

Headline: Not life or death, but a matter for Congress

Web Headline:

Byline: JOHN JEANSONNE. john.jeansonne@newsday.com

Day: Sunday

ID: 5590066

Edition: NASSAU AND SUFFOLK

Section: SPORTS

Page: B09

Pub. Date: Feb 24, 2008

Caption: Syringe/istockphoto-Newsday Illustration by Tina Kleuker - a syringe and bottle filled with baseballs.

Cover:

Corrections:

Other Editions: B16 C

Text:

Baseball's wag-the-dog strategy goes on. Testing wasn't necessary during the 1998 McGwire-Sosa home run derby, the establishment explained, because the sport had no drug problem. George Mitchell's report of widespread doping, according to this winter's spin, should be viewed with skepticism because of Mitchell's connections to the Boston Red Sox and commissioner Bud Selig.

We repeatedly are reminded that we should just move on, that Congress has more important things to do than demand answers from ballplayers under oath. That baseball, according to Hank Steinbrenner (with immediate reinforcement from some of the balls-and-strikes commentariat), is unfairly being examined while football, for instance, goes scot-free.

Tell that to NFL commissioner Roger Goodell and the New England Patriots now that Sen. Arlen Specter (R-Pa.) is asking questions about serial video spying. Or to Marion Jones. And notice that yet another congressional panel on drugs in sports is scheduled this week, with the NBA's David Stern and the NHL's Gary Bettman being summoned, along with Selig and Goodell.

More and more, it's becoming difficult for baseball to change the subject. Which is: Breaking the law can get you into trouble with the authorities. And it's not graded on the curve.

"I have people saying to me all the time how stupid [these hearings] are, that we've got a war and problems with hurricane victims," said University of Oregon sports psychologist Steven Ungerleider, whose 2001 book, "Faust's Gold," detailed the criminal investigations into the coordinated, systematic doping machine in the former East Germany. "I shake my head and say, 'We have a lot of problems. But there's a huge learning curve happening here, and it's very important.'

"The larger picture is giving exposure to kids and families of young athletes about the dangers of steroids and growth hormone and other illicit drugs. And it's not only dangerous and cheating, but it's against the law."

To Raymond Shepherd, head of the congressional investigations practice at the huge Venable law firm: "Congress can walk and chew gum at the same time. This is a legitimate area of interest. And it's not like Congress is ignoring the war or the three-dollar-a-gallon gas prices.

"Congress holds these kinds of hearings all the time. It's just that they rarely are on ESPN."

While President Bush was playing tee-ball in Ghana last week, and stadiums continued to be planned and built with public funding across this nation, and baseball's antitrust exemption moved into its 86th year, plenty of fans nevertheless remained oblivious to the power of the

athletic industrial complex - convinced that lawmakers should keep hands off.

But as sports commentator Frank Deford wrote for SI.com, "we need government to intrude occasionally, because sports are too popular, too important culturally to be left to the coaches and commissioners."

Law professor Stephen Ross, director of Penn State University's institute for sports law policy, cited sports' "significance in the American culture, as represented by the fact that it has a separate section in your newspaper," in judging that "elected representatives can appropriately focus on those aspects of public policy that relate to sports.

"Obviously, this is not as important as the war in Iraq or health insurance, but if you look at the millions of obscure issues that Congress has an interest in, sports would be in the top third of that list.

"Given that baseball is a monopoly, some form of pressure from the outside is often useful. There's no question that the imprimatur of government, to get to the bottom of things, is useful."

Shepherd said he was convinced that the 2005 congressional hearings on steroids in baseball served as pump-priming motivation for the sport at last to face its drug issues. "Mark McGwire," he said, "is not in the Hall of Fame, and may never be in the Hall of Fame, because of those hearings."

In Germany 20 years ago, 435 indictments were filed against coaches, trainers and doctors, Ungerleider said, demonstrating the effectiveness of government involvement. In Canada in 1989, a months-long government inquiry shined a light on the steroid culture that led sprinter Ben Johnson to lose his 1988 Olympic gold medal.

"The hearings with McGwire and Sammy Sosa, at the end of the day, caused new legislation to be passed," Ungerleider said. "There are states now that have testing for high school athletes, prevention programs in place. Major League Baseball now has put up a bunch of money for the new [anti-doping] lab that Don Catlin is running in Los Angeles."

Ross did express doubts about congressional emphasis on "whether sores on Roger Clemens' butt were related to steroids. To use an analogy, I think a hearing on the soaring divorce rates, and their effect on children, would be legitimate, while hearings on whether Brad Pitt and Jennifer Aniston should stay married would be a little far afield.

"But I don't doubt that a lot of people would love Congress to hold hearings on the Pitt-Aniston breakup, to find out who really was in the wrong. It would shatter C-Span ratings."

Better, for baseball, it would change the subject.