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BACK TALK

A New World Order in Elite Sports

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The doping scandal in California is unprecedented in United States sports. While initial investigations by federal authorities and a prominent United States senator focused on a nutrition company, Balco, and on a designer steroid, THG, the problem soon spread to include speculation about the involvement of overachieving baseball players, oversize football players and an array of Olympic athletes.

It is time to step back to understand the historical context of these unfolding events and their bizarre twists and turns, accented by athletes' names, anti-doping protocols and legal wrangling.

The evolving story is more than understanding the complexities of banned substances, drug testing and prosecutions, and deciding who will represent the United States at the Summer Games in Athens. The real story is about the regrettable messages that this scandal sends to our youngsters, who seek nothing more than fair and ethical competition.

It is more than a tragic story of a gifted sprinter, Kelli White, who tested positive for the stimulant modafanil and acknowledged using undetectable steroids and EPO, the blood booster erythropoietin. It is more than her accepting a two-year suspension, losing her records, awards and nearly \$1 million in prize money, and apologizing to her family, competitors and colleagues for cheating.

In years past, these events may have gone unnoticed. But now we are witnessing the evolution of a new world order in elite sports, one committed to fair play and ethical values, one whose troubled roots can be found in a 30-year dysfunctional system of inadequate drug control.

In the old world order, some countries encouraged the use of performance-enhancing drugs as evidenced by East Germany's institutionalized doping experiments. Some 10,000 East German athletes were administered dangerous steroids and designer drugs, the products of rogue doctors, toxicologists and pharmacists — all under the watchful eye of a government determined to win gold at any cost.

The experiments, secret for some 30 years, resulted in criminal trials in 1998 and jail sentences for doctors and trainers found guilty of doing bodily harm to minors. Today, many former East German Olympians are dying of cancer or premature heart disease and giving birth to deformed babies.

In 1999, a new world order emerged in the fight against doping. Under the able leadership of Richard Pound, a Montreal lawyer, the World Anti-Doping Agency was established. After several years of intense deliberations among scientists, educators, government officials, sports leaders and athletes, the World Anti-Doping Code, a comprehensive set of international standards, was established.

To date, the code has been embraced by the International Olympic Committee, 33 international sports federations, 195 national Olympic committees and more than 110 governments, including the United States.

As the world agency was being created, so was the United States Anti-Doping Agency, the nation's lead agency in the Balco investigations.

Now, as the Athens Olympics approaches, we are witnessing the groundbreaking intersection of the legal efforts to ferret out the criminal acts associated with Balco, while the United States Anti-Doping Agency pursues code violations. All this is occurring as anxious athletes await their fate, with threats of civil suits lurking, and potential penalties are being hotly contested by lawyers on both sides.

The world code makes it clear that a positive urine or blood test is not the sine qua non for a doping violation. Nonanalytic violations like trafficking, distributing or inciting others to use prohibited substances carry the same weight as positive tests. From a sports perspective, the hearing bodies will be the ones to decide what weight should be attached to e-mail messages, canceled checks and FedEx envelopes, and the criminal investigations will have their own outcomes.

While the principle of strict liability in anti-doping has a long history in sports law — if it's in your body, you're guilty — new waters are being charted with the specter of nonanalytic doping code violations. We hear prestigious lawyers crying foul and speaking of witch hunts by anti-doping zealots.

Whether violations are analytic or nonanalytic, it is imperative that athletes be accorded due process. None of us would want it any other way. We believe that the World Anti-Doping Code, when carefully studied, will give pause to those who are so outraged with allegations of the lack of due process.

While so much of the national dialogue has centered on violations of law and the rules of sport, we must not take our eyes off the ball. Performance-enhancing drug abuse is not limited to elite athletes. With surveys disclosing that as many as 2.5 percent of eighth graders have used anabolic steroids, this high percentage should compel us as a nation to move the issue from the sports pages to the front pages.

After the sprinter Ben Johnson disgraced Canada in 1988 by cheating with steroids, the government created the Dubin commission to address that shameful event in the country's sports history. Recent events serve to underscore that now is the time for America's moment of national introspection so that we too can right our ship in the name of drug-free sport.

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