

Drug testing in baseball and worldwide

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SPORT AND SOCIETY FOR H-ARETE
Drug testing in baseball and worldwide
SEPTEMBER 23, 2005

The United States Congress is making noises again over the issue of drug use in sports and, as usual, taking aim at steroids in baseball. In The Clean Sports Act, sponsored by Sen. McCain and Rep. Tom Davis, there is a call for stronger penalties for drug violations in baseball. This bill would institute a two-year ban for first offenders and a lifetime ban for second offenders, a penalty system adopted from the World Anti-Doping Agency (WADA). Baseball Commissioner Bud Selig, in sandbagging the Players' Association, also called for an independent testing agency and his coyly phrased "Three Strikes and You're Out" policy.

Before these policies are adopted I would invite members of Congress to consider the circus that has developed on the international scene. WADA and the International Football governing body FIFA have been in a disagreement over the length of drug-abuse penalties. FIFA has objected to the two-year ban for a first offense saying that each case must be decided on its merits, rather than with an arbitrary penalty, and that a warning must precede any ban.

WADA's Drug Czar, Dick Pound, insists that courts do not matter and that the only concern must be to remove drugs from sports. Pound's fanatical pursuit of the cause is both annoying and lawless. He seems bent only on keeping his name before the public as Drug Czar, a position he was given only after he failed to become the President of the IOC, an honor he felt was his by divine right. In his role as jilted IOC bride, Pound seems determined to take his bitterness out on every athlete in the world community who has even a suspicion of drug use. Petulance on this scale is never a pretty sight.

The actions of a free-lance hanging judge is not what the U.S. Constitution would seem to endorse, and I would hope not the kind of action with which the U.S. Congress would seek to identify itself. Unfortunately, it would appear that Dick Pound has considerable credibility in Washington.

Pounds' latest "wounded ego action" came in the wake of revelations by a French newspaper that Lance Armstrong's urine samples from 1999 had tested positive for EPO in experimental tests being done at a French lab. In the wake of these

revelations, which Pound was quick to endorse as legitimate, Pound claimed that the UCI, the International Cycling Union, had given the six Armstrong test results to the newspaper. Pound claimed that Hein Verbruggen, the head of UCI, admitted this in a letter to WADA.

Verbruggen has subsequently denied Pound's claim, accused Pound of making false accusations, and said he was astonished by Pound's remarks. UCI says that it gave the French newspaper only one such result.

The accusations have continued to fly over the past week. On Monday, the UCI said that Dick Pound was seeking to prevent the UCI investigation of the laboratory leaks of Armstrong's 1999 urine tests. On Wednesday, UCI then accused WADA of withholding information from its investigation of the testing leaks and called on WADA to sanction its Czar. In turn Dick Pound fired back.

On Thursday, Denis Oswald, president of the Association of Summer Olympic International Federations, and Sergei Bubka, commission chief of the IOC athletes, joined the fray. They sent a letter to the WADA executive committee in Montreal, seeking a full investigation of the leak and questioning the actions of the laboratory.

Pound termed the letter "unfortunate and ill-informed," and questioned the motives behind it. Pound believes that this is an attempt to draw attention away from the positive tests and onto the question of a violation of confidentiality. He considers such a concern beside the point and is interested only in why a number of riders tested positive in 1999 for EPO.

Also on Thursday, IOC President Jacques Rogge weighed in saying that this bickering is hurting the anti-doping campaign and that Lance Armstrong should not be obligated to prove his innocence. In a refreshing comment Rogge said, "One has to respect the presumption of innocence. It is not up to an athlete to prove he is innocent but up to sporting institutions to prove his possible guilt." The only certainty is that Dick Pound will not let his nemesis, Jacques Rogge, have the last word.

I bring all this up to point out the shaky ground on which the drug testing issue is built and the tendency for these things to deteriorate into a witch-hunt or a platform for personal ambition. Congress should not be seeking to use WADA as its model or a partner. This is an agency run by a person with too

many personal agendas, an agency that is reckless in its statements and attitudes, and one that has insufficient respect for the rights of the athletes.

A drug test is an invasion of the body, a search and seizure of a most intimate nature. Given the fact that such tests could be used in an unscrupulous manner, the confidentiality of results and the security of the samples should be given the highest priority. However, those chasing the drug users and dopers seemingly have no interest in anything other than self-aggrandizement, finding the guilty, and banning them from competition.

The Congress, along with the executive leadership of sports leagues and players' associations, should think long and hard before going down the international path with the doping sleuths. It should also think long and hard about the legitimacy of blanket testing programs done without cause in a society in which personal freedoms still have some meaning.

On Sport and Society this is Dick Crepeau reminding you that you don't have to be a good sport to be a bad loser.

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