single sport should be more susceptible than any other, but for whatever reason, swimming has been especially riddled with abuse in the U.S.



Former San Jose Aquatics coach Andy King spent decades abusing swimmers on the West Coast, raping more than a dozen young girls before he was caught in 2009. SAN JOSE POLICE DEPARTMENT

Because there have been so many sexual-abuse cases over the years involving swimmers (<http://www.outsideonline.com/outdoor-adventure/water-activities/swimming/Swim-Coach-Sex-Offenders-USA-Swimming.html>), USA Swimming in 2010 became one of the first sports governing bodies to create a public list (<http://www.usaswimming.org/ViewMiscArticle.aspx?TabId=1963&mid=10011&ItemId=5107>) of coaches and other officials who have been banned for violating its code of conduct, which now forbids sexual advances toward or sexual contact with athletes, even if the coach and athlete are both adults.

As of September 1, the list contained the names of 106 members, with at least 73 who were banned for sexual misconduct, often involving multiple victims. On this roster, you'll read about men like former San Jose Aquatics coach Andy King (<http://media.outsideonline.com/documents/King-sentencing-Statement.pdf>), who spent decades leaping from club to club on the West Coast, raping more than a dozen young girls and impregnating one before he was caught in 2009. Or Charles Arabas (<http://media.outsideonline.com/documents/Charles-Arabas-Indictment-Plea-and-Sentencing.pdf>), sentenced to ten years in prison in 2004, who moved to northern Arizona after being fired for sexual abuse at his previous coaching job and then assaulted seven girls on his new local swim-club team.

Historically, experts say, it's been the exception for abusive coaches to get punished, because the adults and organizations that are supposed to protect children in club sports often have failed them at every level. The group that's tasked with overseeing policies for nearly every hometown swim team—USA Swimming—had a hands-off attitude that allowed many abusers to stay in the sport for years.

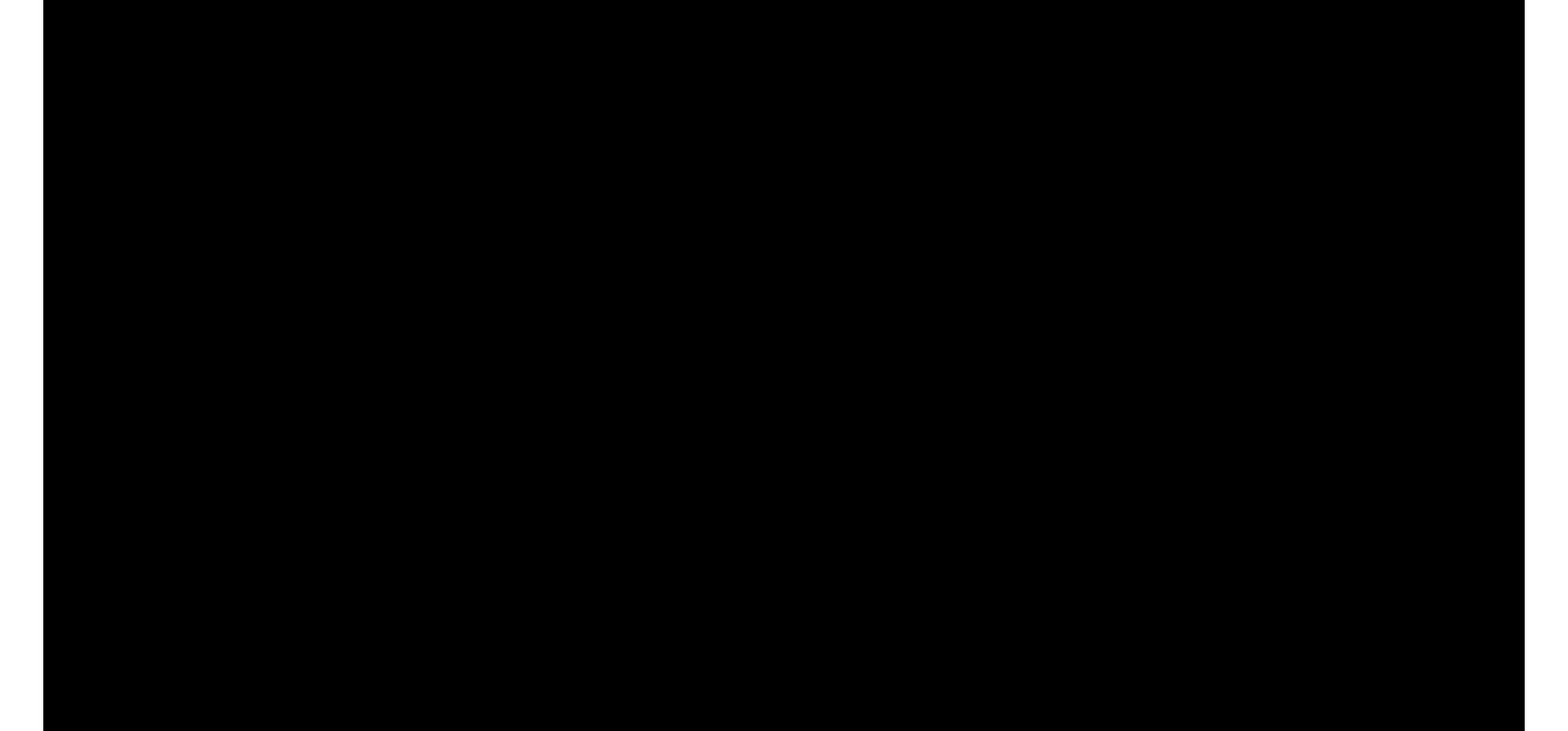
In 2011, for example, it came out that Rick Curl (<http://media.outsideonline.com/documents/currin-curl-agreement.pdf>), a prominent swim coach and owner of the Curl-Burke Swim Club in Washington, D.C., had sexually assaulted swimmer Kelly Currin (then Davies) for five years in the 1980s, starting when she was 13. When the Davies family first found out about this, in 1986, they confronted Curl and demanded that he sign a letter (<http://media.outsideonline.com/documents/rick-curl-letter.pdf>) admitting what he'd done. Later, when the family learned that Curl had taken a new position at the University of Maryland, they sent a copy of the letter to the athletic director, who forced Curl's resignation but never shared the information with police or USA Swimming.

“I’ve been working on this topic since 1985,” says Celia Brackenridge, a British expert on the sexual abuse of athletes, “and we got through the denial in Europe, but the U.S. is absolutely the most resistant of any country I’ve worked with.”

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In 1989, the Davies family and Curl reached a nondisclosure settlement that compensated the family with \$150,000 in exchange for their agreement not to pursue additional claims or speak to the media. Curl went on to be named Swimming Coach of the Year by the American Swimming Coaches Association (<http://swimmingcoach.org/>) and coached children for the next 23 years.

In 2012, Currin broke her silence in *The Washington Post* ([http://www.washingtonpost.com/sports/olympics/swim-coach-rick-curl-local-faces-disciplinary-hearing-from-usa-swimming/2012/07/25/gJQAg78q8W\\_story.html](http://www.washingtonpost.com/sports/olympics/swim-coach-rick-curl-local-faces-disciplinary-hearing-from-usa-swimming/2012/07/25/gJQAg78q8W_story.html)), and one year later, Curl was sent to prison for child sexual abuse, based in part on his old written confession. Currin has alleged that three high-ranking members of USA Swimming—Wielgus, technical vice president David Berkoff, and former United States Olympic coach Mark Schubert—heard rumors about the abuse but looked the other way and allowed Curl to continue coaching for more than two decades. Officials at USA Swimming have denied this.



**Why Is Abuse So Common?** Experts discuss how increasingly competitive youth-sports cultures in the United States, combined with lack of oversight and outright cover-ups, have created a dangerous environment for young athletes.

Most people, even if they've heard of particular cases like Currin's, have no clue about the extent of abuse that hangs over the 44 million children who participate in amateur sports. I didn't either until a year and a half ago, when I got a phone message from a fellow former Big Ten track and field athlete who said he had a story to tell. Jon Little and I had competed for rival universities in the early 2000s, both of us coaching for a short time after we graduated. Now 33, he lives in Indiana and works as an attorney, sometimes representing sexually abused athletes. He's currently working on Strzempko's case, along with two others that are part of a joint effort among a group of like-minded litigators who call themselves Keep Kids Safe.

Little got in touch after reading an online article

(<http://www.runnersworld.com/elite-runners/twisted-trust>) I'd written about a University of Toledo track coach, Kevin Hadsell, who resigned in 2013, when it came out that he had convinced one of his female athletes to have a sexual relationship. Message boards blew up when he left the school, calling the 22-year-old woman a "princess" who had "completely destroyed" the career of a well-respected coach. Few

posters understood that the coach had a moral obligation to keep his hands off his runners, no matter what their age. I fired off an article that night. Two days later, Little reached out.

As one of a handful of lawyers litigating against USA Swimming and other NGBs, Little had spent the previous three years uncovering a club-sport system plagued by what one researcher has called a “tsunami of sex abuse.” Strzempko’s case, Little said, was just one among hundreds—many of them in swimming, others in sports like taekwondo and speed skating that also fall under the umbrella of the United States Olympic Committee (<http://www.teamusa.org/>) (USOC), as well as better-known team sports like football, basketball, and baseball.

Coaches are usually good people who change lives for the better. Perhaps that’s why most people assume, as I did, that sexual abuse in sports is a devastating but rare problem. Most people are unprepared for its scope.

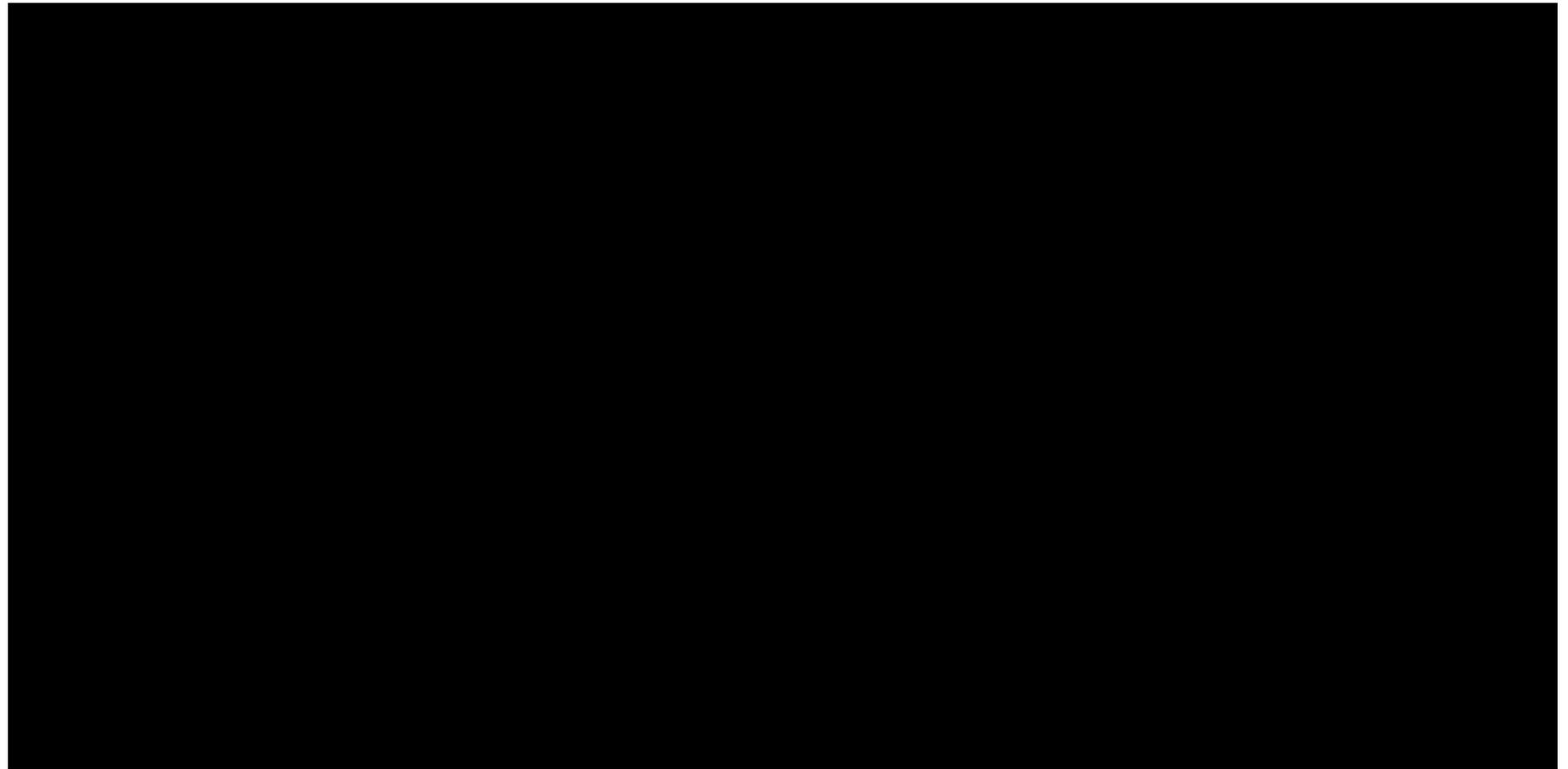
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**N**OBODY KEEPS comprehensive, reliable statistics about the sexual abuse of athletes, but you can research it case by case, compiling information about old and new allegations and convictions. Last January, I created Google alerts for “coach sex” and “coach arrested”; over a period of four months, stories turned up involving roughly 80 coaches who had been charged for or convicted of the sexual abuse of athletes over the past 20 years. This sample showed that no sport is immune from sexual abuse—in my search, as it happened, most of the stories involved coaches in basketball, soccer, wrestling, and football.

# The Worst Offenders in Swimming

A deeper look (</outdoor-adventure/water-activities/swimming/Swim-Coach-Sex-Offenders-USA-Swimming.html>) at the coaches who abused their athletes

These were just the cases that made the news, spotlighting the relatively few sex offenders who get arrested—a rarity, as Little had explained. For more than three decades, there has been a widespread culture of sexual abuse in the U.S.—committed mostly by white male coaches—and its cumulative impact dwarfs the scandal that rocked Penn State (<http://www.libraries.psu.edu/psul/researchguides/scandal.html>) in 2011, when it emerged that assistant football coach Jerry Sandusky had molested more than 50 boys over a period of 15 years. Yet it seems that no one outside of child-abuse experts, a contingent of lawyers, and a few journalists knows much about it.



**The Culture of USA Swimming:** Lawyers Robert Allard and Jonathan Little discuss why USA Swimming has done such a poor job of protecting young swimmers.

ABC's *20/20* and ESPN's *Outside the Lines* explored USA Swimming's egregious mishandling of sexual abuse in 2010 (<http://sports.espn.go.com/espn/otl/news/story?id=5071820>)—focusing largely on

King and Indiana swim coach Brian Hindson

(<http://media.outsideonline.com/documents/hindson-complaint.pdf>), who secretly videotaped high-school-age female athletes in locker rooms—but those reports didn't shake the public like the Sandusky scandal did. The Penn State fiasco got mountains of press, not just because of the fame of the football program, but arguably because the abuse involved an older man who preyed on boys. As a society, we feel an automatic disgust toward stories like Sandusky's, one that doesn't always carry over to heterosexual crimes committed against teenage girls.

Yet there was no government intervention on a national scale—and no immediate move to toughen policies across the board in youth sports—in the wake of Penn State.

“Penn State was no surprise. Abuse like this has been going on forever,” says Celia Brackenridge, former director of the Centre for Youth Sport and Athlete Welfare (<http://www.brunel.ac.uk/chls/life-sciences/sport-sciences/research/bcshaw>) at London's Brunel University, whose pioneering studies of sexual, physical, and emotional abuse in sports have guided athletics governing bodies around the world. In the U.S., the Penn State pedophile flare-up died down, and Sandusky became an emblem only of himself, not of an ongoing problem.

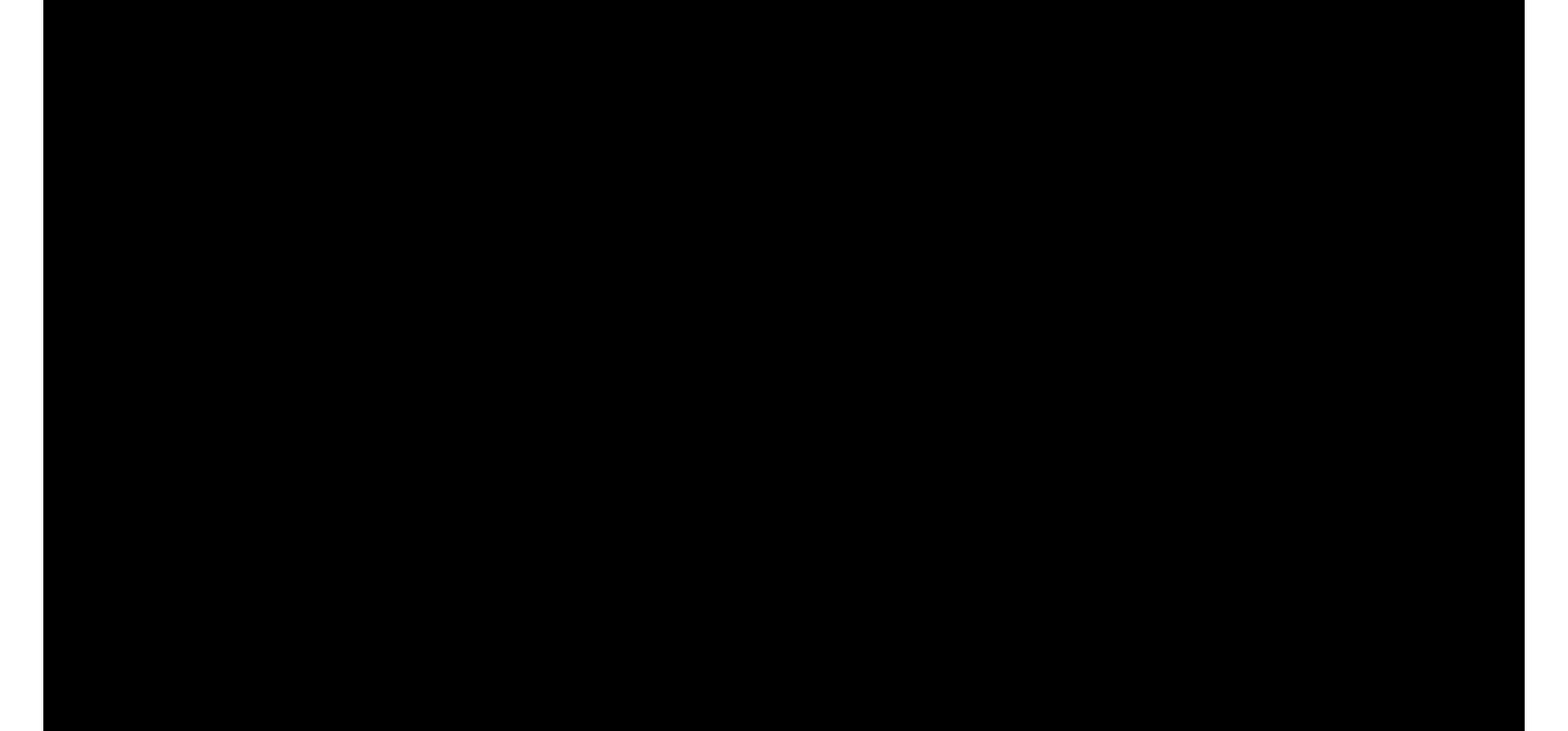
“I'm going to bash your country,” Brackenridge says. “I've been working on this topic since 1985, and we got through the denial in Europe, but the U.S. is absolutely the most resistant of any country I've worked with. You are the only country without a national government agency for these children.”

In the aftermath of sex-abuse scandals, Brackenridge says, other countries have launched new top-down government bodies aimed at creating a national oversight system. England, Northern Ireland, and Wales started what's called the Child Protection in Sport Unit (<https://thecpsu.org.uk/>) in 2001, with Scotland, Australia, and several other countries following suit. Government backing provides these agencies with true investigative independence when abuse reports come in and the power to mandate policies.

In the U.S., the rate of sexual abuse in sports is comparable to other developed countries, but Brackenridge says we've done less about it because of our society's widespread distrust of government regulation. With this issue, she maintains, federal support is essential, in part to bring broader awareness to what goes on.

That's the reason Little contacted me. In 2010, he teamed up with a band of lawyers who had been exhausting themselves and their budgets fighting groups like USA Swimming in court. Despite scattered news coverage and the efforts of bloggers who keep track of abuse cases—most notably, independent journalists Irvin Muchnick ([http://concussioninc.net/?page\\_id=2](http://concussioninc.net/?page_id=2)) and Tim Joyce ([http://concussioninc.net/?page\\_id=6774](http://concussioninc.net/?page_id=6774)), who have worked this beat tirelessly on a website called Concussion Inc. (<http://concussioninc.net/>)—they couldn't make a strong impact on public perception. No one was listening, and if they were, they weren't getting the full picture.

Without the threat of government oversight, for years the USOC was able to take a hands-off approach to the sexual abuse in its ranks, putting the responsibility for policy creation and reporting practices on the 47 NGBs that oversee amateur sports, which in turn put the responsibility on local clubs.



**A Lack of Oversight:** Without strict guidelines and government oversight, Allard and Little argue, national governing bodies under the umbrella of the U.S. Olympic Committee have set their own rules and regulations—ones that have often been lax.

But that's a bit like a state board of education telling high school principals and teachers that they can regulate themselves. Without enforcement, explains Rachel Mitchell, the sex-crimes bureau chief for Maricopa County, Arizona, there's little incentive to make change. When someone sees something they think is inappropriate, she says, they fall back on their natural, human inclination to protect their own: protect the coaches, protect their club, and protect their sport.

Because the fox was guarding the henhouse, Little says, the USOC's system historically protected the institution and its coaches more than children, dragging out investigations and lawsuits until sexual-assault survivors lost what little fight they had left. Strzempko and others have described this process—without exaggeration—as being as emotionally devastating as rape.



Congressman George Miller of California is overseeing a year-long investigation of sexual abuse in youth sports, and he has asked the Federal Bureau of Investigation to join the effort. His letter to the FBI (<http://media.outsideonline.com/documents/USASwimming-GMLettertoFBIandFBIResponse.pdf>) asked that it "fully investigate" USA Swimming's handling of child sexual abuse cases.

CONGRESSMAN GEORGE MILLER/FLICKR

This subject may be getting a lot more national attention soon. In 2013, after years of urging the government to tackle abuse in youth sports, the attorneys in Keep Kids Safe got the ear of Congressman George Miller (<http://georgemiller.house.gov/>), of California, who has worked on behalf of children for much of his career. In June of 2013, Miller asked the Government Accountability Office (<http://www.gao.gov/>) (GAO), the investigative arm of Congress, to start digging into the sexual-abuse culture in youth sports, and the people in charge say USA Swimming is a substantial part of it. The results of the year-long investigation are slated to be released this spring. To hazard a guess: they won't be pretty.

Luckily, huge progress has been made within the USOC in the past four years. The culmination of that progress led the organization to announce in June that it is creating a new independent agency to handle sex-abuse cases, a \$25 million effort. The National Center for Safe Sport will be the first dedicated agency in U.S. history to focus on the education and prevention of abuse in youth sports. The plan is for Safe Sport to take the investigative and adjudicative responsibilities out of the hands of

individual governing bodies like USA Swimming and become a place for athletes to report misconduct without fear of retaliation. But its critics call into question its independence, noting that anything run by the USOC will have conflict-of-interest problems.

# 4

**ANNA STRZEMPKO** started swimming at age four and began training at the Greater Holyoke YMCA when she was ten. Her parents had been Y members for 20 years, and Monica was presented with a Volunteer of the Year award in 2011 by none other than the coach who Anna says abused her. The Strzempkos assumed their kids were legally protected in club sports.

Formal protection from sexual harassment and abuse is so pervasive in modern society that it's an afterthought for most people. Title IX guarantees it for schoolkids and college students; companies guarantee it for workers. Lawyers, doctors, and therapists are forbidden by codes of ethics from dating clients and patients. But there is no federal law that protects children and teens who join summer hockey leagues, soccer travel teams, peewee football, or any other sport that falls outside of a school's boundaries.

Until very recently, most NGBs, including USA Swimming, didn't specifically ban relationships between adult coaches and athletes of legal age. In Massachusetts, where the legal age of consent is 16, it used to be permissible for a 60-year-old coach to have sex with a 16-year-old athlete if she agreed to it. That finally changed for USA Swimming in 2013, when member voters clarified that even relationships between coaches and legally adult athletes are banned.

A petition signed by 20 swimmers spelled out a sorry history: “More than 100 USA Swimming coaches have been banned for life, making this one of the worst sexual abuse scandals in the U.S. Olympics sports world.”

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In 2013, USA Swimming hired Victor Vieth (<http://www.gundersenhealth.org/ncptc/speakers-bureau/victor-vieth>), executive director emeritus of Gundersen National Child Protection Training Center (<http://www.gundersenhealth.org/ncptc>) in Winona, Minnesota, to assess an abuse-prevention program it began in 2010 called Safe Sport (<http://www.usaswimming.org/DesktopDefault.aspx?TabId=1955&Alias=Rainbow&Lang=en>), the original program that preceded the USOC’s national center. In Vieth’s 125-page report (<http://www.gundersenhealth.org/upload/docs/NCPTC/USA-Swimming-Report-1-27-14.pdf>), he pointed to outdated attitudes about what’s appropriate between a swimmer and a coach, writing that many well-meaning people in the swimming community still “struggle to see the harm in a coach-athlete relationship as long as the athlete is an adult and consents.” One witness provided him with a list of 24 coaches who had married young athletes.

“Those marriages do two things,” says former Olympic swimmer Nancy Hogshead-Makar (<https://www.womenssportsfoundation.org/en/home/athletes/our-athletes/nancy-hogshead-makar>), who spearheaded the Women’s Sport Foundation petition against Wielgus. “They validate abuse that’s been happening for years and set up all the other athletes to think it’s appropriate. When a coach kisses his 13-year-old athlete, she’ll believe that it’s not only appropriate, but true love that will end with the two of them walking down the aisle.”



Three-time Olympic gold medalist Nancy Hogshead-Makar has been a fierce critic of USA Swimming's policies. COURTESY OF NANCY HOGSHEAD-MAKAR

Blame this history of lax oversight in part on Congress. In 1978, when it created the USOC and its NGBs with the passage of the Ted Stevens Amateur Sports Act (<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title36/pdf/USCODE-2011-title36-subtitleII-partB-chap2205-subchapI-sec220501.pdf>), it neglected to create a separate national body that would set standards and provide regulatory enforcement. This was a huge loophole that predatory coaches exploited for decades.

When USA Swimming launched Safe Sport in 2010, it became the first NGB to adopt a detailed code of conduct and to send out suggested guidelines and policies for reporting abuse. Director Susan Woessner

([http://www.usaswimming.org/ViewMiscArticle.aspx?](http://www.usaswimming.org/ViewMiscArticle.aspx?TabId=2457&mid=13425&ItemId=5634)

[TabId=2457&mid=13425&ItemId=5634](http://www.usaswimming.org/ViewMiscArticle.aspx?TabId=2457&mid=13425&ItemId=5634)) created a program that was successful in raising awareness about sexual abuse and in requiring training for its 35,000 non-athlete members. Woessner has been working with a nine-person task force to close the loopholes and start adopting nearly all 39 recommendations made in Vieth's report, such as offering Safe Sport training to children and parents and creating a victims' fund.

For years, without a system of enforcement, clubs opted to pick and choose from the guidelines, and club administrators still had the discretionary power to determine what was a threat and what wasn't. Considering that few of these people are abuse experts, it rarely ended well.

Without clear guidelines, concerned parents improvised, as in Strzempko's case. In 2009, Monica says, a swim-team mom sent an e-mail to Anna's coach, complaining about what she thought was his inappropriate behavior toward her daughter and Anna. Anna says the coach later mocked the e-mail in front of his athletes at practice. The issue was dropped and no one was notified.

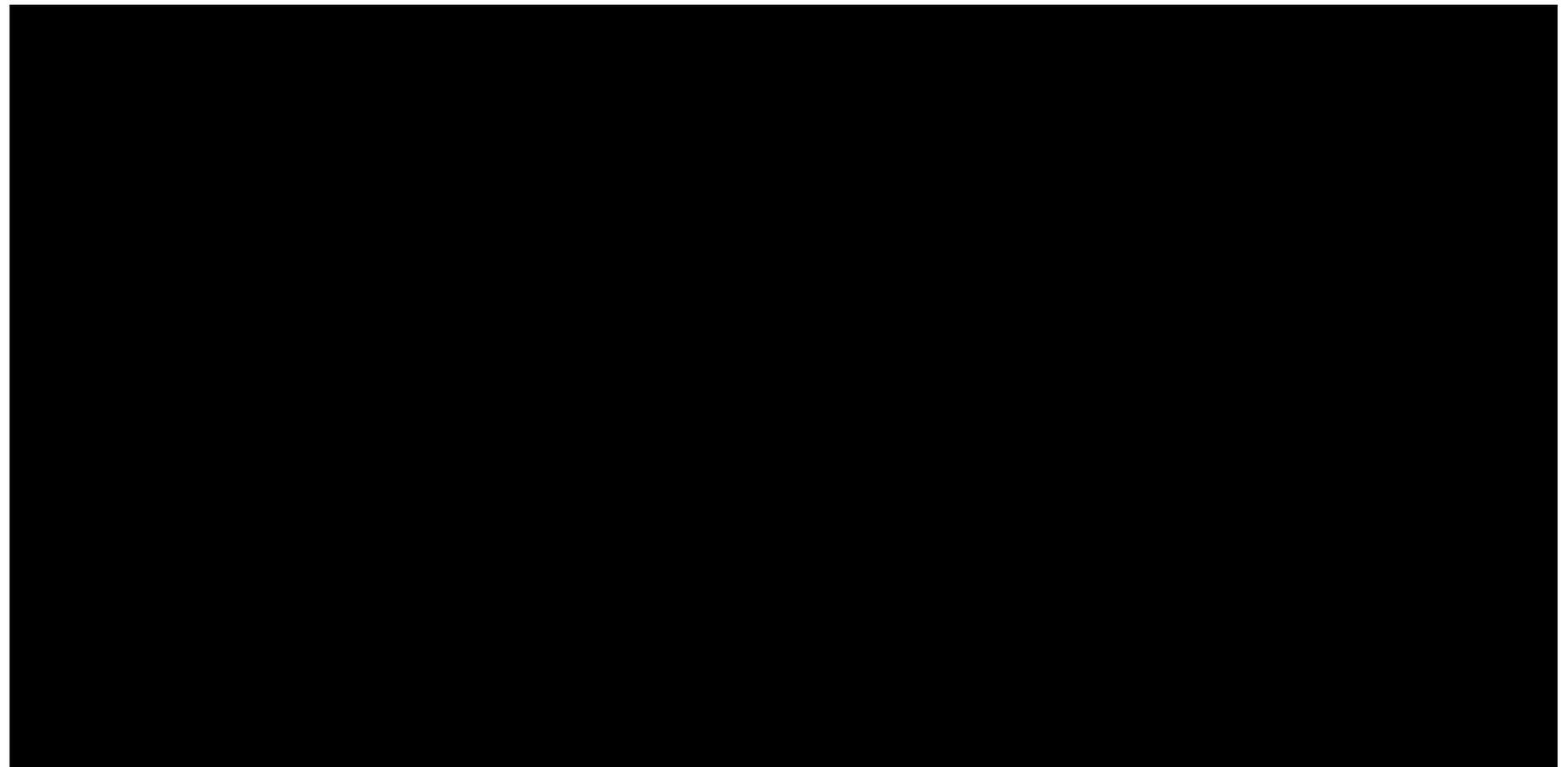
Of course, at the age when Strzempko says she was abused, consent wasn't even theoretically an issue. Like most young athletes, she had relatively little personal contact with her coach until she became talented enough to join the travel team. As she got faster, he demanded more from her. According to Brackenridge, authoritarian coaches—who can often be elite coaches—are linked to a higher rate of sexual abuse for obvious reasons. They're in a position to demand obedience, they often view

athletes as possessions, and they're able to place restrictions on children like parents do: telling them what to eat, when to go to bed, and whether they're allowed to attend a school dance.

Angry behavior from an adult is so endemic in our sports culture that we don't always see it as abuse. Children put up with it because parents put up with it. But by ignoring the bullying, parents sign a "Faustian pact," says Brackenridge, that normalizes brutal behavior that could later lead to a child's complicity in sexual assault.

Looking back on her experiences now, Strzempko describes thought patterns that are familiar to abuse experts. Strzempko says that, on the August day in 2008 when her coach allegedly slapped her in his office, what happened next somehow felt like "a natural flow of events."

"He told me to get up and go to the storage room, and it wasn't like I was thinking, He's definitely going to rape me now," says Strzempko, pausing a moment. "But when it happened, I... I wasn't surprised. I don't know if that makes sense."



**Warning Signs:** Experts discuss what parents can do to prevent abuse and discuss new policies and guidelines that could help protect young athletes.

Researchers like Brackenridge have a term for what Strzempko says happened here: grooming, a process in which children are conditioned to believe that inappropriate behavior from an adult is a logical outgrowth of their relationship.

Grooming children and teenagers is a subtle job that can play out over months or years, and from the outside it can look like a normal mentoring relationship. Sex offenders target parents of the child in the same way. They form friendships; the coach becomes the person parents might later describe in court as someone they would trust a child with.

In some cases, grooming begins with control and is followed by violence. The more common pattern starts with a coach caring for an athlete like a father does, building trust with her and her parents. He marks the athlete as his favorite, convincing her that their relationship is special. Then he'll make a dirty joke or "accidentally" touch her breasts to blur the lines of what's appropriate—a quick way to gauge the grooming process and see if she can keep a secret.

When a coach finally escalates the touching to abuse or rape, the athlete may believe she's in a consensual relationship, but no coach-athlete relationship is consensual. The power dynamic makes it impossible for an athlete to fend off a coach without consequences. The athlete is either sexually assaulted until she can move on or drops out of her favorite sport altogether.

**THIS PROCESS CAN** foster a form of Stockholm syndrome, which is why so many abuse survivors remain quiet. "I admired him—all of the girls did," Strzempko says of her coach. "But not in a romantic way. I wanted to please him and make him proud."

Admiration for coaches sometimes allows unstable men to get away with such crimes. “I have to explain to parents that they’ve got to stop glorifying the coach and making him godlike,” says Michelle Peterson, a forensic investigator in child abuse who also works as an abuse-prevention policy developer for youth organizations. “When a parent says, ‘You’re so lucky to have coach Joe. He’ll get you to Stanford, he’ll get you to the Olympics,’ your kid won’t tell you what’s going on.”

Most children are also perceptive enough to know that accusing their coach means they’ll anger a lot of people. That’s exactly what happened in Strzempko’s case.



Michelle Peterson is a Colorado-based forensic investigator who specializes in child abuse. She also works to develop abuse-prevention policies for youth organizations. OUTSIDE ONLINE

When Anna’s coach was suspended from the YMCA in January 2012, the Strzempkos waited for people to rally around them, but most parents avoided the family and the topic of Anna’s abuse altogether. A few people expressed their sympathy and offered to pray for Anna. But others, including teammates, went on social media to air their opinions, like this tweet from 2013: “no one believes you anyways you stupid whore =).” In the DCF report, a former swimmer said that Anna was “loud and attention seeking” and said, in response to the allegations, “I don’t, can’t, and won’t believe it.”

Before the coach was fired that summer, Monica says, only one mother pulled her girl off the team—a woman who had a childhood friend who'd gone through something similar.

“People kept saying Anna was doing this for attention,” Monica says. “But what was in this for her? She lost her sport, she lost her community, and everyone thought she was crazy.”

A lot of YMCA parents and children sided with the coach, and some held a picnic for him. One parent gathered signatures for a petition to bring back a beloved man who many believed had been falsely accused. The worst thing for Monica was a defense she heard over and over again, from parents who said the coach “never touched my child,” as if that proved he wouldn't touch someone else's.

Monica also felt sure that, in the case of Anna's coach, this wasn't always true. As she researched the grooming process, she recognized a pattern in her daughter that she'd seen in other local girls in the past: swimmers who were on the verge of greatness and then became withdrawn and left the club. Anna connected with two of them and says she was told that they, too, had been repeatedly raped by the coach. The pair declined to be interviewed for this story. To this day, Anna says, their parents don't know. She says neither athlete is in the right emotional place yet to come forward and talk about it.

**CALIFORNIA TRIAL** attorney Robert Allard has spent as much time in the trenches of sex-abuse litigation as any lawyer in the U.S. The first time I met him was inside Gasoline Alley, a Colorado Springs dive bar, on a sunny afternoon last February. Jon Little was there, too, talking fast when I walked in. “Sturtz, this is fucking huge,” he said to me. Then he ordered a round of whiskey shots.



California attorney Robert Allard, whose first major case involved a victim of Andy King's. JEFF CHIU/AP

Allard, a tall 45-year-old Catholic, was in town to depose Pat Hogan, club-development managing director for USA Swimming, and Woessner, the head of Safe Sport, at the offices of Bryan Cave, until recently the sole legal team for USA Swimming.

Little had been in Arizona the month before to settle another of his sex-abuse cases against the organization, and it had gone in his client's favor with surprising ease. But Little's jubilation was inspired by something else. He and other Keep Kids Safe lawyers had recently uncovered details about a complicated mix of litigation strategy and insurance coverage that, they contend, is at the heart of how the lawyers they work with have done business. For many years, Little said, USA Swimming's plaintiff-draining legal tactics were underwritten by an offshore insurance company that was

partially paid for by dues collected from amateur swimmers at the club level. That is, swimmers were paying the fees of lawyers who might fight against them in court someday.

“They moved money from themselves to themselves,” says Little. “No one was asking why they were paying these lawyers ten times what they were worth.”

What he means by that is complicated, and explaining it requires some background on what Little and other lawyers have been doing for the past few years.

Neither Allard nor Little had ever tried an abuse case before athletes started reaching out to them. Allard got his first call in 2009, from a despondent father whose daughter, known as Jane Doe in court papers, said she'd been sexually assaulted by Andy King at San Jose Aquatics, which has a pool complex three miles from Allard's home.

The dad believed USA Swimming had known about King's abusive past but let him keep coaching anyway. As a father to four children under age 12, Allard took on the fight with special interest, eventually filing a civil suit in 2009 against USA Swimming, Pacific Swimming Inc. (<http://www.pacswim.org/>) (a regional association of swim clubs), and San Jose Aquatics. King is currently serving a 40-year prison sentence on 20 child-molestation charges. A local newspaper reported that the civil suit was settled for \$1.5 million in 2011.

Allard researched USA Swimming's system for dealing with reports of abuse and found clear problems. Except for a vague provision that could expel members for acting “in a manner which brings disrepute” to the sport of swimming, the issue of sexual contact wasn't even mentioned in the governing body's code of conduct until 1999, 19 years into its existence. Background checks weren't required of coaches until 2006, and there was no formal procedure for pre-screening, training, or dealing with allegations of abuse until 2011.

Furthermore, USA Swimming's lawyers basically ran the investigations when an athlete accused a coach of sexual misconduct. The matter was supposed to go straight to a mandatory National Board of Review hearing—run by impartial members and athletes of USA Swimming—as dictated by the Ted Stevens Act. In practice, the three-member panel was often chaired by USA Swimming's own legal counsel. The attorney who ran an athlete's hearing—most recently Bernard Pylitt, an Indiana attorney occasionally hired by Bryan Cave, the firm that represented USA Swimming—might well be the same person who fought against them later in court.

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Jon Little says a standard tactic was for USA Swimming's legal team to inundate small-time attorneys like him with paperwork, filing motion after motion and refusing to hand over documents.

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In short, the odds were uneven. And without awareness training, the panel members often ruled against athletes, not understanding, for example, that gaps in a survivor's memories are normal or that hard evidence of abuse is rare.

The panel has become better educated recently and has made what its critics see as some good decisions. In July, for example, USA Swimming decided to ban Nashville swim coach Mark Walker (<http://media.outsideonline.com/documents/mark-walker.pdf>) after two men came forward last January alleging that Walker had sexually abused them 20 years earlier. Walker could not be charged criminally, because the statute of limitations had run out, but USA Swimming found the victims' claims credible and banned him anyway.

But often the gap in understanding the nuances of harassment and abuse persisted into the civil cases. Little's first case involved his ex-girlfriend from college, a swimmer named Brooke Taflinger, who said that, in the early 2000s, she and some of

her teammates were secretly filmed in a locker room by Brian Hindson, their swim-club coach in central Indiana. After getting nowhere with USA Swimming, Taflinger brought a civil suit against the organization. In her deposition, attorneys Pylitt and Tom Wheeler asked her about video stills, leaked online, that showed Taflinger in her sports bra. Wheeler mentioned that soccer player Brandi Chastain had been photographed in a sports bra when she took off her jersey to celebrate a World Cup win against China, so what was the problem?

Taflinger said the difference was obvious: “That was [Chastain’s] decision.” Then she reminded him that the stills came from a more graphic video that the FBI had recovered, which showed the girls undressing.

Before 2010, not all sexual-misconduct claims got as far as a panel hearing. Up until then, USA Swimming’s defense was almost always the same: clubs are self-run. Because the governing body didn’t hire or supervise coaches, they couldn’t know what was going on and shouldn’t be expected to. Members weren’t required to report sexual-abuse complaints until 2010. But, as Allard pointed out, language in USA Swimming’s 1999 code of conduct showed that this probably wasn’t true. It stated that any charge of sexual misconduct at a club had to be sent straight to USA Swimming’s president in Colorado Springs, who at the time was Dale Neuberger. Often those complaints made their way to the executive director. Which meant that Chuck Wielgus, who has held that job since 1997, received some of the e-mails, letters, or phone calls about sexual-abuse allegations.



Chuck Wielgus, executive director of USA Swimming. CHARLIE NEIBERGALL/AP

In his case against Andy King, Allard found an e-mail exchange (<http://media.outsideonline.com/documents/andy-king-chuck-wielgus-emails-no-addresses.pdf>) in which Wielgus ordered that a 2003 sexual-abuse complaint against King be kept “confidential.” In that instance, a young woman sent an e-mail to USA Swimming about King’s inappropriate behavior at the pool, alleging that the coach made her kiss a boy for 30 seconds or he would punish the team with extra laps. But under oath (<http://media.outsideonline.com/documents/king-jane-doe.pdf>) and also on national television, Wielgus denied having heard of King before 2009.

When it came to rumors of sexual abuse—smoke that often leads to fire in such cases—the executive director sometimes turned a deaf ear. In a May 2010 deposition, Wielgus said that if he overheard rumors or gossip about a coach being inappropriate with athletes, he dismissed them unless someone wrote them up as a formal complaint. Anything else he regarded as speculation. His response to speculation? “I put my hand up and [said] I don’t want to engage in that.”

**B**ASED ON THE information about Wielgus, Allard became convinced that USA Swimming had known a lot but chose to do almost nothing. That year he contacted the only other lawyer he'd heard about who had a suit going against the organization: Jon Little.

In 2008, Little had been a practicing lawyer for only two months when Taflinger told him her story. He tried to find a more experienced lawyer to take on the case, but no one wanted it, until he found Allard. In the meantime, Little had also started representing a Jane Doe, an alleged victim of an Indiana swim coach named Chris Wheat (<http://media.outsideonline.com/documents/chris-wheat.pdf>). Little filed a civil suit on the woman's behalf against Indiana Swimming, USA Swimming, and the Metropolitan School District of Lawrence Township. That's when USA Swimming's defense team started teaching him new lessons in paperwork.

“They were filing every single motion they could file, even shit that didn't make sense,” Little says of the attorneys who did work for the defense.

This, Little says, was a standard tactic: USA Swimming's legal team would inundate small-time attorneys with paperwork, filing motion after motion and refusing to hand over documents. In the Taflinger and Jane Doe cases, Little was personally sued for filing a frivolous lawsuit and accused of violating Rule 11, a federal civil-procedures statute that can result in penalties for attorneys who file without sufficient evidence. The judge dismissed these and other claims, but the battle left Little with a \$10,000 legal bill and much higher rates for malpractice insurance.

Little went on to prevail in Taflinger’s civil case against Hindson and his club, Central Indiana Aquatics. Taflinger was awarded a substantial settlement in 2012, and Hindson was eventually sentenced to 400 months in federal prison (<http://www.swimmingworldmagazine.com/news/sexual-abuse-victim-brooke-taflinger-wins-more-than-2-5-million-in-damages/>)—on multiple counts of child pornography. Wheat was sentenced to eight years in 2010, but through a legal provision that allowed him to shorten his sentence by completing an associate degree, he was released 19 months later (<http://www.theindychannel.com/news/sex-offending-ex-swim-coach-steps-toward-freedom>).

Allard offered Little a hand in December of 2009. He said he could bankroll the fight against USA Swimming if other lawyers would help on the ground.

In the spring of 2010, Rex Sharp, an attorney in Kansas City, Missouri, learned about Little’s case online and phoned him. Sharp had been wrangling with USA Swimming since 2009, when he found out that a 40-year-old swim coach was having sex with his 17-year-old daughter. USA Swimming says that it engaged in correspondence with the Sharp family but did not get rid of the coach. He introduced Little to Kansas City attorneys Lynn Johnson, John Parisi, and Daniel Singer, whom Sharp had worked with in the past.

The band of lawyers met for the first time in Kansas City that spring. Allard put Sharp in touch with contacts at ESPN, which led to coverage on *Outside the Lines*. With USA Swimming in the media spotlight, the attorneys pulled their cases together and approached the organization in a united front.

“We told them we had a deluge of cases coming, and we figured they’d want to sit down and be done with it,” says Little. “We expected that they’d pull a Penn State—make this all go away and start a victim’s fund.”

Instead, USA Swimming kept fighting. One tactic has been to define all its communications about abuse cases with Bryan Cave as covered by attorney-client privilege, which means that even a judge isn't allowed to see them. In 2014, in a case involving a whistle-blower who was fired for coming forward about an abusive coach, a judge in El Paso County, Colorado, took exception to this blanket exemption and ordered USA Swimming to turn over roughly 40 documents it had previously withheld. The judge also allowed Allard to depose Lucinda McRoberts, a Bryan Cave attorney and the first employee of the law firm to be deposed.

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“How does Chuck Wielgus still have his job?” says Nancy Hogshead-Makar, a three-time Olympic gold medalist who spearheaded a petition to keep him out of the International Swimming Hall of Fame.

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In 2012, in a case involving swim coach Norm Havercroft, a judge in Santa Clara County, California, ordered the defense team for USA Swimming to provide every sex-abuse complaint made to the governing body for the past 20 years. Under court order, the lawyers in the case can't talk in specifics about what they saw, but Allard says the information was eye-opening. “The sheer magnitude of claims was astounding.”

Little and Allard ended up losing on summary judgment in this case, and the court ordered that the documents be returned upon USA Swimming's request. But the pair of lawyers now knew what information USA Swimming was holding back and could ask for it in future litigation.

Allard estimates that 90 percent of his energy and focus as a lawyer over the past few years has involved clashes with USA Swimming, and he says that the vast majority of this work has been pro bono. As of 2012, he had earned money on a grand total of one

lawsuit, involving the Jane Doe in King's case.

Actually, you can now make that two lawsuits. When I met Allard in Colorado Springs, he was finally beginning to settle a California case, one that Bryan Cave's lawyers had spent months defending. After turning down Allard's original offer for a \$250,000 settlement, the firm's lawyers offered a generous amount after Little and Sharp's meeting that day. (According to the terms of the settlement, the total has to remain confidential.)

# 7

**WHICH BRINGS US** to what got Jon Little so excited inside that bar last February. During the settlement process, the Keep Kids Safe team learned that the defense lawyers had been billing USA Swimming for what struck them as extravagant amounts. As they explained to me, the money used to pay these fees came from an insurance company set up by USA Swimming. There was nothing illegal about this arrangement, but it created a situation that was ironic in the extreme: swimmers were paying into a fund that, if they ever took legal action about an abuse claim, might be used to pay the lawyers who would oppose them.

While Allard was in his deposition that day in Colorado Springs, Little and Sharp had a confidential lunch meeting elsewhere in town with USA Swimming's insurance provider. Their source had seen the large amounts of money that USA Swimming was shelling out to pay for lawyers, and the source called the meeting to strike a deal with Little and Sharp, asking them to stop filing claims and just tell the company the amount the victims wanted. The company would pay it, the source said. They were tired of fighting. Little said they were, too.

Little said with a laugh that he thought this person's "head would explode" when Little told the source how many times he'd tried to settle cases over the years. Little maintained that the defense attorneys had both strategic and financial incentives to keep cases going in court.

Back in 1988, officials at USA Swimming discovered that they couldn't buy insurance in the open U.S. market. According to a deposition given in 2010 by former USA Swimming president Ron Van Pool, officials were told that they "would have to pay a million dollars to get a million dollars in coverage." So USA Swimming did what several other companies did in the mid-to-late 1980s, when insurance premiums were soaring: it incorporated a wholly owned "captive" reinsurance company in Barbados, calling it the United States Sports Insurance Company (USSIC).

Captives, which are legal, allow a company or nonprofit to self-insure by setting aside money for that purpose. The USSIC was funded in part by the premium payments made by USA Swimming, which in turn is funded by membership dues, among other sources like corporate sponsorships and USOC funding. Each year, 400,000 swimmers paid membership dues to their club. A portion of that—three or four dollars—went to the USSIC for general liability, including sexual misconduct. It would be there in case an athlete won a settlement, in or out of court, over matters including liability claims (from an injury, say) and sex-abuse claims. The money added up. Keep Kids Safe attorneys believe the fund totaled as much as \$27 million at one point.

In the late 1980s and the 1990s, USA Swimming excluded sexual misconduct from local swimming-club policies. The USOC noticed this missing coverage in 1999, and it wasn't pleased. It ordered USA Swimming to get its insurance up to snuff or USA Swimming members would be banned from the Olympic Training Center and have their funding cut. So the USSIC agreed to institute policies that would pay up to \$100,000 for clubs and \$1 million for USA Swimming in the event of a major injury claim or an abuse settlement (which USSIC upped to \$2 million in 2003).

The nature of these policies was not in the best interest of athletes. They were what are called wasting policies, which means that defense lawyers were paid out of the policy limits. So if the limit was \$2 million, and USSIC paid \$1.8 million to Bryan Cave to defend a case, that meant there was only \$200,000 left to pay an athlete in the event of a settlement. With the USSIC's wasting policy, the defense lawyers had an incentive to bill as many hours as possible to maximize its cut of the available funds.

As it played out in practice, Little and Allard say, USA Swimming and Bryan Cave would hire the attorney for the local club in a civil case. The attorney would offer a \$100,000 settlement to the athlete out of the club's policy, with the agreement that they would drop the second case, against USA Swimming.

This strategy was designed to quickly end a civil case before it began, but Allard, Little, and Sharp wouldn't let USA Swimming off that easy. Litigating a civil sexual-abuse claim against an aggressive firm can cost upwards of \$250,000, says Little, a fact that provides real disincentives for any attorney who's considering whether to represent a sexual-abuse survivor. The attorneys would never be able to recoup their fees and expenses from a settlement with the insurance company, and there would be no money left to pay damages to the athlete. If they chose to continue with the second case against USA Swimming, the defense attorneys would not settle and instead drag out the litigation for years.

Whenever that happened, USA Swimming litigated until it drained the small club's \$100,000 policy. When the time came to settle, there was nothing for the club to offer, and it went bankrupt. In Allard's Jane Doe case, for example, it took two and a half years for the club's policy to be exhausted. Without money to pay the settlement costs, San Jose Aquatics was bankrupted and shuttered. In the Hindson case involving Taflinger, his former club, Central Indiana Aquatics, closed down but reemerged as a new entity, Viper Aquatics. Officials with Viper argued that they didn't carry any liability in the matter. Little was still fighting that out when Taflinger got settlement money from a third-party insurer.

What Little and Sharp didn't know—until their lunch meeting—was just how much Bryan Cave was billing. The source told them that, in a recently settled case, the firm had charged the insurer millions of dollars in legal fees, a huge amount. USA Swimming denies this.

For the firm to bill that much meant that the insurance was not a claims-made policy, as the attorneys had believed for years due to insurance companies manipulating their policies in court, but an occurrence policy. Under a claims-made policy, the \$2 million cap would have covered an athlete's exposure to abuse throughout the entire time the athlete held the policy. An occurrence policy, however, was renewed each year. That meant that the cap was multiplied by each additional year of abuse. Four years of abuse under a \$2 million occurrence policy equaled \$8 million in potential restitution.

The insurance company saw this and figured that it was the Keep Kids Safe attorneys who were dragging out the litigation. That's why the source met with Little and Sharp to strike a deal. In a two-hour lunch, the three worked together and settled several cases out of court.

More recently, USA Swimming's new director of risk management, George Ward, has reformed the system. Starting in 2014, he began buying liability insurance on the open market, ending its dependence on the USSIC. In late September, in a shift of direction for USA Swimming, the organization announced that it was adding its own in-house counsel but would continue using Bryan Cave.

**THERE'S A LONG** history of men who stand at the helm of big-time sports institutions and direct the outcome of sexual-abuse or domestic-violence allegations to suit a team's or an organizations's public image. Penn State president Graham Spanier created a conspiracy of silence. NFL commissioner Roger Goodell and Baltimore Ravens executives initially handed out a minimal suspension over a documented case of physical abuse. Despite intimate knowledge of what had gone on, none of the men made any changes until the media got on the story. Only Spanier lost his job.



**The Path to Reform:** Lawyers Allard and Little outline what they think should change at USA Swimming to reform the organization.

Chuck Wielgus, of course, has defenders who say he is not part of this shameful legacy. Last May, in the wake of the petition filed by the Women's Sports Foundation, four past presidents of USA Swimming and current president Bruce Stratton wrote to ISHOF to correct what it said were inaccuracies in the statement. "Chuck is a man of impeccable character who has been recklessly misrepresented," they wrote, pointing to what they say is his underpublicized compassion for abuse victims. "Many don't know that Chuck personally met with victims of abuse to hear their story," the

presidents wrote. “They were influential in helping shape his personal and professional beliefs.” Currently, there does not appear to be any effort under way to remove Wielgus from his post at USA Swimming, which paid him \$908,432 in 2012.

One reason Wielgus has a solid foothold is that, by most conventional measures, U.S. swimming has been exceptionally strong during his tenure. His 17-year reign has coincided with the most successful Summer Olympics results in the governing body’s 34-year history. Ryan Lochte (<http://www.outsideonline.com/outdoor-adventure/athletes/The-Interview-Special-Ryan-Lochte-20120701.html>), Gary Hall Jr. (<http://gary-hall-qtpv.squarespace.com/>), Jenny Thompson (<http://www.olympic.org/jenny-thompson>), Amy Van Dyken (<http://www.sports-reference.com/olympics/athletes/va/amy-van-dyken-1.html>), Natalie Coughlin (<http://nataliecoughlin.com/>), and 17-time gold medalist Michael Phelps (<http://www.outsideonline.com/fitness/bodywork/the-fit-list/Can-Michael-Phelps-Win-Again.html>) all won under Wielgus’s leadership. Fans of his say he’s more than just a caretaker of talent flowing up through the system. Wielgus has been publicly battling cancer since 2006, yet in that time he has raised the sport’s profile by developing successful corporate and television sponsorships. He also helped create the USA Swimming Foundation and its signature event, the Golden Goggle Awards (<http://usaswimming.org/DesktopDefault.aspx?TabId=2102>).

But many swimmers, women and men alike, believe that the misdeeds outlined in the WSF petition and by various journalists should be more than enough to warrant a shakeup at the top of USA Swimming.

“How does Chuck Wielgus still have his job?” says Nancy Hogshead-Makar, a three-time Olympic gold medalist and a senior director of advocacy for the WSF. A former law professor and civil rights lawyer, Hogshead-Makar has been a fierce critic of USA Swimming’s policies over the years. In addition to organizing the Wielgus petition, she worked behind the scenes with the USOC to mandate the 2013 coach-athlete relationship ban.

Two other dogged detractors of Wielgus are the journalists Muchnick and Joyce, who have spent the past two years reporting about abuse cases on Concussion Inc. They came to the subject from different paths. Muchnick, who's based in the Bay Area, has a daughter who swam for a team coached by Jesse Stovall

(<http://media.outsideonline.com/images/jesse-stoval-court-docket.jpg>), who was arrested for sexually abusing another of the girls on the team in 2010. Joyce, based in New York, covered the story of Sarah Burt

(<http://www.woodfordtimes.com/article/20110907/NEWS/309079947?photo=0>)—a swimmer who intentionally walked into the path of a semi truck after being abused by a coach—and was starting to write extensively about USA Swimming.

In their partnership, Muchnick and Joyce have taken on stories that require deep background investigation, like the case of Fort Lauderdale, Florida, swim coach Alex Pussieldi (<http://concussioninc.net/?p=8652>), who allegedly recruited young male swimmers from Brazil and Mexico to live with him and then secretly filmed them in his bathroom. Muchnick, Joyce says, became the site's "machine gun," posting rapid-fire updates with intentionally biting headlines like "Dear Chuck Wielgus, USA Swimming: Apology Not Accepted. It's Too Late. And You're a Perjurer. Resign Today. (<http://concussioninc.net/?p=9265>)" The pair has spent a significant amount of their time reporting about Wielgus.

For years, they've written, Wielgus never took action without a "formal complaint." Because of ever evolving policies, in some years complaints could only be made against current member coaches, letting those who had resigned or retired off the hook. Other years, a whistle-blower was only guaranteed full protection if he or she had made a formal complaint before talking with someone. Safe Sport eventually closed the loopholes, but for years the system worked against athletes.

Until 2010, the executive director never reported a single sexual-abuse case to the authorities. In 2006, National Team director Everett Uchiyama admitted to having sex with a minor. Wielgus let him quietly resign, and the coach soon got a letter of recommendation from USA Swimming's club-development managing director, Pat

Hogan, for a job as director of aquatics at the Country Club of Colorado in Colorado Springs. When asked by a concerned parent what Uchiyama was doing there, Wielgus simply said that Uchiyama was no longer with USA Swimming and that he was unaware that Uchiyama was working with the swim team. In 2010, Uchiyama's name appeared on the banned list.

In some cases, there's a large amount of evidence that investigators and USA Swimming have willingly overlooked. Mitch Ivey, a former Olympic coach, had a widespread reputation for seducing his underage swimmers since the 1970s, including 17-year-old Noel Moran and 16-year-old Suzette Moran (no relation). In 1993, both cases were publicized on ESPN's *Outside the Lines*.

When the program aired, Ivey was fired from his swim club, but he joined another soon after. Ivey never appeared on the banned list. When the case was brought to Safe Sport in 2011, USA Swimming's investigator interviewed 11 individuals, including former Ivey athletes, coach colleagues, and university administrators, and said the investigation failed to produce evidence. Ivey was finally banned in 2013 ([http://www.mercurynews.com/sports/ci\\_24604608/mitch-ivey-famed-swim-coach-banned-sexual-misconduct](http://www.mercurynews.com/sports/ci_24604608/mitch-ivey-famed-swim-coach-banned-sexual-misconduct)), after Robert Allard filed a lawsuit.

In response to these and other stories about USA Swimming's track record, spokesman Scott Leightman told *Outside* that it's been difficult for the governing body to distance itself from its past, despite the big changes the organization has made.

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Robert Allard says that what's needed is a truly independent organization that safeguards sexually abused athletes. "We have the tremendous responsibility of safeguarding children. It's time we act like it."

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“We have taken many aggressive corrective measures to move forward to eradicate abuse,” Leightman said. “We’ve been aggressive in banning those who violate our rule book and have even brought several individuals forward to law enforcement.”

As for Wielgus’s continuing employment, Leightman asked some questions of his own. “Are personnel decisions necessary if the organization has made strides and created programs to improve itself and better serve its constituents?” he said. “Is a personnel change necessary if the actions have rectified the problems?”

**THE MAIN EXISTING** system for protecting swimmers in the U.S., Safe Sport, was created after USA Swimming’s public image took a hit in 2010. The media glare from the two televised investigations, and the threat of litigation orchestrated by Keep Kid Safe’s attorneys, had an effect, and USA Swimming partnered with the Child Welfare League of America to launch a new program. In addition to various educational and prevention goals, Safe Sport included an Athlete Protection Policy (<http://www.usaswimming.org/DesktopDefault.aspx?TabId=1962>), which spelled out rules for reporting sexual misconduct. In time, this move led to more reports of abuse and wrongdoing than USA Swimming had gotten in the previous two decades, greatly expanding the size of its original banned-members list.

In 2013, the USOC followed suit by creating the Working Group for Safe Training Environments (<http://www.teamusa.org/About-the-USOC/Inside-the-USOC/Leadership/Working-Groups>) and hiring director Malia Arrington. In 2012, it began its Safe Sport program, offering education, training, and resources to its remaining governing bodies for dealing with misconduct. The USOC required each of its 47 NGBs to put in place minimum standards for athlete protection by the end of 2013. But January 2014 came and went, and some governing bodies were still dragging their feet and wouldn’t meet the minimum standards until May 2014. Because the USOC left the responsibility of reporting, investigating, and adjudication to the NGBs, implementation was all over the map.

Few cases illustrate this as well as the one involving Bridie Farrell (<http://www.marieclaire.com/world-reports/skating-for-justice>), a former short-track speed skater who says she was sexually abused in 1997 by fellow skater Andy Gabel. Last April, Farrell showed up at the three-day USA Safe Sport Summit (<http://www.teamusa.org/StopAbuse/Campaign/2014-Summit/Schedule>), held at the Embassy Suites in downtown Denver, with a stack of postcards, two close friends, and enough nervous energy to light the entire convention center. She was there to make it clear that the system, at least for her, still isn't working.



Bridie Farrell, a former short-track speed skater, says she was sexually abused in 1997 and 1998 by Andy Gabel, a fellow skater.

MONICA MAY

On February 28, 2013, Farrell said during an interview on Milwaukee Public Radio (<http://wuwv.com/post/exclusive-audio-interview-speedskater-bridie-farrell-speaks-out-about-sexual-abuse-andy-gabel>) that she had been sexually abused by Gabel, a four-time Olympian, for two years, starting when he was 33 and she was 15. The abuse she described consisted of fondling and vaginal penetration with Gabel's fingers.

Gabel was not a coach but a mentor. Surprisingly, he admitted to his transgressions—without using Farrell's name—two days later in the *Chicago Tribune* (<http://articles.chicagotribune.com/2013-03-02/sports/chi-olympian-apologizes->

for-alleged-sexual-misconduct-20130301\_1\_sexual-misconduct-andy-gabel-olympic-speedskater). He resigned from the U.S. Speedskating Hall of Fame Committee and from the International Skating Union (<http://www.isu.org/en/home>). After that, a second victim, Nikki Meyer (<http://wuum.com/post/speedskater-nikki-meyer-i-couldnt-believe-what-was-happening>), came forward, claiming that Gabel raped her inside a dorm at an Olympic training facility in Michigan.

U.S. Speedskating hired the Chicago law firm Sidley Austin to conduct a lengthy investigation into the governing body's policies. Farrell's in-depth interview about her abuse was conducted by two patent lawyers. Gabel refused to be interviewed. Despite the fact that Gabel had confessed to an inappropriate relationship with an unnamed female—presumably Farrell—U.S. Speedskating has not revoked his lifetime membership. He has never referred to Meyer by name but denies her allegations that a rape occurred, telling the media that “any relationship I had was consensual.”

Another recent example involves 20-year-old tae kwon do athlete Yasmin Brown. In September 2013, Brown filed a formal complaint against her coach, Marc Gitelman, detailing three years of alleged sexual abuse that started when she was 16. In advance of a January 2014 hearing, Brown turned in a 44-page packet to USA Taekwondo and the USOC's ethics committee. It contained Brown's statement, along with statements from three teammates—including two who also said they were abused—Gitelman's ex-wife, parents to whom Gitelman had admitted to the relationship with Brown, and copies of Facebook and Twitter exchanges between Brown and Gitelman.

In the context of sex-abuse reporting, that's a slam dunk. When Gitelman's other employer, the University of Nevada, Las Vegas, saw Brown's packet during its own investigation into the allegations, it quickly fired him. USA Taekwondo suspended Gitelman from tournaments pending its investigation, but an oversight allowed him to coach at three events in 2014.

At one of them, the U.S. Open Taekwondo Championships in Las Vegas, Brown was forced to compete with Gitelman standing just ten feet away and her former teammates cheering against her. Gitelman was not banned until April 2014. He was in the middle of appealing his suspension when he was arrested four months later for having sex with a minor.

Farrell's and Brown's struggles mirror Strzempko's. Earning empathy and outrage from the public and convincing officials to take action is hard when a 40-year-old coach sleeping with a 16-year-old athlete is routinely framed as consensual. Because of this indifference, female athletes are forced to seek elusive legal remedies, sign petitions, and do anything else they can to force the hand of governing bodies.

Some women have been pushing for stricter laws at the state level. In June, Farrell advocated with other abuse victims in Albany, New York, for legislation to eliminate the statute of limitations that applies when survivors of childhood molestation decide to file for damages against their abusers. Under current law, abuse victims have only five years after they turn 18 to come forward. The bill, which hasn't passed, would also give older victims a one-year window to report previously masked abusers.



Jancy Thompson spoke in support of California Senate Bill 131, which would give victims a one-year window to report abuse, even if the statute of limitations has run out on the case. BEN MARGOT/AP

In April of 2013, swimmer Jancy Thompson, a client of Allard's, joined California state senators Jim Beall and Ricardo Lara to speak on behalf of Senate Bill 131 (<http://concussioninc.net/?p=7357>), legislation that would make the same change for institutions in California, where survivors must come forward by the time they're 26. Both the Catholic Church and USA Swimming lobbied heavily against the bill, arguing that private institutions would bear the brunt of the one-year window, as had happened in 2003 when a clerical error excluded public institutions from similar civil

cases. That was also the year that a thousand new claims were made against the Catholic Church, for \$1.2 billion in settlements. Even though Senate Bill 131 made no distinction between public and private institutions, California governor Jerry Brown vetoed it in October 2013 (<http://swimswam.com/california-governor-jerry-brown-vetoes-sb-131/>).

Other women have tried to take on a role as self-appointed monitors. In 2011, Connie Kanen found out from a woman who had an affair with her husband, Robert Goldhahn, that he'd had multiple affairs with swimmers he coached. The woman had previously filed a complaint with USA Swimming in 2009 about the coach's behavior, calling him a "sexual predator," but no one from USA Swimming gave Kanen a heads-up. She e-mailed USA Swimming's Safe Sport director, Susan Woessner, to ask why.

"From an ethical perspective, they should have let me know," Kanen says. By that time, she and Goldhahn had moved to Blackfoot, Idaho, and opened the Snake River Sturgeon Swimming club. "They put me at risk for owning a club with a sexual predator. I had an infant at home."

Kanen recalls that, during a phone call, Woessner said she hadn't wanted to "ruin their marriage." (Woessner says she doesn't recall this.) USA Swimming continued to let Goldhahn coach. Kanen made it her job to warn other clubs about Goldhahn's past, a task she says should have been performed by USA Swimming. In October 2012, Goldhahn shot and killed himself.

**We Need Help in This Fight:** Many experts think USA Swimming isn't going to make the necessary changes under its current leadership and that the federal government may have to intervene.

**PATCHWORK MEASURES** don't seem like the best approach to a problem this large, and what remains to be seen is what, if anything, the federal government will do regarding the abuse issue. Not much is known about the GAO investigation except that it's under way and has a due date. One thing we do know is that it happened, in part, because of political lobbying that originated with the Keep Kids Safe crew.

In 2012, the lawyers managed to get Congressman Miller's attention, and they used the opportunity to tell him about the sex-abuse problem plaguing young athletes.

Miller announced his investigation in June 2013 (<http://concussioninc.net/?p=7725>), and research began in spring 2014. The work is being carried out by the GAO's department of Education, Workforce, and Income Security. One of their tasks is to assess whether there's an appropriate federal response here at all.

“The federal government doesn’t have a lot of control over private clubs,” says Kay E. Brown, the GAO department’s office director. “We stepped back and asked, What role do federal agencies have in preventing and responding to sexual abuse? It’s not an easy one to answer.”

Brown’s analysts have contacted cabinet departments like Education, Justice, and Health and Human Services to find out what their role, if any, could be in overseeing children in youth sports. They’ve interviewed experts and officials from various NGBs and the USOC, and *Outside* has learned that many of the victims and families who’ve been through the Safe Sport process have been interviewed as well.

“Our recommendations will be addressed to federal agencies based on actions we think they could take,” Brown says. “We sometimes suggest matters for Congress to consider. Then, of course, it is up to the members to decide whether to take action.” With the current Congress’s reputation for being the least productive in modern history, there may not be much chance of reform, but sources I’ve spoken to have heard that Miller, who’s retiring at the end of this term, plans to go out with a bang on behalf of the issue.

In the meantime, another investigation is said to be under way. Little and Allard have been angling for a while to get the FBI interested in USA Swimming’s history in the handling of abuse cases. The lawyers say that they’ve had documents subpoenaed by the FBI regional bureau in California. *Outside* has also confirmed independently that the FBI has met with officials at USA Swimming. If indictments do come, they’re likely to be aimed at people who have looked the other way and protected coaches over athletes.



Scott Blackmun (third from left), chief executive officer of the USOC.  
PRESIDENT OF THE RUSSIAN FEDERATION/WIKIMEDIA

What's left for the athletes is to take a chance and see how the USOC's 2015 National Center for Safe Sport pans out. The new center is being trumpeted as a body with potential impact comparable to the U.S. Anti-Doping Agency (<http://www.usada.org/>). But USADA works because it tackles the self-imposed, ethics-based issue of doping. Critics of the new center say that a USOC-led organization probably shouldn't be adjudicating sex crimes in its own ranks. Especially considering that the USOC is led by Scott Blackmun, a former partner at Bryan Cave who served on its executive committee as recently as 2009.

“My opinion?” says Allard. “We need a truly independent organization comprised of people other than members from USA Swimming or the USOC. Make it transparent and public, with nothing confidential. We have the tremendous responsibility of safeguarding children. It's time we act like it.”

**WHEN MONICA** Strzempko turned to Little and Allard, like the women and men before her, she did so in desperation. The police were no help. The DCF appeal went against her daughter. The YMCA took down the family's donation banner and told their members not to talk to the Strzempkos.

“We can’t do anything about it,” says Monica. “We tried shouting it from the rooftops, but we were the ones who were made to feel like criminals.”

Even when Anna left for her freshman year at Wesleyan, she couldn’t escape her past. Another Holyoke swimmer visited the small college and told some of the swimmers on the college team that Anna had slept with their coach. When Monica confronted the girl’s mother and asked why her daughter would do such a thing, the mother replied, “She doesn’t like Anna.”

Last spring USA Swimming reached out to the Strzempkos, and Woessner emphasizes that the organization would like to help the family pursue justice. For various reasons, however, Anna’s parents—who have dealt with all the legal issues in this matter—are not interested in working with USA Swimming in any capacity.

Meanwhile, Strzempko is moving on with her life. She’s currently seeing a therapist to treat a diagnosed case of post-traumatic stress disorder. She says that what happened to her “haunts her every day” and she wants to prevent abusive coaches from harming other athletes. She plans to major in nonfiction writing at Wesleyan. A former honor student, she says that college was something she couldn’t have imagined in high school, but she cites a lot of help from a lot of people to bring her back to life.

“I’m incredibly lucky, because I have a loving family that supports me, a wonderful therapist that I’ve connected with so well, and resources to get the best treatment I can,” says Strzempko.

“Swimming came so fluidly and naturally to me,” she says. “I loved training because it was something I could do in my head, on my own, and perfect it. It sounds so cheesy, but it meant a lot to me. It was a feeling I only found in swimming and writing.”

Strzempko doesn't swim anymore. But she is writing, in school and for her blog. In September, she posted an essay she wrote in one of her classes. One line sums it up best:

“Things are not normal, and they probably never will be again, and they probably never were, but they are okay.”

*Rachel Sturtz (<https://twitter.com/resturtz>) wrote about Bode and Morgan Miller in January. She lives in Denver.*

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