

Drug abuse in America's game is America's shame

Holly Vietzke



New Englanders are never more ready for spring than when the trucks carrying the equipment of the Boston Red Sox roll into Fort Myers.

With Opening Day just days away and Daisuke Matsuzaka blowing fastballs by would-be hopefuls trying to impress their clubs, Sox fans can celebrate the start of another baseball season.

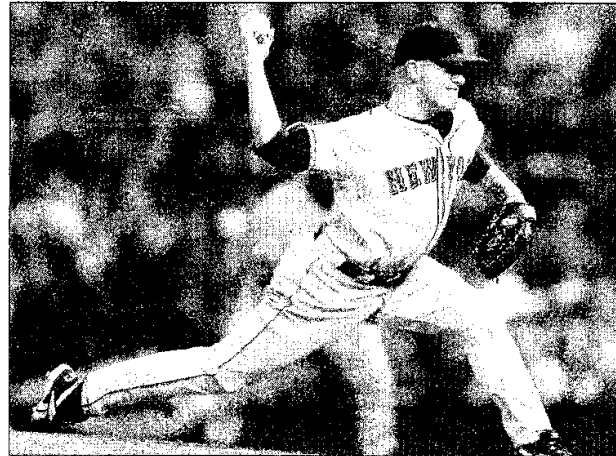
America's game, however, has become America's shame. Barring injury, Giants slugger Barry Bonds should break Hank Aaron's career home run record this season. The controversy surrounding the record is not over whether Bonds did or did not use steroids, but rather whether his record — largely a result of such use — should stand. Baseball writers weighed in heavily on this issue when they denied Mark McGwire admittance into Cooperstown two months ago, despite his 583 home runs and record-breaking season in 1998, which was four years before base-

ball banned steroids.

But people are missing the point. Debating the merits of a steroid-aided record isn't necessary. Eliminating steroid use completely is. Major League Baseball's new collective bargaining agreement tests for all steroids but one: human growth hormone, which is detectable only by a blood test. Because MLB conducts urine testing only, players using human growth hormones ("HGH") are not getting caught. The solution is simple: expand the drug-testing program to include blood testing.

Presumably, the players would argue that blood testing is an additional provision that would require bargaining between the union and the management, since the National Labor Relations Board has held that drug testing is an employment condition mandating bargaining. But a Supreme Court decision indicates that that might not necessarily be the case.

In *Consolidated Rail Corporation v. Railway Labor Executives' Association*, the Court held that adding a mandatory drug-testing component to physical examinations already existing in the bargaining agreement did not require additional bargaining. Because employ-



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New York Mets' Joe Smith pitches against the St. Louis Cardinals during the opening game of the 2007 baseball season Sunday night. This season, steroid use is under scrutiny again as it is likely Barry Bonds will this year surpass Hank Aaron for the all-time homerun record.

ees were already undergoing urine testing for health reasons and occasionally for drug use, the Court reasoned that elevating the occasional test for drugs to a mandatory one did not make it a condition that required bargaining. In other words, expanding a provision that was already present in some form

in the employees' agreement had only a minimal adverse effect on the employees. Likewise, MLB players have already agreed to drug testing for banned substances, including HGH. Thus, adding a blood test to the current testing procedures would merely expand a provision that is already

present in the agreement. It would not be a new condition requiring bargaining.

The players might also argue that blood testing is more invasive than is urine testing, thus compromising their privacy rights. Once again, however, a Supreme Court decision refutes this. *Breithaupt v. Abram* held that a blood test does not offend a person's privacy interest because blood tests have become a routine procedure in life, required in obtaining marriage licenses, entering military service and determining paternity. In fact, since blood tests are used to determine cholesterol levels, pregnancy, pneumonia and many other medical conditions, people probably undergo more blood tests than they do urine tests, arguably making them less intrusive than urine tests.

Left unchecked, HGH use will continue to rise. The impact of steroid use extends far beyond Major League Baseball itself. When McGwire broke the home run record in 1998 while admittedly using the then-legal androstenedione, its sales increased 500 percent. These sales later dropped by more than half when he repudiated

the steroid. According to a 2004 study by the Centers for Disease Control and Prevention, 1 million adolescents have admitted to using steroids. In addition to the harms steroids cause in adults, teenagers using steroids face additional dangers, such as depression, stunted height, clinical acne and long-term psychological damage. The problem has become serious enough that the Bush administration has given \$8 million to schools to fund drug-testing programs, with plans to give \$15 million more. But the problem starts at the top, and MLB seemingly has the means and the power to help prevent it.

Major League Baseball should not continue to look the other way when it comes to steroids. While mandatory drug testing is a large step, it can go further and end the need for record debates once and for all.

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