

# 2010 Texas Hill Country AIHA / SSHA Symposium

## [When Winning Is The Only Thing](#)

By John W. Teets and James W. Checkley, Jr.<sup>1</sup>

I have been thinking about doing a speech on ethics for a number of years before Tiffany Giles invited me to speak to you today. In fact, I kept a file of ethics related materials that has grown substantially over those years. In it were some newspaper clippings about sportsmanship in Little League and sports generally as well as an outline for a speech on the obsession with winning that seems to be the hallmark of our culture and which also permeates our lives both inside and outside the workplace. So here I am.

How do we define winning? It makes a difference.

It used to be that winning was not just about the scoreboard. It used to be that the scoreboard wasn't the only thing. Can we still say that is true?

From Little League to pro sports we hear again and again that losing hurts worse than winning feels good. Why is that? Why does losing hurt worse than winning feels good? Could it be that winning is expected, is the only thing, and winning is therefore more a relief than a joy, while losing is a dreaded, hated thing, just like the losers themselves?

When coaches say that their job is to bring out the champion in every player, are they speaking metaphorically or literally? Do you have to be a literal champion, win a championship, a gold medal, or is it OK to simply do your best, to become the best you can be?

If winning is about working to achieve success, and if success is, as the great UCLA coach John Wooden says, the piece of mind which is a direct result of self-satisfaction in knowing you did your best to become the best that you can be, then why are coaches and players fired, vilified in the press, booed, given death threats, and disrespected if they achieve success but still lose? Why is it that the great unifying principle for all these tortured souls is losing?

Maybe it's because Vince Lombardi was right: maybe it's because when it comes time to walk the walk instead of talk the talk, when it gets down to brass knuckles and gut feelings, winning isn't everything, it's the only thing.

The old article I referenced concerned a Little League baseball player who had broken some rules at home and whose parents had grounded him. Pretty typical. But then a strange thing had happened. Once the child explained to his friends that he was grounded and was going to miss a game or two as a result, the parents of the other children on the Little League team began calling and complaining to the grounded boy's parents that his punishment was not fair. The calls were many, frequent, and some were quite angry.

Why all the fuss? Well, the grounded child was the best player on the Little League team. Without him, it was much more likely the team would lose the games he was going to miss. This was so upsetting to the other players and their parents that they called to complain. So the parents of this child, in the aftermath, had written to one of those columnists who write about ethics to ask if they had done the right thing. Or was grounding their child wrong because the other children might, as a result, end up losing a Little League baseball game?

The columnist reassured the parents that they had done the right thing and spent most of his column complaining that the preoccupation with winning that seemed to grip the country had gotten out of hand. He lamented that the need to win, the desire to win, almost at any cost, and at any level, had become increasingly rampant and was becoming a real problem in our society.

The first thing I thought of reading that article was Green Bay Packer's coach Vince Lombardi and his famous quote that "winning isn't everything, it's the only thing," the quote from which I took the title of the speech. If any single expression captures America's obsession with winning, this is it. There are several sources on the Internet that claim that Coach Lombardi did not actually utter these words. But it doesn't matter. Did Humphrey Bogart say "Play it again Sam?" Did Carl Sagan say: "Billions and billions and billions?" Did Marshall McLuhan say: "The media is the message?" No, none of them did. But all these expressions are now American icons.

And while many individuals would dispute Coach Lombardi, and there are hundreds of articles claiming that winning is not the only thing, I think that the expression winning isn't everything, it's the only thing has taken on a life of its own over the last 40 years. And while I do not blame Coach Lombardi directly for the escalation in the competitive environment in America and the obsession with winning that has accompanied it, the notion that winning is the only thing is, I believe, at the heart of many of the dilemmas we find in sports and business in particular, and culture and society in general. Because I believe that we, as a society, have bought into that expression and that it lies behind much of who we are and what we do as a culture.

I thought I would be doing a short speech on the dangers of emphasizing winning to the exclusion of other important aspects of life, but I quickly realized that this is a huge topic, one

that crosses many disciplines and aspects of culture. Indeed, it was a struggle to try to synthesize just a few aspects of this issue into a thirty-minute talk. For instance, I have neither the time nor the inclination to explore how American culture got to the point where winning a Little League game is so important it is worth challenging your neighbors' choice of discipline or allowing a boy who is 2 years overage to play in order to win the Little League World Series, something that happened just several years ago. Instead, I'd simply like to make a few observations on the effects of elevating winning to the status of the only thing and look at how this phenomenon is not limited to sports, but affects all we do including your lives as safety, health and environmental professionals.

I grew up in the 1960s and early 70s, a time when sports, while still a significant part of American culture, were not nearly as important or as available as they are today. Most people were content to deal with sports on the weekend on TV and check on the progress of the season in the paper or listen to the home team on the radio. Those of you under 35 might not believe it, but 45 years ago, one could not just pop the TV on any given night and have a smorgasbord of sports waiting for the watching. There was no Monday Night Football, no superstation cable outlets, no magazines devoted to recruiting high school kids to college, no broadcasts of pro sports drafts, and, best of all from my point of view, sports had not yet degenerated into 24/7 sports talk radio and TV. Look, I love sports, my kids are athletes, but all this non-stop gossip about sports has really pushed me over the edge.

Can I just say the obvious: sports are a huge part of American culture. Major sporting events like the Superbowl, the World Series, the NBA Finals, the Stanley Cup Finals, Grand Slam tennis

and Major golf events, the Triple Crown of horse racing, the Olympics, the World Cup, all these events and many more produce an almost continuous current of competition, triumph, agony and defeat that is at once iconic and in a sense, religious. If religion is that which binds us together, well, little binds the country together more than sports.

Since the creation of ESPN in 1979, sports have developed into one of the most powerful and dominant aspects of our culture. ESPN stands for the Entertainment and Sports Programming Network, although I often call it the ETERNAL Sports Programming Network, and it is the single most important thing that happened to sports since the invention of the television. ESPN, Disney, and the American Broadcasting Company have common ownership: sports, fantasy, and television all in one, what a combination.

Today players are paid not just in the millions, but in the hundreds of millions of dollars to play a kid's game for a living. Millions of fans metaphorically live and die by the success of their teams, and by success I mean winning and losing. (Just recall how many unhappy face we had around this town after the recent BCS Championship) And because of the proliferation and growth of sports, seasons have become extended, overlap, and never seem to end. Even when the teams are not actually playing, they are being talked about on thousands of outlets across the country. Sports in America have grown to the point where the personalities are almost as important as the games, where the culture is almost as important as the scores, and where, at every level, winning seems to be the paramount concern.

Jacques Barzun, the great Columbia University historian, commented years ago that to understand the American character one should understand baseball because that sport

encompassed so much of what made America unique. I submit to you today that to understand the American character one should understand sports generally because our attitude towards sports reflects our attitude towards the rest of our culture. The way we play the games of our sports culture is, I think, reflective of how we will play the game of life.

We as a culture, as a society, have bought into the Vince Lombardi attitude about winning. American society, already competitive, already individualistic, has become obsessed with winning. In fact, Jerome Holtzman claims that **“Losing is the great American sin.”** There are many who would agree with him.

And while it may have started in the sports world, this attitude has spread to every aspect of culture, including business, law, and every corner of society.

*[January 2010, Winning is Everything Conference for CEOs and Business Leaders with Joe Theisman.]*

It is very different from the days when I used to go to the Boys' Club of McKeesport, Pennsylvania and there was a huge sign on the wall in the gym that said: “It's not whether you win or lose, but how you play the game.” While everybody, including me, tried our best to win, and winning was important to us, make no mistake, my coaches for the most part displayed the attitude that if you gave your best, then the final score was not what was most important. I visited my old Boy's Club now the Boys' and Girls' Club about 10 years ago and that sign was gone. And I frankly don't expect them to put up another one any time soon.

The promotion of sports in our culture to the highest levels of importance and the growth of sports into a multi-billion dollar business has elevated winning to the point where it does seem to have become the only thing. This is a dangerous situation. I think we get in trouble when we are only focused on winning because eventually, everything else about the game becomes secondary or expendable. If winning is the only thing, how can there be room for anything else?

Sportsmanship is eventually sacrificed to winning; civility is sacrificed to winning; respect is sacrificed to winning; character is sacrificed to winning; playing by the rules is sacrificed to winning. All the reasons we are told sports are good for us fade away. Being honorable becomes a liability that many people question if not outright think is foolish. Like the heel of a shoe that wears down only gradually, so gradually that we don't even realize it until we try on a new pair, all other aspects of competition slowly erode when winning is the only thing. And I'm not just talking about this happening in sports. This sort of phenomenon happens in business, in culture, in religion, in society, in any group where the emphasis on winning pushes other considerations, for instance, environmental, safety and health concerns, aside. American culture has become, to an extent that I frankly have difficulty putting up with, a culture absolutely dominated by competition for everything and the attitude that winning is the only thing.

Having said that, I want to say that I don't think that either competition or winning is necessarily a bad thing. My complaint goes more to a loss of perspective, to a loss of balance, and the ripple effect that occurs when society decides that winning is the only thing.

Let me give you an analogy to what I mean. Ralph Waldo Emerson said: "A foolish consistency is the hobgoblin of little minds." That saying is often misquoted and people often forget the

foolish part. But that is the key to the saying. What Emerson was telling us is that consistency for its own sake is foolish. When winning becomes the only thing, your mind set pushes everything else to the side, that is the hobgoblin.

Speaking of hobgoblins, one of my least favorite side-effects of winning at all costs is that it has turned us into a much less civilized society. When winning is the only thing there is a tendency to break the rules, to cheat, to cut corners, to develop an us/them attitude that leads to disrespect, pettiness, unsportsmanlike conduct, and tends to dehumanize, if not demonize, the other side. In short, when winning is the only thing it is simply much less pleasant to play the game.

Let me share with you my least favorite, but most apropos, example of what I mean. It happened at a Westlake High School football game a few years ago. I forget who Westlake was playing that day, but I will never forget how a vocal group of parents and fans behaved. There was a player on the other team who was quite good and doing quite well. These Westlake fans, who were used to steam rolling opponents, were literally yelling for the Westlake players to hurt this kid so he could no longer participate in the game. I, like most of you, I'm sure, have heard foul mouthed fans at a game before. But for some reason, this particular behavior touched me more deeply than some other similar behavior I have seen. I was instantly both angry and depressed and I just sat there thinking: this is one of your neighbor's kids. He's one of us, a part of our community. And you want him hurt because he's a good player and Westlake might possibly, God forbid, lose a game?

Unfortunately, there are hundreds of stories like this from parents who scream at the umpires, the coaches, and the players, to my own experience in the practice of law, which I (and my friends)

have found has become much nastier over the 30 years I have practiced, to the escalation of road rage that we have all heard about if not experienced. It is this lack of civility on the road that most amazes me. Tens of thousands of people die on the roads each year and you'd think we could be civil to each other when our very lives are at stake. But that doesn't happen nearly as much as it should. I mean, wouldn't you think you were dreaming if some day you were driving to work during rush hour and all the people driving SUVs, Hummers, oversized pick-up trucks (like mine), and other urban assault vehicles yielded when the lanes were merging or didn't speed up when you needed to change lanes, or just gave a wave of the hand in thanks when you yielded to let them in? When winning is the only thing, competition tends to escalate to the point where it leads to tremendous stress and strain, whether we are talking about a softball game, a lawsuit, turning a corporate profit, audit results or merely getting to work on time.

Because of our cultural focus on winning, of making winning the only thing, and the escalation of competition that accompanies it, I am coming to the conclusion that we do not actually live in a civilization anymore. Some years ago I coined a word for what I think our society is becoming: I call it a "competitivization" – a society where competition is the single most important and paramount feature of the culture, one where, increasingly, we act as if only winners matter and losers are soon forgotten. Competition in my view has simply swamped cooperation, and with it our sense of community, with one exception: people on the same team ('us') will cooperate against another team ('them'). People complain that there is no sense of community anymore. Well, how in the world can there be when we emphasize so strongly the success of the individual, individual competition, winning, and have established such a strong win/lose and us/them society that we often don't even act civilly to one another?

I'd like to shift gears here and look at another aspect of sports that I think has made its way into our culture, and not for the better. This is in the area of personal responsibility. What I suggest may not be as obvious as winning is the only thing, but see if it doesn't ring true to you.

All sports have a referee or an umpire. In a sporting event, the players are used to allowing somebody else to take responsibility for what is right and wrong in the game. In this sense, in sports, the responsibility for playing by the rules has been externalized. While the player remains responsible for playing by the rules, he is not responsible for enforcing them. That role is delegated to the official. Players are not only encouraged to accept the judgment of an outside official on issues of fouls, in or out of bounds, and the like, the game requires that they do so. I think this externalization of responsibility has evolved to the point where players, ever eager and needing to win, have a mindset that allows them to feel comfortable if the official misses a call or botches a call that is in their favor because that is simply part of the game and the player need not take responsibility for it. And fans accept it too. So, while players, coaches, and fans will rant against calls that hurt their chances of winning, nobody complains when a blown call is in their favor. In fact, how weird would it have been if John McEnroe, infamous for his obnoxious arguments with officials who made calls he disagreed with, had argued just as vociferously as if the umpire made a call that worked in his favor, even if he and everybody on his "side" knew it? That is not his responsibility. If a call is missed, that responsibility lies with the official, not the player.

*[In his recent book McEnroe talks about the pressure of winning at all costs and accompanying stress. Relay Bjorn Borg comments relax "it is a good match."]*

Now, you can talk about sportsmanship, and in the movie *Bagger Vance*, the golf pro calls a foul on himself, and thus costs himself the match, but when winning is the only thing, how can an ordinary person afford to call a foul on him or herself? Especially in the modern era when millions upon millions of dollars are at stake, if a receiver catches a game winning touchdown in the Superbowl, and he knows he was out of bounds, but the referee didn't see it and the instant replays don't show it, how can we ever expect him to fess up? Lots of people would think he was an idiot to fess up. Moreover, even more insidiously, it is simply not his job, don't you see, to make that call. It's the referee's job and the player not only can, but must, abdicate personal responsibility to that referee. It's not the player's fault; it's the referee's.

I believe we have expanded this externalization of responsibility for our actions that is required on the playing field to culture in general to the point where we no longer see ourselves as the primary enforcer of the rules of the game, and moreover, if we break the rules and are not caught, then it's not our fault. The fault lies with the referees, as it were, for failing to catch us.

I'd go so far as to say that in many ways, we have, as a culture, externalized responsibility for our actions to the point where many people act as if unless one is caught, then there is no harm. I mean, if the umpire blows a call, or misses a call, we accept it and move on with the game and it's not the player's responsibility to call a foul or an out of bounds on him or herself and fix it. So why not in life? After all, it's the job of the police, or the SEC, EPA, OSHA or the FBI, or our boss, or our spouse, or somebody else, to discover our flaw, mistake, error, or violation. If they don't, well, then let the game go on.

I have an expression for this phenomenon as well: I call it “no foul, no harm.” Anybody who has played pick-up sports knows the expression, “no harm, no foul.” It means that even if you technically broke the rules, we won’t stop play because what you did, did not affect the play. There was no harm. But now, many people seem to act like the rule should be “no foul, no harm.” The notion is that unless we are caught, then there is no harm it is just part of the game. The breaking of the rules becomes not so much an issue of character or ethics, but one of simple practicality. What matters is not how you played the game, but whether you were caught. And if you can break the rules in ways that allow you to have less chance of getting caught, so much the better. Let me sum this up with a question: If NFL linemen are taught how to hold without getting caught, something that many sports commentators not only claim, but seem to admire, then is it any wonder if our kids think it’s OK to cheat so long as you don’t get caught?

What about you with your profession? Are you “pressured” to let the “game” continue when conducting an audit, an assessment or monitoring? Will bad news keep your group, department, or team from additional compensation?

*[Relay Silver Monitoring Story Analogy to Wall Street Greed].*

The attitude of winning at all costs, and with it, kicking up competition several notches, along with the externalization of responsibility for one’s actions, combine to create real problems for anyone who dislikes the culture of winning and wants to behave civilly, ethically, and do the right thing. The problem is that when everybody is playing by a set of rules that implicitly condones the notion that winning is the only thing, what do you do if winning means having to cheat, or behave belligerently, or hurt some kid from up the street, or ignore the rules?

The problem of rampant breaking of the rules in order to win in a highly competitive market is being perceived in the business world as a real problem. When winning is the only thing, when competition gets out of hand, then whatever gives you a competitive advantage is OK. And if everybody else is doing it, then what choice do you have?

This is no different in theory from one of us telling a policeman who has pulled us over for speeding that we were just going with the flow of traffic. Were you doing 80 in a 65 zone? Sure you were, but you have just externalized responsibility for breaking the speed limit. The traffic made me do it, you say. And you have a point especially if all that traffic swooping past you makes you feel unsafe limping along at the posted speed limit. That's why this is such a tough issue.

But let me raise the stakes. If your CEO says yes, I was breaking a few ESH rules, but the market made me do it, we just cannot compete with those additional overhead costs, are you going to be sympathetic to him or her? Are you going to cut him or her the same slack you cut yourself on the highway when you consciously decided to speed to keep up with the traffic? Probably not. But all that CEO was doing was conducting business with the flow of ethics and doing what was necessary to win.

Or, then again, you might say, with some cynicism, that his big mistake was getting caught. You might see this like the NFL linemen who are taught how to hold and decide that the CEO simply was not good enough and got caught 'lost' which is the ultimate sin. I've heard many people in business, politics, and other non-sports environments say: "his big mistake was getting caught." And I ask you: what's up with that expression? It implies that it's OK to cheat, to do whatever it

takes to win, so long as we don't get caught. It's a perfect example of my expression,"no foul, no harm." Everything is OK because we have externalized our responsibility for our choices. Everything is OK because winning is the only thing and this will help us win. I think that this, right here, is one of the real challenges of American culture.

*[Tiger Woods without the accident and police call.]*

Given these challenges, if we care about winning but don't have any desire to compromise our principles and integrity in the process, what do we do? I'll be blunt with you and say that in the absence of a cosmic umpire, it is sometimes very difficult to justify playing by the rules when nobody else does. It just depends on what ends up being important to you. But I reiterate that if you decide to take a stand, if you believe that winning is not the only thing, that there are other things that matter just as much if not more, then you need to understand that doing the right thing can cost you a lot sometimes, especially when everybody else, or nearly everybody else, is cheating and not just getting away with it, but is somehow, in a perverse way, encouraged to cheat by the very competitive environment we ourselves have created.

Those of you who know me, know I cannot do a speech without a pop culture reference. So, if you want to know what price sometimes has to be paid for doing the right thing, then I'd suggest you dust off your old Spider-Man 2 DVDs. The first hour of that film is about the following question: when you have great power and you take great responsibility as a result, what are the consequences? We see in the movie that being Spider-Man, of doing what's right, takes a great toll on Peter Parker, who is failing school, being fired from his jobs, has let down his Aunt May,

and has pushed the love of his life to the breaking point. Peter has a miserable life being Spider-Man, but he does the right thing, even at the risk of his life and happiness.

I don't have any magic cure for this mess we've gotten ourselves into. In fact, on some level, while I don't necessarily recommend it, I think a reasonable person could sometimes decide that driving with the flow of traffic, as it were, is the best thing to do. After all, one of the single most potent images of fairness in our culture is the notion of the level playing field. And if enough people are cheating, and most everybody knows it, then cheating somehow becomes fair because it levels the playing field. But it also perpetuates and tends to escalate the cycle. Ultimately, while there may be short term gains, the long term outlook is bleak, and in your professions, outright disastrous.

But because I simply cannot let myself end a speech on a down note, let me conclude by suggesting some hope by way of an analogy. I think of being ethical and of doing the right thing in the same way that I think of recycling. No one person can make recycling work. But if everybody recycles even as little as one can a day, then suddenly, we have mountains of cans. Only almost nobody ever sees the mountains of cans; we simply have to have faith that they exist and thus resolve to do our part. I think the same thing applies here: we each have to make our small contributions to doing what's right, being ethical, whatever that might be in any situation, and have faith that it matters in the larger scheme, even though none of us may ever see the mountain of cans.

But more than this, even if there is no mountain of cans, even if nobody else follows, we might just free ourselves a little bit from the belief that winning is the only thing. It isn't you know and

the belief that it tends to have a corrupting and harmful influence on both individuals and society. But it sometimes takes real courage to find that out. It takes being willing to “lose once in a while for a deeper cause” including the cause of finding and honoring that champion all those coaches tell us lies inside each of us and winning beyond the scoreboard in a way that matters to us all.

*[Be an example. Wooden Example from his Book **They Call Me Coach**. Nation’s Winningest Coach Shuns ‘Winning Is Everything’ Approach.]*

---

<sup>i</sup> About the Speaker

John W. Teets, is General Counsel of Austin, Texas based FundsXpress Financial Network, Inc., a subsidiary of First Data Corporation. John also serves as Senior Counsel for First Data. John has over thirty years of legal experience representing technology companies ranging from Fortune 500 and multinational to startups in domestic and international matters. As both in-house and outside counsel, he has represented companies involved in venture capital financings and in numerous strategic alliances and acquisitions. Before joining FundsXpress, John served as General Counsel of Power Computing Corporation, Senior Environmental Counsel for Motorola, Inc and Assistant Counsel for Texas Instruments, Inc. He practiced in environmental, safety and health law for the first 15 years of his career and is a co-author of: **RCRA: Resource Conservation and Recovery Act**, published by American Bar Association in 2003. John has led environmental, safety and health audit teams at semiconductor and electronics manufacturing facilities through North America, Asia and Europe. In 1980, John had the privilege to work with the original founders of the Semiconductor Safety Association, now the Semiconductor Environmental, Safety and Health Association to establish the SSA. He graduated *cum laude* with a Juris Doctorate from Pepperdine University School of Law in Malibu, California and holds a Bachelors of Arts from the University of Arizona in Tucson, Arizona.

**This presentation is borrowed very liberally from a 2002 paper of the same title by James W. Checkley, a good friend and a partner in the Austin, Texas office of Locke, Lord, Bissell & Liddell.**