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Opening Statement of Rep. Henry A. Waxman, Ranking Minority Member Committee on Government Reform

“Restoring Faith in America’s Pastime: Evaluating Major League Baseball’s Efforts to Eradicate Steroid Use.”

March 17, 2005

Mr. Chairman, thank you for holding this hearing.

Today’s hearing is about steroid use in professional baseball, its impact on steroid use by teenagers, and the implications for federal policy. These are important questions for baseball, its fans, and the nation.

Major League Baseball and the Players’ Association say that this subject should be left to the bargaining table. They’re wrong. This is an issue that needs debate in Congress — and discussion around the family dinner table.

Steroids are a drug problem that affects not only elite athletes, but also the neighborhood kids who idolize them.

And this issue is a challenge not just for baseball, but for our whole society.

More than 500,000 teenagers across the country have taken illegal steroids, risking serious and sometimes deadly consequences. Today, the Garibaldis and Hootens will testify about what steroids have done to their sons and their families. And I commend them for their courage.

There is an absolute correlation between the culture of steroids in high schools and the culture of steroids in major league clubhouses. Kids get the message when it appears that it’s okay for professional athletes to use steroids. If the pros do it, college athletes will, too. And if it’s an edge in college, high school students will want the edge, too.

There is a pyramid of steroid use in society. And today, our investigation starts where it should: with the owners and players at the top of the pyramid.

Congress first investigated drugs and professional sports, including steroids over 30 years ago. I think perhaps the only two people in the room who will remember this are me and Commissioner Selig, because I believe he became an owner in 1970.

In 1973, the year I first ran for Congress, the House Committee on Interstate and Foreign Commerce concluded a year-long investigation that found — and I quote — “drug use exists ... in all sports and levels of competition ... In some instances, the degree of improper drug use — primarily amphetamines and anabolic steroids — can only be described as alarming.”

The Committee’s chairman — Harley Stagers — was concerned that making those findings public in a hearing would garner excessive attention and might actually encourage teenagers to use steroids. Instead, he quietly met with the commissioners of the major sports, and they assured him the problem would be taken care of.

Chairman Stagers urged Baseball Commissioner Bowie Kuhn to consider instituting tough penalties and testing. And he trusted Commissioner Kuhn to do that. In fact, in a press release in May 1973, Chairman Stagers said — and again I quote — “Based on the constructive responses and assurances I have received from these gentlemen, I think self-regulation will be intensified, and will be effective.”

But as we now know from 30 years of history, baseball failed to regulate itself.

Let’s fast forward to 1988. Jose Canseco was widely suspected of using steroids. Fans in opposing parks even chanted the phrase “steroids” when he came to bat. But according to Mr. Canseco, no one in major league baseball talked with him or asked him any questions about steroids. He was never asked to submit to a drug test. Instead, he was voted the American League’s Most Valuable Player.

In 1991, Fay Vincent, then baseball’s commissioner, finally took unilateral action and released a Commissioner’s Policy that said “the possession, sale, or use of any illegal drug or controlled substance by Major League players and personnel is strictly prohibited ... This prohibition applies to all illegal drugs and controlled substances, including steroids.” This policy didn’t give Major League Baseball the right to demand that players take mandatory drug tests, but it was a step in the right direction and demonstrated the league’s authority to act on its own to respond to allegations of steroid use.

In 1992, Bud Selig was appointed commissioner and replaced Mr. Vincent. One year later, in 1993, the Centers for Disease Control reported that 1 in 45 teenagers had used illegal steroids.

In 1995, the first of a series of detailed investigative reports about steroid use in baseball was published. The Los Angeles Times quoted one major league general manager who said: “We all know there’s steroid use, and it’s definitely become more prevalent ... I think 10% to 20%.” Another general manager estimated that steroid use was closer to 30%.

In response to that story, Commissioner Selig said, “If baseball has a problem, I must say candidly that we were not aware of it. But should we concern ourselves as an industry? I don’t know.”

In 1996, Ken Caminiti, who was using steroids, won the Most Valuable Player Award. That same year, Pat Courtney, a major league spokesman, commented on steroids and said, “I don’t think the concern is there that it’s being used.”

In 1997, the Denver Post investigated the issue, reporting that as many as 20% of big-league ballplayers used illegal steroids.

In 1998, baseball hit the height of its post-baseball strike resurgence, as Sammy Sosa and Mark McGwire both shattered Roger Maris’s home run record.

In 1999, the Centers for Disease Control reported that 1 in 27 teenagers had used illegal steroids.

In July 2000, a Boston Red Sox infielder had steroids seized from his car. Three months later, the New York Times published a front-page story on the rampant use of steroids by professional baseball players.

And here’s what a major league spokesman said the very same year: “steroids have never been much of an issue.”

In June 2002, Sports Illustrated put steroids on its cover and reported that baseball “had become a pharmacological trade show.” One major league player estimated that 40% to 50% of major league players used steroids.

After that Sports Illustrated article, Major League Baseball and the players’ union finally agreed to a steroid testing regimen. Independent experts strongly criticized the program as weak and limited in scope. But in 2003, when the first results were disclosed, Rob Manfred, baseball’s Vice President for labor relations, said, “A positive rate of 5% is hardly a sign that you have rampant use of anything.”

The same year, the Centers for Disease Control reported that 1 in 16 high school students had used illegal steroids.

The allegations and revelations about steroid use in baseball have only intensified in recent months. We have learned that Jason Giambi, a former most valuable player, Gary Sheffield, and Barry Bonds, who has won the most valuable player award seven times, testified before a federal grand jury in San Francisco about their steroid use.

And just last month, Jose Canseco released a book alleging that steroid use in baseball was widespread in the 1990s, that it involved some of baseball’s biggest stars, and that he had personally injected other players with steroids.

In response to these unproven but serious accusations, Sandy Alderson, a senior major league official, said, “I’d be surprised if there were any serious follow-up.” And Bud Selig was quoted as saying: “As a sport, we have done everything that we could.”

That brings us to today.

For thirty years, Major League Baseball has told us to trust them. But the league hasn’t honored that trust. And it hasn’t acted to protect the integrity of baseball or sent the right

messages to the millions of teenagers who idolize ballplayers.

Major League Baseball isn't the only reason 1 in 16 teenagers are using illegal steroids. But it is part of the reason. Baseball had a responsibility to do the right thing, and it didn't do it. I don't see any other way to read the thirty-year history.

Major league baseball is absolutely right that it couldn't impose mandatory testing on the players. It needed the union's agreement to that. But there were many other steps that Major League Baseball could have taken — but didn't — in the 1980s and the 1990s.

Baseball's constitution says that the commissioner can — and I quote — “investigate ... any act ... alleged or suspected to be not in the best interests of the national game of Baseball.” The collective bargaining agreement expressly recognizes that the baseball commissioner retains inherent authority to take actions necessary for — and again I quote — “the preservation of the integrity of, or the maintenance of public confidence in, the game of baseball.”

But Major League Baseball never exercised this authority to investigate steroid use. Its position boils down to this: We don't know what happened, we don't know who did it, and we don't know what they did or how they did it.

But we fixed it. Trust us again.

We wrote the Commissioner yesterday because we already see significant differences between what Major League Baseball says its new drug policy will accomplish and what is actually in the policy. And we will ask questions about that today.

Over the past century, baseball has been part of our social fabric. It helped restore normalcy after war, provided the playing field where black athletes like Jackie Robinson broke the color barrier, and inspired civic pride in communities across the country.

Now America is asking baseball for integrity. An unequivocal statement against cheating. An unimpeachable policy. And a reason for all of us to have faith in the sport again.

At the end of the day, the most important things Congress can do are to find as many of the facts as we can and to do our part to change the culture of steroids that has become part of baseball and too many other sports.

That's why I'm intrigued with the idea of one federal policy that applies to all sports and to all levels of competition — from high school to the pros — and that provides a strong disincentive to using steroids. If we are going to do something for our nation's kids, it seems we are long past the point where we can rely on Major League Baseball to fix its own problems.

Thank you, Mr. Chairman, and thank you to the witnesses, for helping us fulfill our responsibility in Congress.

Mr. Chairman, my staff has prepared a background memo that provides additional detail about some of the points I have discussed this morning. I ask unanimous consent to make this part of the hearing record.