

Another Chance To Get It Wrong

Written by {ga=gdbenz}

Saturday, April 12 2008 7:00 PM -

Major League Baseball is at the forefront of professional sports in ridding its game of illegal drugs, just ask them. Rob Manfredi, executive vice president in charge of labor relations said as much in commenting on what he termed further improvement to what already is professional sport's best drug testing policy, at least according to Manfredi. For his latest piece, Gary took a close look at Major League Baseball's "new and improved" testing policy, which he still sees as seriously flawed despite all the self congratulatory back patting by MLB executives.



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What prompted this most recent self-congratulatory nod was the announcement that Major League Baseball and the players' union had reached still another agreement regarding its drug testing policy. As reported by *ESPN.com*, Manfredi said "Going into this negotiation, the commissioner was 100 percent correct that we had the best program in professional sports. These changes just solidify that kind of premier leadership position in my view."

Hardly. Under the guise of strengthening the current drug testing program, the players union, under the misguided leadership of Donald Fehr, once again outbargained management by using Commissioner Bud Selig's paper tiger of threat to suspend players named in the Mitchell Report against him by giving MLB the sleeves off their vest. Fehr ensured that no player named in the Mitchell

Report would be subject to punishment. To get that concession all they did was have to negotiate around the fringes of a seriously-flawed drug problem that only its authors think is world class.

Nonetheless, ESPN's major league baseball shill Buster Olney bought the party line when he said on Friday that only an idealist would continue to find problems with baseball's drug testing policies. If by idealist Olney means anyone with a brain, then a bunch of us are guilty as charged. Olney and his ilk may be weary from the distraction of having to report about baseball's drug problems, but that is no excuse for not holding baseball accountable for its thumb-sucking on this issue.

As for Manfredi, he probably never really read the Mitchell Report or the various and sundry articles and opinions of real experts who have an opinion that if not 180° different than Manfredi's is at least 178. See, that's the problem with Major League Baseball. It's never shown leadership under Selig in much of anything, particularly when it comes to ridding its sport of drugs. Virtually every action it has taken of any consequence regarding performance-enhancing drugs, including this most recent amendment to the policy, has been under pressure from an outside source. Left to its own indifference, MLB would have simply let Fehr continue to control the dialogue. It's what it did until Congress showed up.

Undeniably, the latest iteration of baseball's drug policy is an improvement, but that's only because it would have been impossible to take a step backward. As I noted just a few months back (see [here](#)), when the denizens of baseball first appeared before Congress after the Mitchell Report was issued, Selig took a rather meaningless "bucks stops here" approach given how performance-enhancing drugs were allowed to flourish under his watch. He didn't so much fall on his sword as shrug his shoulders, which is his wont.

At that Congressional hearing, Selig and Fehr were grilled about some of the more obvious flaws in their program, a few of which they addressed in the new agreement, but not fully. For example, although baseball began banning and

testing for amphetamines in 2006, they opened up a therapeutic use exemption that the players are now exploiting with impunity. In 2006, 28 players were able to find their version of Samatha Stevens' Dr. Bombay to write them a prescription for Ritalin, the amphetamine of choice among discriminating drug users in baseball. In 2007, that number jumped to 107, a number which Congressman John Tierney of Massachusetts labeled as eight times the general population.

Manfredi, responding to that report, seemed flummoxed as much as clueless, claiming he had no idea why the number would jump so precipitously. If Manfredi is really that unsure of how that kind of jump could occur, then he seems uniquely unfit to be in charge of labor relations at the local Dairy Mart, let alone all of Major League Baseball.

Surprisingly, the latest amendment to the drug testing policy didn't even address this issue. Here's predicting that Manfredi will be equally surprised when the number of players using the therapeutic-use exemption continues to skyrocket in relation to the additional drugs banned under the amended policy.

One area that the parties did address were the embarrassingly low number of off-season drug tests that occurred, although slightly. Until this latest deal, baseball was permitted to conduct only 60 total off-season drug tests among the 1300 or so players. No need to call the MIT math department to run the calculations on the odds of being tested under that formula. Under the amended program, that number jumps to 375 tests in a three-year period, or 125 a year. That basically doubles the number of yearly off-season tests, theoretically doubling the odds of a player getting tested. That all sounds good but when you're starting with 60 tests, doubling it is hardly marked improvement. The chance of being tested in the off-season still isn't likely to scare any drug-using player straight.

Another key flaw in the previous drug testing program that was addressed, although not completely, was the fact that it was conducted in-house with the ability of either management or the union to fire the supposedly independent

administrator at any time. Baseball still didn't move the program to an independent outside agency, as recommended in the Mitchell Report, but did at least protect its administrator by adding a "just cause" provision before his removal by either side.

It sounds good, but in reality all the union needs to do in order to dump the administrator for one more to its liking is to trump up a reason to get rid of the administrator that goes beyond the current standard of not liking the cut of his jib. How hard can that be? After all, this is the same sport that pretty much accepted that the Indians' Paul Byrd needed his dentist to prescribe for him human growth hormone in order to address a pituitary problem. Apparently Byrd's gynecologist was unavailable.

But before we get too overridden with cynicism, let's remember that baseball and its union decided that each of the top 200 draft prospects in the annual amateur draft would be subject to drug testing. If a player tests positive, he's eligible for selection. If a player refuses, he can't be selected. Under that rubric, why would a player ever refuse? Presumably, a positive test might impact a prospect's draft position, but remember you're dealing with major league teams here. Character, including prior drug use, is much further down the list of considerations in drafting or signing a player, above legal blindness, well below on base percentage or velocity.

Not surprisingly, the experts aren't satisfied with baseball's latest drug turn. According to the Associated Press, Dr. Gary Wadler, chairman of the World Anti-Doping Agency's committee that determines the banned substances list said "This still falls significantly short of the mark, no matter what internal bureaucracy they've patched together." Wadler was particularly critical of the fact that baseball's policies still do not call for blood testing for human growth hormone and for not turning the testing over to an outside agency.

But Wadler, too, is apparently just some wide-eyed idealist because if Major League Baseball says it has the best testing program in professional sports than

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it must be true. So drinks all around. Kudos to Selig, Manfredi and Fehr. It is cause for celebration, particularly if you're a major league ballplayer. They should be gratified to know that while their leaders may not have materially improved their regrettable history with coddling drug use in their sport, they did manage to insure that as long as they're in charge, every player will remain a drug suspect.