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Playing hardball in the political arena

By Aaron Kuriloff, Special to ESPN.com

There are exactly 90 feet between bases. Precisely 60 feet, 6 inches between the pitcher's mound and home plate. Four balls is always a walk. Three strikes, you're out.

If seven baseball luminaries and their league bosses honor the House Reform Committee's subpoenas tomorrow as expected, they'll find an arena with rules every bit as predictable as their own. How they'll fare on the Capitol Hill playing field depends not on strength or speed, but how they respond to questions about whether sophisticated, illegal and potentially deadly chemicals helped fuel the sports' recent tear through the record book.

"An independent congressional investigation is needed to remove the cloud hanging over baseball," said Rep. Henry Waxman, the committee's ranking minority member. "As former baseball commissioner Fay Vincent reminded us in a recent Washington Post column, 'Sunlight is the best of disinfectants.' "

To big-league baseball, however, the hearings represent, as Phillies pitcher Randy Wolf put it, "chemical McCarthyism," designed to take advantage of public hysteria over drugs to score political points for committee members, at the expense of privacy, decency and appropriate limits on federal authority. "It's an excessive and unprecedented misuse of congressional power," said Stan Brand, baseball's attorney. "They've torn loose from their legislative moorings and are marauding in an area of law that has serious consequences for the judicial system."

The standoff has inspired everything from hosannas to contempt, with fans divided on everything including whether baseball is a subject worth being divided about. Some hailed the hearings as an attempt to clean up the sport. Political pundit George Will, in contrast, wrote that the House committee's duties now apparently include warning children "that dangerous and illegal behavior is dangerous and illegal."

It's hard to ignore that Congress has already convened hearings on steroids at least four times since 1973, and the resulting legislation hasn't stopped the spread of performance-enhancing drugs. In fact, baseball's recent explosion of home runs that now looks so suspicious came after legislators criminalized anabolic steroids in 1990, in the wake of familiar-sounding public hearings in which famous professional and Olympic athletes discussed their own steroid use and that of others.

But all cynicism aside, to the reform advocates and health professionals allied in fighting the proliferation of performance-enhancing drugs, these hearings still look like an important opportunity. This week's activity may or may not lead to significant federal intervention or new laws. But to reformers, the political theater unquestionably presents a rare chance to highlight the steroid problem to a historically apathetic public, while shaming cheaters and their apologists. It even provides a lever to force concessions from one of those reformers' most intractable foes – Major League Baseball.

"If they continue to pick up the rock and shine the light of truth on this problem, then that alone will be helpful," said Dr. Charles Yesalis, a Penn State health policy professor and an

expert on performance-enhancing drugs. "Once it really becomes clear how bad the problem is, then we can begin to come to grips with how to solve it."

Yesalis ought to know. He testified in most of Congress' previous hearings on steroids. But each time, another wave of allegations, positive tests and lifetime bans mocked legislators' efforts. To Yesalis, recent headlines involving pro athletes represent little more than the tip of the steroid iceberg. He's much more concerned about the high school athletes watching juiced performers shatter records. While baseball's misdeeds don't necessarily warrant a federal case, he said, convincing hundreds of thousands of teens to not risk their health does.

"If you look at data from the Centers for Disease Control, you've got more than one million kids who have cycled on steroids," Yesalis said, referring to the six-week periods in which many athletes take banned substances. "And I don't think we're even close to peaking yet."

That's where the public shaming comes in. Slapping an asterisk in the record book next to the name of a slugger or two might help change a prevailing culture in sports that encourages people to ignore or rationalize cheating, reformers say. It also might help convince a couple minor leaguers or high school athletes that the rewards aren't worth the risks. Since baseball hasn't sanctioned players for steroid abuse, despite several years of increasingly clamorous allegations, the hearings could accomplish that purpose.

"We are fans and admirers of professional baseball players," wrote Reps. Tom Davis (R-Va.) and Waxman (D-Calif.), the committee's chairman and ranking minority member, in a letter to Brand last week. "But at the same time, baseball and ballplayers do not, by virtue of their celebrity, deserve special treatment, or to be placed above the law."

Congressional grandstanding sometimes works, said Peter Roby, director of Northeastern University's Center for the Study of Sport in Society. Sen. John McCain's hearings on steroids last March, for example, helped force baseball's management and union to agree for the first time to test players for banned drugs.

"I think Congress has already made a difference," Roby said. "The players association and Major League Baseball would never have gotten together to look at a testing policy if not for the pressure and threats from Congress."

The latest round of hearings might even help that policy grow some teeth, said Dick Pound, president of the World Anti-Doping Agency, the independent group that oversees Olympic drug testing. Pound, a longtime critic of baseball's drug policies, describes the sport's current testing program as "doomed to failure," and points out, for example, that it ignores amphetamines including so-called "greenies" rumored popular with baseball players.

"In the Olympics, you're 24/7/365," Pound said. "Someone can knock on your door at anytime. Your first offense for steroids would be two years [suspended], and your next offense is life. That's a deterrent."

And even that's not enough, according to medical experts like Yesalis, who says "if we learned anything from BALCO, it's that drug testing doesn't work." He has supported a \$100 million research effort to finally put testers ahead of the drug designers. But he doesn't expect that kind of dramatic step to come out of the hearings. "I think the committee and [baseball commissioner Bud] Selig will come to a political accommodation," he said, adding

significant changes were unlikely unless sports fans "turn off their TVs, and stop going to games."

Others fear unanticipated political consequences. Commentators with a variety of perspectives have pointed out that Congress is essentially seizing an employer's drug test results, even though that employer promised its workers confidentiality at the time of the test. Then there's Davis and Waxman's asserting, in their letter to baseball, that "the Committee on Government Reform can conduct investigations of any matter."

But Keith Ashdown, vice president for policy for Taxpayers for Common Sense, a non-partisan Congressional spending watchdog, said he believed the committee was acting appropriately, though he conceded "there's something totally comical about the idea of Canseco in front of a congressional hearing." The publicity from the hearings might help solve the problem, he said. Even if it helped out a few political careers along the way.

"Congressmen salivate over hearings like this," he said. "This is where senators and presidents get made."

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