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December, 2013

TOO MUCH, TOO FAST, TOO YOUNG: MAJOR LEAGUE BASEBALL'S
STRUGGLE TO CONTROL ITS MENACING DRUG PROBLEM

A Thesis

Presented to

The Faculty of the Department of History

University of Houston

In Partial Fulfillment

Of the Requirements for the Degree

Masters of Arts

By

Joseph L. Thompson

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ABSTRACT

This thesis examines Major League Baseball's earliest efforts to curb illicit drug usage among their players. The study focuses primarily on Bowie Kuhn and Peter Ueberroth, the first baseball commissioners to directly address the drug issue. Their failure to maintain and expand upon a joint drug program between management and players during the 1970s and 1980s was the result of coercive actions by the commissioners and constant conflict with the Major League Baseball Players Association. By examining primary and secondary sources, it is evident that the lack of an effective drug program that included strong disciplinary measures and mandatory testing for all major leaguers allowed an environment where drug abuse among players spiraled out of control. The anabolic steroid scandal in baseball that originated during the late 1980s demonstrates the collaborative failures between players and management to resolve the drug issue during the Kuhn and Ueberroth administrations.

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Introduction

Stories of drug use in baseball for the last fifteen years have focused primarily on the use of anabolic steroids by major league players. During this time, baseball journalists and sports commentators often pointed an accusatory finger at current baseball commissioner Alan “Bud” Selig and the Major League Baseball Players Association (MLBPA) for not coming to an agreement that focused on drug testing and player discipline early before the steroid problem got out of hand. Baseball writers, in charge of electing past players to baseball’s Hall of Fame in Cooperstown, New York, have now found themselves tasked with the job of trying to determine whose performances on the field during the steroid era¹ can be accepted as legitimate. The writers have responded in recent years by refusing to admit any players associated with steroids during their careers. The problem with the majority of baseball writers and commentators who bemoan the current state of baseball’s drug troubles is that no one asks a simple question: How did we get to the point where every player, no matter how reputable, is under suspicion of drug use? The truth is, baseball’s drug problems started long before anabolic steroids became such an issue within the game.

Seattle Pilots pitcher Jim Bouton released his personal diary of the 1969 baseball season in June 1970. *Ball Four* exposed the persistent use of amphetamines and lewd behavior by players within the game and ignited a firestorm of public reaction. The book sent shockwaves through the game and the public. Jim Bouton was shunned by teammates for exposing the secrets of life inside the baseball clubhouse. American

¹ The “Steroid Era” in baseball as I am defining it started in the late 1980s and continues to the present.

politicians found themselves grappling with a growing drug problem. President Richard Nixon signed into law the Comprehensive Drug Abuse Prevention and Control Act in October 1970. The law built on legislation from the past and covered new types of drugs such as barbiturates and amphetamines, which Nixon said, “have become so common and are dangerous because of their use.”²

Commissioner Bowie Kuhn wanted baseball to be the first professional sports organization in the United States to address its drug problem directly. Kuhn initiated a drug education program and prevention program in February 1971 to ensure that all personnel involved in the game, including its players, lived and operated within federal and state drug laws.³ The program combined education and disciplinary actions making it the first of its kind in professional sports.⁴ Kuhn’s biggest critic in the disciplining of major league ballplayers was the Major League Baseball Players Association’s (MLBPA) executive director Marvin Miller. Miller advanced the cause of players during the 1970s and succeeded in limiting the commissioner’s disciplinary ability by having an independent federal arbitrator decide individual cases of drug abuse. Miller refused to work with Kuhn on developing an effective drug program that allowed for swift discipline by the commissioner and drug testing for all major league players. In the wake of a growing cocaine problem, the two sides agreed on a joint drug program in 1984. The

² John T. Woolley and Gerhard Peters, “*The American Presidency Project* [online],” Santa Barbara, CA: University of California (hosted), Gerhard Peters (database), accessed May 3, 2009, <http://www.presidency.ucsb.edu/ws/?pid=2767>. Jim Bouton and Leonard Shecter, *Ball Four, Twentieth Anniversary Edition* (New York: Wiley Publishing, Inc, 1990), ix.

³ William N. Wallace, "Major Leagues Establish a Program to Control Taking of Drugs by Players: Kuhn Calls Clubs Alert to Dangers Seminars Slated for Field Leaders and Executives -- Penalties Planned," *New York Times*, February 19, 1971.

⁴ Ibid.

plan allowed only “reasonable-cause” testing and became an ineffective tool in protecting the health and safety of the players and curbing the spread of drugs.

Elected baseball’s sixth commissioner to replace the outgoing Bowie Kuhn, Peter Ueberroth assumed his position on October 1, 1984. Ueberroth made his intentions known from the beginning as to what he believed his job as commissioner should entail. “I made it clear that they were asking me to work on drugs, work on economics, and work on the popularity of the game. And those were going to be the three [goals of] the one term.”⁵ Ueberroth, a self-made millionaire, named *Time*’s Man of the Year in 1984 for his role as head of the Los Angeles Olympic Committee, came to the position wanting to rid the game of its drug problems swiftly. Ueberroth saw drugs as a serious threat to the future of the United States and to baseball. Drugs are a “problem in sport, a problem in society, and baseball has got to clean it up.”⁶

Ueberroth’s management style made negotiations with the MLBPA on an expansion of the joint drug agreement almost impossible. Ueberroth routinely circumvented the MLBPA when it came to the drug issue. After meeting with new executive director Donald Fehr and Marvin Miller a few times, Ueberroth determined that the MLBPA would not budge on its stance of no mandatory drug testing for all players. When a drug scandal erupted in Pittsburgh during the summer of 1985, public opinion swayed in the favor of drug testing for players. Ueberroth convinced the baseball owners to scrap the 1984 Joint Drug Agreement in October 1985 because it lacked a

⁵ Larry Moffi, *The Conscience of the Game: Baseball's Commissioners from Landis to Selig* (Lincoln: University of Nebraska Press, 2006), 63.

⁶ Robert McG. Thomas Jr., "Ueberroth Orders Wide Tests for Drug Use in Pro Baseball: Ueberroth Orders Wide Tests for Drugs," *New York Times*, May 8, 1985.

mandatory drug testing policy for players. This action and the rejection of a new plan issued by Ueberroth in April 1986 left major league baseball without a testing plan for major leaguers until 2002. Ueberroth's arrogance and determination to rid the game of drugs caused negotiations between himself and the MLBPA to break down, thus creating an environment in which the scourge of anabolic steroids could enter the game.

Few sources exist that cover baseball's early drug troubles and the struggle between baseball executives and the players to come up with a workable program to combat drug usage. Non-academic histories of baseball's drug issue center on the recent steroid problems, and few touch on drug problems before the 1990s. In academia, histories covering the topic of baseball's early drug problems are rare. A brief examination of the academic literature on the subject of baseball's early drug problems deserves to be mentioned. Charles Alexander, Benjamin Rader, and Glenn Wong are just a handful of academic historians who have touched on the issue of baseball's early drug problems over the years. Their scant examination of the topic shows that academic historians have started in recent years to at least examine the drug problems of the game before the beginnings of the anabolic steroid era.

Charles Alexander's, *Our Game: An American Baseball History*, is a relatively short study of baseball from its early beginnings until the end of the 1989 season. The look at baseball's drug problems by Alexander covers only six years and he states that by 1986 ballplayers had acquired reputations as "sustained and systematic transgressors of the drug laws of the United States."⁷ Alexander briefly covers the MLBPA's refusal to

⁷ Charles C. Alexander, *Our Game: An American Baseball History* (New York: Henry Holt, 1992), 324-329.

work with baseball Commissioner's Bowie Kuhn and Peter Ueberroth on the drug issue, but he does not go into any great detail over the subject. He only mentions that Marvin Miller, executive director of the MLBPA, fought against Bowie Kuhn on drug suspensions. He also mentions that the MLBPA refused to accept mandatory drug testing during the Ueberroth administration.⁸

Benjamin Rader's, *Baseball: A History of America's Game*, revised in 2008, gives very little coverage to baseball's early drug problems. Rader explains that baseball clubs like the St. Louis Cardinals and Pittsburgh Pirates had players who used drugs and that Commissioner Kuhn had set up a drug program unilaterally. "In 1984," says Rader, "the players and owners finally reached a truce on drugs."⁹ Rader does cover the issue of steroids in baseball, but his examination of the subject spans a little more than a few pages.

Law Professor Glenn Wong examines baseball's early drug history during the Kuhn and Ueberroth administrations through the lens of baseball labor law. Wong's article, "Major League Baseball and Drugs: Fight the Problem or the Player," examines how baseball's grievance procedure in the collective bargaining agreement has been used as an effective tool in resolving some of the drug related issues that have affected baseball from 1980-1987.¹⁰ Wong's work covers both administrations but it does not

⁸ Alexander, *Our Game*, 324-329.

⁹ Benjamin G. Rader, *Baseball: A History of America's Game*, 3rd Edition (Urbana and Chicago: University of Illinois Press, 2008), 215-216.

¹⁰ Glenn M. Wong and Richard J. Ensor, "Major League Baseball and Drugs: Fight the Problem or the Player?" *Nova Law Review* 11, no. 2 (Winter 1987): 779 - 813.

give detail on Kuhn's development of baseball's first drug education and prevention program.

This examination of the baseball literature shows that a comprehensive study of baseball's early drug years is needed. The question how did we get to the steroid era deserves an answer. The anabolic steroid issue that has placed a large pall over the national pastime had to originate from somewhere. I will start my study by showing that drugs in baseball became a serious issue after World War II and that baseball failed to recognize any sort of drug problem until the late 1960s. My primary focus in this study will concern itself with the Bowie Kuhn and Peter Ueberroth administrations because they were the first baseball commissioners to address the drug problem directly. The study will also show that the rise of the Major League Baseball Players Association (MLBPA) as an adversary to the commissioner's office during the 1970s and 1980s significantly hindered implementation of an effective drug program that covered all of baseball, including major league players. In my examination of primary and secondary sources, this study should serve as an outline for future research into this pivotal topic in baseball history.

I must define what I mean by drug use in baseball. My study will cover recreational illicit drugs taken by professional players. These include marijuana, cocaine, LSD, and other drugs that are considered illegal when taken without a prescription. I will also cover amphetamines and barbiturate drugs in my study. I consider amphetamines an ergogenic (performance enhancing) drug. I make a brief case in this study that amphetamines acted as baseball's original performance-enhancing drugs (PED's) because they allowed players to perform on the field when they should have been resting their

bodies or recovering from injury. What I will not cover in this study is tobacco or alcohol usage by players because Commissioner Kuhn and Ueberroth's primary objectives in issuing drug policies were in controlling illegal drug usage by major league players.

Even though baseball enjoys a long run of success as a source of nostalgic American values, the public image of professional baseball players by the end of the 1980s was that they "were a bunch of papered, overpaid, cocaine-snorting millionaires."¹¹ The sad truth during this pivotal period in baseball history is that commissioners Bowie Kuhn and Peter Ueberroth spent more time fighting with the MLBPA over individual drug cases and trying to win the game of public relations rather than collectively negotiating an effective drug education and prevention program that included mandatory random drug testing. The failure of the MLBPA and baseball executives to develop a strong drug program allowed players to feel immune from disciplinary actions, risk their overall health, and caused immense negative public perceptions of baseball and its players.

¹¹ Alexander, *Our Game*, 329.

Chapter 1

Ignore, Dismiss, Deny

If you had a pill that would guarantee a pitcher 20 wins but might take five years off his life, he'd take it.

– Jim Bouton, *Ball Four*

Major League Baseball players are intense competitors looking for anything to give them a slight edge over their competition. Starting in the 1960s, when recreational drug use in America started to increase, baseball players coming into the major leagues experimented with all sorts of drugs to help them perform on the field. The majority of ballplayers turned to amphetamines, powerful stimulants given out by baseball trainers and medical staff to help combat injuries sustained on the playing field. The decade of the 1960s also saw a rapid increase in drug use among the young looking to rebel against authority. As drug use spread across the country and Americans began to view drug use as a scourge to traditional American values such as hard work and productivity, amphetamines sharpened player focus and helped to combat against the rigors of a long baseball season. Rampant drug usage in the game of baseball occurred after players returned from the battlefields of World War II. Ballplayers shared stories of how amphetamines helped them stay alert and perform at a high level for days on the military battleground.¹ Because of the rigorous demands baseball inflicted upon the bodies of players: long travel, day and night doubleheaders, and the desire to maintain a high level

¹ Will Carroll, *The Juice: The Real Story of Baseball's Drug Problems* (Chicago: Ivan R. Dee Publishing, 2005), 75.

of performance in an age where salaries were referred to as “pitiful,” players sought out amphetamines or other drugs to help them perform better on the field.² Teams frowned upon drug use among players but that did not stop some teams from supplying their own teams with amphetamine pills.³ Amphetamine and illicit drug usage by players ballooned in an era before the federal government passed legislation that sought to control drug use without a prescription.⁴ A common sight in the late 1950s and 1960s in the clubhouses of baseball teams were open jars of amphetamines and players grabbing handfuls before a game.⁵

Drug use in baseball increased dramatically starting in the 1960s. In the late 1950s, the first documented case of a baseball player using drugs to affect his performance made national headlines. Failure to act by those in control of baseball resulted in drug use among players significantly rising over the decade, as shown in Jim Brosnan’s *The Long Season* and *Pennant Race* in the early 1960s and Jim Bouton’s *Ball Four*, published in 1970. Baseball players coming to the major leagues in the 1960s and into the 1970s were products of an American culture saturated with drug use.

² Appendix A. Marvin Miller, *A Whole Different Ball Game: The Sport and Business of Baseball* (New York: Carol Publishing Group, 1991), 5. According to Marvin Miller, baseball salaries were “pitiful” when he took over the Major League Baseball Players Association in 1966.

³ Howard Bryant, *Juicing the Game: Drugs, Power, and the Fight for the Soul of Major League Baseball* (New York: Viking, 2005), 3. Matt Dahlgren, *Rumor in Town: A Grandson's Promise to Right a Wrong* (Irvine, CA: Woodlyn Lane, 2007). Any suspected drug use by players usually resulted in a team ridding itself of its problem player.

⁴ The Drug Abuse Control Amendments of 1965 was the first time the federal government issued specific legislation attempting to curb the use of barbiturates or amphetamines in society. Daniel P. Carpenter, *Reputation and Power: Organizational Image and Pharmaceutical Regulation at the FDA* (Princeton: Princeton University Press, 2010), 118. David F. Musto, *Drugs in America: A Documentary History* (New York: New York University Press, 2002), 310.

⁵ Carroll, *Juice*, 75.

Implementation of a drug education and prevention program that included strict disciplinary powers by the commissioner of baseball was needed to curb any rampant drug use from spreading throughout the game.

According to baseball historians John Bowman and Joel Zoss, “baseball mythmakers would have us believe that drugs are a problem new to baseball, but there may well have been more drug and alcohol abuse before World War I than at any time since.”⁶ Alcohol abuse among ballplayers covers the entire span of the game’s existence and these stories are widely known.⁷ Documentation of baseball players using drugs before World War I is scattered and severely limited. Thomas Barlow, a catcher for the Hartford Dark Blues, ruined his playing career after becoming addicted to morphine while recovering from a hand injury that occurred during a game in 1877.⁸ Hall of Fame

⁶ John Bowman and Joel Zoss, *Diamonds in the Rough: The Untold History of Baseball* (New York and London: Macmillan Publishing Company and Collier Macmillan Publishers, 1989), 311. Further academic research in this area is needed. Most baseball literature written before the 1960s shows most baseball players in any sort of negative light which suggests that a fair amount of documented material remains untapped. Although research in the last few decades have brought to light many of the drinking problems players had, Mickey Mantle for example, very little documents show drug use by players before World War II.

⁷ Bowman and Zoss, *Diamonds in the Rough*, 316-323.

⁸ David Arcidiacono, "The Curious Case of Tommy Barlow," *Elysian Field Quarterly: The Baseball Review*, Winter 2004, accessed October 12, 2013, <http://www.efqreview.com/NewFiles/v21n1/onhistoricalground.html>. The story of Thomas Barlow is shown in the online issue of the *Elysian Field Quarterly* from Winter 2004. Arcidiacono recounts the story of how Barlow, a catcher, was injured on a pitch thrown by the Blues star pitcher, Cherokee Fisher. The injury placed Barlow in the hospital. After given a shot of morphine by the doctor to help with the pain in his hand, Barlow became addicted to the drug spending almost \$8 a day to feed his habit. By 1875, Barlow’s career in baseball had ended. In a dramatic letter that appeared in the *Boston Times* on September 16, 1877, Barlow recounts how he became addicted to the drug. “It was on the 10th of August, 1874, that there was a match game of baseball in Chicago between the White Stockings of that city and the Hartfords of Hartford, now of Brooklyn. I was catcher for the Hartfords, and Fisher was pitching. He is a lightning pitcher, and very few could catch for him. On that occasion he delivered as wicked a ball as ever left his hands, and it went through my grasp like an express train, striking me with full force in the side. I fell insensible to the ground, but was quickly picked up, placed in a carriage, and driven to my hotel. The doctor who attended me gave a hypodermic injection of morphine, but I had rather died behind the bat than [sic] have had that first dose. My injury was only temporary, but from taking prescriptions of morphine during my illness, the habit grew on me, and I am now powerless in its grasp. My morphine pleasure has cost me eight dollars a day, at least. I was once catcher for the Mutuals, also for the Atlantics, but no one

pitcher James “Pud” Galvin may well have been baseball’s first anabolic steroid user in 1889. Galvin, looking for something to resurrect his fading pitching career, volunteered to test a “performance-enhancing” elixir designed by French-American physiologist Charles Brown-Sequard. When the elixir seemed to work, the press called for other clubs to allow their players to use steroids.⁹

Baseball’s first drug controversy arose out of a player whose career was ruined because of a rumor that he used marijuana. Ellsworth Tenney “Babe” Dahlgren, who became famous for relieving New York Yankee immortal Lou Gehrig in May 1939, was concerned about his playing career after a series of unexplained trades occurred within a seven year period.¹⁰ Dahlgren learned in 1943 that former Yankees manager Joe McCarthy and Brooklyn Dodgers general manager Branch Rickey were spreading a rumor throughout the major leagues that Dahlgren smoked marijuana.¹¹ Dahlgren went to see Judge Kennesaw “Mountain” Landis, Major League Baseball’s powerful first

would think it to look at me now.” Roger I. Abrams, *The Dark Side of the Diamond: Gambling, Violence, Drugs and Alcoholism in the National Pastime* (Burlington, MA: Rounder Books, 2007), 124.

⁹ Abrams, *Dark Side of the Diamond*, 106. Galvin was nicknamed “Pud,” short for pudding, because his unique pitching style made it hard for batters to get a hit off him. The press hailed steroids as a “true elixir of youth by which the aged can restore their vitality and renew their bodily vigor would be great thing for baseball nines. We hope the discovery...is of such a nature that it can be applied to rejuvenate provincial clubs.” The quote is from Abrams book.

¹⁰ For the story on Dahlgren replacing Gehrig, see James P. Dawson, “This Day in Sports,” *New York Times*, May 2, 1939, accessed September 5, 2013, http://www.nytimes.com/packages/html/sports/year_in_sports/05.02.html. In 1941 and 1942, Dahlgren played for the Boston Braves, Chicago Cubs, St. Louis Browns and Brooklyn Dodgers. In 1943, as a member of the Philadelphia Phillies, Dahlgren was traded to the Pittsburgh Pirates even though he had been chosen as an All-Star. In 1946, the Pirates traded him to the St. Louis Browns, his seventh team in six seasons. Murray Chass, “Rumors of Drug Use have damaged for Decades,” *New York Times*, November 18, 2007.

¹¹ Dahlgren, *Rumor in Town*, 113-116, 120. McCarthy said that two errors by Dahlgren cost the Yankees the pennant in 1940 were the result of Dahlgren’s marijuana use. During a salary negotiation in 1943, Rickey bluntly asked Dahlgren “Do you smoke marijuana?”

commissioner, concerning the rumor.¹² Landis ordered a drug test for Dahlgren, making him the first player in baseball history to take a drug test. Despite a series of tests from a Philadelphia doctor that showed no trace of drug usage in Dahlgren's system and Landis's sudden death in 1944, Dahlgren's reputation remained scarred for the rest of his life.¹³ Matt Dahlgren, the grandson of Babe Dahlgren, blames numerous people for the malicious rumor that cost his grandfather his career. Besides Joe McCarthy and Branch Rickey, Dahlgren points an accusatory finger at Commissioner Landis for not following through with restoring his grandfather's reputation. Dahlgren accused Landis of being nothing more than a "puppet maneuvered by the taut strings of the sixteen figureheads [baseball owners] throughout the league."¹⁴ Dahlgren is correct in saying that Landis as commissioner was subject to the authority given to him by baseball owners who elected, re-elected, and paid him. What Dahlgren fails to take into account, however, is that the baseball owners did not see any reason to replace Landis. The commissioner still ruled over the game until his death and Landis may have been the only person that could have restored Dahlgren's reputation. Dahlgren's story shows the lengths baseball management

¹² Hired after the 1919 World Series when eight members of the Chicago White Sox took money from gamblers to throw the World Series, Landis agreed to become baseball's first commissioner only after the owners submitted to his absolute authority in all baseball matters. After a jury found the eight Chicago White Sox not guilty of any wrongdoings, Landis promptly banned the eight players from baseball for life. The day after the trial ended, Landis issued a public statement "Regardless of the verdict of juries, no player who throws a ball game, no player that undertakes or promises to throw a ballgame, no player that sits in conference with a bunch of crooked players and gamblers where the ways and means of throwing a game are discussed and does not promptly tell his club about it, will ever play professional baseball." The quote is from Eliot Asinof, *Eight Men Out: The Black Sox and the 1919 World Series* (New York: H. Holt, 1987), 210.

¹³ Dahlgren, *Rumor in Town*, 223. Dawson, "This Day in Sports," May 2, 1939.

¹⁴ Dahlgren, *Rumor in Town*, 208.

would go to hide the problem of drug use in the game instead of addressing the problem directly.

The immediate years after World War II brought significant changes to American culture that helped shape the future of baseball. America emerged from World War II as a leader in global politics, rivaled only by the Soviet Union. While the Soviet Union embraced the ideology of Communism, the United States embraced a culture of capitalism. Major advances in technology and automation created a “Leisure Revolution” where work for Americans became necessary “to earn money for fun.”¹⁵ A paycheck for necessities was no longer good enough. Americans needed to be entertained, and out of this need came a spring of various entertainment avenues like basketball, professional football, and television. Nearly every home in America had at least one television set by 1950.¹⁶

As Americans embraced their new culture of leisure, dynamic changes within baseball made competition for roster spots on clubs fierce. Baseball players returning from the military looked to reestablish themselves as major league players.¹⁷ The end of the 1940s saw African American and foreign players vie for positions, making spots on major league clubs harder to come by.¹⁸ One player said, “The ex-servicemen were so

¹⁵ David Quentin Voigt, *American Baseball 2, From the Commissioners to Continental Expansion* (University Park: Pennsylvania State University Press, 1983), 282.

¹⁶ Voigt, *American Baseball 2*, 283.

¹⁷ Ibid., 284. Voigt says that most clubs had over sixty players good enough for the major league rosters in the spring of 1946.

¹⁸ Ibid., 283-295. Branch Rickey of the Brooklyn Dodgers signed Jackie Robinson to a major league contract in 1947. When Robinson took the field on April 15, 1947 when the Dodgers played the Boston Braves, he became the first African American to play in the Major Leagues since the 1880s. Harold Seymour, *Baseball: The Early Years* (New York: Oxford University Press, 1960), 334-335.

hungry to get back into a lineup that they'll try to give far beyond their normal ability.”¹⁹

Intense competition for roster spots at the major league level created an atmosphere of rising drug usage in baseball clubhouses as players often ignored injuries instead of taking days off to recover.

Military veterans of World War II shared stories of how amphetamines, or “greenies,”²⁰ had helped them stay alert in the field for several days at a time.²¹ Their experience in the war convinced them that amphetamines could now help them maintain a high level of performance on the baseball diamond.²² For the next several decades, amphetamines became the drug of choice in many baseball clubhouses. It was a common sight for jars of amphetamines to be open inside the clubhouses and to see players grabbing handfuls of pills and taking them before games.²³ In a 2004 *New York Times* article, Marvin Miller, the first executive director of the Major League Baseball Players Association (MLBPA), said that he remembered “Uppers” and “Downers” laid out on the tables of clubhouses “like jelly beans.”²⁴

¹⁹ Quoted in Voigt, *American Baseball 2*, 284 from *Baseball Digest*, April, 1946, 25-40. The quote shows that players wanted desperately to get back on the field and were willing to try anything (drugs included) to make sure they could compete at the same level as a younger player.

²⁰ Amphetamines were called “greenies” because of their color.

²¹ The scientific evidence that amphetamines helped soldiers stay alert on the field is vast. H. Wayne Morgan, *Drugs in America: A Social History, 1800-1980* (Syracuse: Syracuse University Press, 1981), 155-156. Gary Wadler and Brian Hainline’s book, *Drugs and the Athlete*, was the first attempt by the medical field to analyze the impact drugs had on various American sports, including the Olympics. Gary I. Wadler and Brian Hainline, *Drugs and the Athlete* (Philadelphia: F.A. Davis Co, 1989), 48. For scientific evidence that amphetamines helps individuals stay alert see, Chris E. Cooper, *Run, Swim, Throw, Cheat: The Science Behind Drugs in Sport* (Oxford: Oxford University Press, 2012), 166-175. Carroll, *Juice*, 75.

²² Cooper, *Run*, 166-175.

²³ *Ibid.*, 171. Carroll, *Juice*, 75.

²⁴ Lee Jenkins, Juliet Macur, and Bill Pennington, “A Chance for Baseball to Settle Its Drug Score,” *New York Times*, December 12, 2004.

Widespread usage of amphetamines in baseball mirrored the drug's acceptance within American society. Baseball players used amphetamines to combat the rigors of a long baseball season and to sharpen their focus on the baseball diamond.²⁵ Americans took drugs to lose weight, to appear active when tired, and to increase their performance at work.²⁶ Americans were gobbling up amphetamines at an alarming rate, whether they had a legal prescription for the drug or not. *Time* magazine called amphetamines "the most treacherous of all abused drugs" in 1969 because they were more widely available than marijuana and "psychologically more destructive than heroin."²⁷ Federal officials estimated that over half of the estimated eight billion amphetamine pills produced annually by 1969 were diverted to "criminal channels by loss, theft, and misdirected shipments."²⁸ In response to the rise in amphetamine and illicit drug use in general, calls for government legislation to curb the rising problem went out, and Congress acted in 1965.

As an addition to the 1938 Food, Drug and Cosmetic Act, the Drug Abuse Control Amendments in 1965 labeled such drugs as amphetamines, barbiturates, and LSD (added to list in 1968), a lysergic acid derivative, as "dangerous drugs," and recognized that their use without a prescription "has become a threat to the public health and safety."²⁹ The amendments represented the first time the federal government criminalized drugs without

²⁵ Wadler and Hainline, *Drugs and the Athlete*, 82.

²⁶ Morgan, *Drugs in America*, 155-156.

²⁷ "Drugs: Speed Demons," *Time*, October 31, 1969, accessed August 30, 2013, <http://content.time.com/time/subscriber/article/0,33009,839095,00.html>.

²⁸ *Ibid.*

²⁹ Musto, *Drugs in America*, 310-312.

a prescription. Individuals convicted of distribution of these pill faced imprisonment of up to six years and/or a maximum fine of \$15,000.³⁰ Although the federal government stepped up its attempts to curb drug abuse in society by the end of the 1960s, baseball executives largely ignored the drug problem within the game, even though signs of trouble were being reported as early as the late 1950s.

Reno Bertoia was a nervous wreck every time he walked on the baseball diamond. Since signing a “bonus baby” contract with the Detroit Tigers in 1953, the Italian-born Canadian’s first two years in the Major Leagues had been a struggle.³¹ Bertoia was certain that his low batting average and suspect field play during spring training in 1956 would inevitably lead him to the Detroit Tiger minor league system.³² Mel Ott, former slugger for the New York Giants turned broadcaster for the Detroit Tigers, took notice of Bertoia’s troubles and suggested to Jack Homel, the Detroit Tiger trainer, that Bertoia should take a tranquilizer to help him with his nervousness.³³ Homel made the

³⁰ Musto, *Drugs in America*, 310-312.

³¹ Born January 8, 1935 in San Vito al Tagliamento, Italy, Ron Bertoia was raised in Windsor, Ontario, Canada. Neil MacCarl, “Bonuses destroy player’s incentive,” *Daily Boston Globe*, June 8, 1958. Originally adopted by Major League baseball in 1946, “bonus baby” contracts assured any young ballplayer that signed a bonus over \$6000 a spot on the Major League roster for at least two years. After the second year, a team could option that player to the minor leagues. In 1954, he played in 54 games for the Tigers and had a batting average of .162. In 1955, he played only 38 games and hit .206. Baseball-Reference.com, “Ron Bertoia,” *Ron Bertoia Player Page*, accessed March 1, 2013, <http://www.baseball-reference.com/players/b/bertore01.shtml>. The best online reference for career stats of baseball players and general numbers for baseball (salaries, attendance numbers for each team, etc.) is Baseball-Reference.com (www.baseball-reference.com). I will refer to this website for player stats and other numbers pertinent to this study.

³² MacCarl, “Bonuses destroy player’s incentive,” June 8, 1958.

³³ Roy Terrell, “Highlight...and high life,” *Sports Illustrated*, May 27, 1957, 42, accessed September 17, 2013, <http://sportsillustrated.cnn.com/vault/article/magazine/MAG1132229/index.htm>. During his playing days, Ott never took tranquilizers. He starting taking tranquilizers as a broadcaster when he found himself tensing up before going on the air. According to Dr. Gary I. Wadler and Brian Hainline’s landmark 1989 study on Drugs and the Athlete, a Michigan State study conducted in 1985 revealed that 8 percent of players reported receiving stress or anxiety-reducing medication from their trainers. Wadler and Hainline, *Drugs and the Athlete*, 48.

suggestion to Bertoia who started taking the tranquilizers, Equanil and Sedamyl, to see if Ott's suggestion would help. Bertoia's play on the field started to improve.³⁴ By the time the Detroit Tigers came to New York to face the Yankees in May 1957, Bertoia had not committed a single fielding error and his .398 batting average led the league in hitting.

Sportswriters and newspaper editors across the country were amazed at Bertoia's turnaround. David Condon of the *Chicago Daily Tribune* questioned if the paper should replace their baseball expert with Dr. T.R. Van Dellen, the health editor.³⁵ *The Wall Street Journal* wondered what the impact of Bertoia's newfound success would be on baseball's record books.³⁶ In an interview with *Time* magazine, Bertoia said, "I swallow one little white tranquilizer pill a half hour before each game. Occasionally, if things get a little tense, I'll take the top off my bottle and take another."³⁷ Bertoia quit taking the tranquilizers after pressure from the press became a distraction for the team. Bertoia's experimentation with tranquilizers to help his performance on the field is the first documented drug use of a baseball player after World War II, despite rumors that many players took them. Although his story made national headlines, no one in baseball's upper management seemed interested in the origins of Bertoia's newfound success.

³⁴ Although the tranquilizers reportedly improved his nervousness and relaxed him, his batting average for the 1956 season was .182 in the 22 games he played for the Tigers. His turnaround in average and play did not occur until the 1957 season. Baseball-Reference.com, "Ron Bertoia," *Ron Bertoia Player Page*, accessed March 1, 2013, <http://www.baseball-reference.com/players/b/bertore01.shtml>.

³⁵ David Condon, "In the Wake of the News," *Chicago Daily Tribune*, August 13, 1957.

³⁶ "Drugstore and Dugout," *Wall Street Journal*, May 20, 1957.

³⁷ "Out of the bottle," *Time*, May 27, 1957, accessed September 2, 2013, <http://content.time.com/time/subscriber/article/0,33009,824893,00.html>. Nathan M. Corzine, "The Last Pure Place: Drugs, Alcohol, and the paradox of the modern American game," (PhD dissertation, Purdue University, 2010), 113-114.

Baseball commissioner Ford Frick, whose job it was to investigate anything that might bring damage to the public image of the game, remarkably took no notice of Bertoina's amazing turnaround.

Jim Brosnan's *The Long Season*, an account of his 1959 season with the St. Louis Cardinals and the Cincinnati Reds, became the first book written by an active player and the first to record the clubhouse personal lives and antics of ordinary ballplayers. After spending a few years in the Chicago Cubs minor league system and a two-year stint in the Army in 1951 and 1952, Brosnan joined the Chicago Cubs major league roster as a pitcher in 1954. For the next nine years, Brosnan amassed a 55-47 career pitching record playing for the Chicago Cubs, St. Louis Cardinals, Cincinnati Reds, and the Chicago White Sox. At the start of the 1959 season with the St. Louis Cardinals, Brosnan had a career mark of 22 wins and 22 losses. Brosnan's glasses and his habit of reading books that he kept in his clubhouse locker gave him a reputation around the league as a baseball intellectual and earned him the nickname "Professor."³⁸

The Long Season removed the "gee-whiz" portrayal of ballplayers that dominated baseball journalism and books for almost fifty years before its publication.³⁹ According to Brosnan, the St. Louis Cardinals clubhouse was full of players who drank too much, suffered from constant aches and pains, and gawked at the "high bust" of student female nurses.⁴⁰ As a member of the Cincinnati Reds pitching staff in September 1959, Brosnan

³⁸ Jim Brosnan, *The Long Season* (Chicago: Ivan R. Dee, 2002), 48. Corzine, "The Last Pure Place," 139-140.

³⁹ Brosnan, *Long Season*, 48.

⁴⁰ The Busch family, owners of Anheuser-Busch, Inc. in St. Louis, owned the St. Louis Cardinals from 1953-1996. Brosnan writes in his diary on February 22, 1959 of the promise of free beer by the Cardinals may affect the team's performance. "Hope Alcoholism doesn't strike too many players this year. What would Busch do with the pictures taken at the clubhouse door after the notice was posted about free beer

writes that bullpen conversations covered the following topics in this order: “Sex, religion, politics, [and] sex.”⁴¹

The Long Season and Brosnan’s second book, *Pennant Race*, exposed the widespread use of amphetamines by players and the role that club trainers had in giving out drugs to players. In *The Long Season*, Bob Baumann ran the St. Louis Cardinals training room during the 1959 season and had “pills for everything.”⁴² The training room after a practice reminded Brosnan of “a receiving room of a Harlem hospital on Saturday night.”⁴³ Baumann supplied Brosnan and the Cardinals with amphetamines. When the supply started to run low, Brosnan made sure to ask Baumann if there would be pills available for his next pitching start.⁴⁴ Baumann replied on one occasion, “Listen, I’ll do my job. You do yours, Professor. Obviously you don’t need any Dexamyl to get you through the day, today.”⁴⁵ In *Pennant Race*, Brosnan fears he will not be able to make it

once a week? A line of ballplayers, each carrying a case of Budweiser on his shoulder, hustling home after the workout. Smiling, thirsty men, about to enjoy life after a hot day on the ballfield. Would anything prevent beer-drinking?” Brosnan, *Long Season*, 16-17, 47, 80.

⁴¹ Brosnan, *Long Season*, 255.

⁴² Ibid., 17.

⁴³ Ibid.

⁴⁴ Ibid., 48. Brosnan specifically asked Baumann, “You gonna order some of these pills that will make me ‘go nine with little effort?’” Brosnan’s question adds further evidence to one of my conclusions to this thesis that amphetamines are baseball’s first performance-enhancing drug.

⁴⁵ Dexamyl was a popular amphetamine among the American public from the 1950s to the 1970s. According to Rasmussen, “Dexamyl essentially was positioned as the drug for the family doctor to prescribe whenever there was little else he could do.” Dexamyl dominated the amphetamine market until 1975 and became “an indispensable part of the lives of hundreds of thousands of Americans.” By 1960, Rasmussen believes that between six and ten percent of Americans were getting amphetamines prescribed to them by their family doctor. Rasmussen suggests that Jim Brosnan’s and Jim Bouton’s *Ball Four* shows baseball as a game “awash with amphetamine usage.” Nicholas Rasmussen, *On Speed: The Many Lives of Amphetamines* (New York: New York University Press, 2008), 129-138, 147, 195. Brosnan, *Long Season*, 48.

through the day because the Cincinnati Red's trainer, Dr. Richard Rohde, has run out of Dexamy. Rohde offers him something new and Brosnan exclaims, "Jesus, that's got opium in it! Whaddya think I am, an addict or something?"⁴⁶

The baseball establishment largely ignored or scolded Brosnan's books. Baseball Commissioner Ford Frick focused his attention on baseball expansion out west.⁴⁷

Retired player Joe Garagiola, who was beginning his long and successful career as a baseball broadcaster, called Brosnan a "kookie beatnik." Solly Hemus, the manager of the Cardinals, "You think Brosnan's writing is funny, wait until you see him pitch."⁴⁸

The criticism by Garagiola and Hemus against *The Long Season* stemmed from their belief that Brosnan violated the tradition of players not telling the public what went on inside baseball clubhouses. The long-standing creed, posted on the walls of baseball clubhouses read, "What you say here, what you see here, let it stay here, when you leave here."⁴⁹ Brosnan did have a few supporters of his book. Sportswriter Jimmy Cannon called Brosnan's book "the greatest baseball book ever written," while Red Smith,

⁴⁶ Jim Brosnan, *Pennant Race* (Chicago: Ivan R. Dee, 2004), 27-28. Bil Gilbert, "Something Extra on the ball," *Sports Illustrated*, June 30, 1969, 30, accessed August 2, 2013, <http://sportsillustrated.cnn.com/vault/article/magazine/MAG1082575/1/index.htm>.

⁴⁷ Andrew S. Zimbalist, *In the Best Interests of Baseball?: The Revolutionary Reign of Bud Selig* (Hoboken, N.J.: Wiley, 2006), 65-68. Instead of focusing on Brosnan's startling revelations about rampant amphetamine use in the game, Commissioner Frick focused on westward franchise expansion and Roger Maris and Mickey Mantle's chase of Babe Ruth's single season homerun record. When Roger Maris instead of Mantle broke Ruth's record in 1961, Frick responded by placing an asterisk in the record books. His reason was that Ruth had hit 60 homeruns in 1927 when the season only had 154 games and Maris hit 61 in a season that had 162 games.

⁴⁸ Mark Armour, "Jim Brosnan," SABR Baseball Biography Project, accessed March 1, 2013, <http://sabr.org/bioproj/person/b15e9d74>. Corzine, "The Last Pure Place," 140-141.

⁴⁹ This tradition protected players like Babe Ruth and Mickey Mantle, both heroes to thousands of fans including children, from having their excessive flaws reported. One of the best biographies in recent years on the life of Babe Ruth and Mickey Mantle are Leigh Montville, *The Big Bam: The Life and Times of Babe Ruth* (New York: Doubleday, 2006) and Mickey Mantle and Herb Gluck, *The Mick* (Garden City, N.Y.: Doubleday, 1985).

veteran sportswriter for the *New York Herald Tribune*, said, “it is a cocky book, caustic and candid and, in a way, courageous, for Brosnan calls them as he sees them, doesn’t hesitate to name names, and employs ridicule like a stiletto.”⁵⁰

Brosnan’s claims about amphetamine usage in the game went unheeded because his books did not receive much national attention and the commissioner did not address the amphetamine problem in baseball. Jim Bouton, a pitcher for the Houston Astros in 1970, would receive a different response from the public and the commissioner’s office when he released his own account of the 1969 baseball season.

Unlike Jim Brosnan’s *The Long Season* and *Pennant Race*, Jim Bouton’s *Ball Four* spent seventeen weeks on the *New York Times* bestseller list in 1970.⁵¹ The hidden veil over the baseball clubhouse that Jim Brosnan slightly exposed paled in comparison to how Jim Bouton described his own teammates, their wild behavior, and the widespread use of amphetamines in baseball. The book forever changed sports reporting because of the negative reaction players and the league had toward it. Bouton explained in the introduction of the Twentieth Anniversary Edition that the overreaction to the book was because “People simply were not used to reading the truth about professional sports.”⁵²

⁵⁰ Dave Hoekstra, “Brosnan’s books cover all the bases,” *Chicago Sun-Times*, August 8, 2004. Corzine, “The Last Pure Place,” 141. Armour, “Jim Brosnan,” *SABR Baseball Biography Project*, accessed March 1, 2013, <http://sabr.org/bioproj/person/b15e9d74>.

⁵¹ Jim Bouton and Leonard Shecter, *Ball Four, Twentieth Anniversary Edition* (New York: Wiley Publishing, Inc, 1990), ix. In the preface of the Twentieth Anniversary Edition, written in 1990, Bouton wrote that *Ball Four* was the “largest selling sports book ever” with over 500,000 hardcover and 5 million paperback copies sold. He also writes that it was translated into Japanese.

⁵² Bouton and Shecter, *Ball Four*, ix.

Stories about raucous behavior by players fill the pages of *Ball Four*.⁵³ Although Bouton occasionally recalls memories and events while a New York Yankees pitcher (1962-1968), the majority of the book refers to his time in 1969 as a member of the Seattle Pilots and the Houston Astros. Bouton described ballplayers as people who drank often and frequently participate in sexual antics. When it came to drinking, Bouton said that baseball has one common slogan: “The team that drinks together stays together.”⁵⁴ A lewd practice among ballplayers during the baseball season was “beaver-shooting.” This sexual antic usually involved looking up women’s skirts while in the dugout or sticking a small mirror under a hotel room door to look inside.⁵⁵

Drug usage in the game had reached epidemic levels if we are to believe Bouton. Players had doctor friends who could get “greenies” for everyone even though they were against club policy.⁵⁶ Bouton described players, including himself, as guinea pigs who would take anything if it guaranteed success in the major leagues. “If you had a pill that would guarantee a pitcher 20 wins but might take five years off his life, he’d take it.”⁵⁷ Don Mincher, a teammate of Bouton’s, told him that most of the players on the teams he was familiar with took greenies.⁵⁸ Bouton claimed that amphetamines gave players a

⁵³ Geoffery Ward and Ken Burns, *Baseball: An Illustrated History* (New York: Alfred A. Knopf, Inc, 1994), 421.

⁵⁴ Bouton and Shecter, *Ball Four*, 104.

⁵⁵ Ibid., 37-38. Bouton called the Shoreham Hotel in Washington D.C. “the beaver-shooting capital of the world.”

⁵⁶ Ibid., 171.

⁵⁷ Ibid., 45. Bouton said over the years, he tried pills like Butazolidin and Dimethylsulfoxide. He said he had also taken shots of Novocaine, cortisone, and Xylocaine.

⁵⁸ Ibid., 212. Mincher said that almost all the players on the Baltimore Orioles, New York Yankees, and Detroit Tigers took greenies. “And that’s just what I know for sure.”

“false sense of security” and were such a big part of the baseball culture because some players “could not function without them.”⁵⁹

The usage of amphetamines within baseball was so common in the 1960s that rookies were introduced to them as part of their hazing ritual. Bouton recalls one such hazing story on the day he was traded from Seattle to Houston. The Seattle Pilots traded Bouton to Houston on August 26. After his first game with the Astros against the Cardinals later that night, Bouton recalled that he observed on the team bus a group of Astros rookies singing the team’s unofficial song “Proud to be an Astro.” The line from the song, “with a case of Scotch, a greenie and an old beat-up whirlpool,” acknowledged that amphetamine usage was not just an accepted part of the game, but a necessity if a player wanted to make it through the long baseball season. Bouton gives Larry Dierker, the Astros young star pitcher, credit for writing the song.⁶⁰

Baseball executives and players did not respond favorably toward Bouton’s book. The San Diego Padres burned a copy of the book and left the ashes in the visitor clubhouse for Bouton to find when the Astros arrived for a series in September 1970.⁶¹ Cincinnati Reds star Pete Rose took exception to the book when Bouton specifically mentioned Rose not catching a ball in right field. “I can still remember Pete Rose, on the top step of the dugout screaming,” Bouton said, “Fuck you, Shakespeare.”⁶² Bouton

⁵⁹ Bouton and Shecter, *Ball Four*, 81, 157.

⁶⁰ Ibid., 443. Appendix D. The lyrics of “Proud to be an Astro” were set to the tune of Tom Lehrer’s “It makes a Fellow Proud to Be a Soldier.” “Proud to be an Astro” stanzas are quoted directly from Bouton and Shecter, *Ball Four*, 331-332. The line from the song, as stated above is: “With a case of Scotch, a greenie and an old beat-up whirlpool.”

⁶¹ Ibid., vii.

⁶² Ibid., ix.

received his biggest reprimand from Commissioner Bowie Kuhn. The commissioner summoned Bouton up to his office in New York to discuss the contents of the book. Kuhn said to Bouton that his book had done baseball a “grave disservice.”⁶³ Kuhn advised Bouton to sign a statement that the commissioner had prepared saying that the book was full of lies and that Bouton’s editor, Lenny Shecter, was to blame.⁶⁴ Bouton refused to sign the statement. Kuhn then proceeded to pressure Bouton into promising that he would never reveal what went on during their meeting.⁶⁵

Bertoia, Brosnan, and Bouton exposed the rampant drug use among ballplayers dating back to the 1950s. Reno Bertoia’s experiment with tranquilizers in the late 1950s and Bouton’s description of pitchers as guinea pigs showed that ballplayers would do anything to improve their performance on the field. The sportswriters in America used the case of Bertoia to raise concerns about what sort of impact drugs might have on the future of the game. The owners and commissioners of baseball ignored the warnings and chose instead to focus their attention on westward expansion or improving the financial success of their respective teams. The public remained relatively oblivious to this problem until Jim Bouton made national headlines with *Ball Four*. After almost two decades of ignoring the growing problem, the baseball establishment began to take notice of players using drugs. Commissioner Kuhn introduced his drug education and prevention program in 1971 making him the first commissioner to directly address the

⁶³ Bouton and Shecter, *Ball Four*, ix.

⁶⁴ Ibid., 408-409.

⁶⁵ Ibid.

problem. If baseball had addressed the drug problem earlier, they may have extended the career of a young pitching star who battled drug addiction throughout his career.

Dock Ellis spent twelve years in the major leagues as a pitcher and a controversial player. He was an All-Star and World Series winner with the Pittsburgh Pirates in 1971. When Sparky Anderson, the manager for the Cincinnati Reds, refused to name Ellis the starting pitcher in the 1971 All-Star game against Oakland A's pitcher Vida Blue, Ellis said that "they wouldn't pitch two brothers against each other."⁶⁶ Donald Hall wrote in Dock's biography, *Dock Ellis in the Country of Baseball*, that Ellis was a "roguish and spirited celebrity among black people" and was popular "because he upsets white racists."⁶⁷ Ellis once opened a game against Cincinnati by hitting three consecutive batters in a row because the Reds made disrespectful remarks about the Pirates.⁶⁸ A security guard at Riverfront Stadium in Cincinnati sprayed Ellis with a can of Mace after Ellis cursed at the security guard for not letting him into the stadium.⁶⁹

Dock's controversy off the field may have been fueled by his long bout with drug addiction. Ellis told the *Los Angeles Times* in 1985 that he never pitched a game in the major leagues "when he wasn't high."⁷⁰ Ellis's drug problems originated in high school

⁶⁶ Richard Goldstein, "Dock Ellis, All-Star Pitcher Who Overcame Longtime Addictions, Dies at 63," *New York Times*, December 21, 2008, accessed October 12, 2013, http://www.nytimes.com/2008/12/21/sports/baseball/21ellis.html?_r=0. Ellis never clarified who he meant by "they." Sparky Anderson decided to start Dock Ellis in the All-Star game anyway.

⁶⁷ Dock Ellis and Donald Hall, *Dock Ellis in the Country of Baseball* (New York: Simon & Schuster, 1989), 24.

⁶⁸ Goldstein, "Dock Ellis," *New York Times*, December 21, 2008, accessed October 12, 2013, http://www.nytimes.com/2008/12/21/sports/baseball/21ellis.html?_r=0.

⁶⁹ Ellis and Hall, *Dock Ellis in the Country of Baseball*, 203. Goldstein, "Dock Ellis," *New York Times*, December 21, 2008, accessed October 12, 2013, http://www.nytimes.com/2008/12/21/sports/baseball/21ellis.html?_r=0.

⁷⁰ Jerry Crowe, "Dock Ellis: Ellis: 'I Couldn't Pitch Without Pills'," *Los Angeles Times*, June 30, 1985.

when he began experimenting with drugs as a teenager growing up in Los Angeles. Ellis recalls that he was found “drinking wine and getting high” in the bathroom at Gardena High School in Los Angeles and was told that he would not be kicked out of school if he joined the baseball team.⁷¹ Arrested for grand theft auto in 1964 right before he was drafted out of school by the Pittsburgh Pirates, Ellis was placed in the Pirates custody. Ellis picked up drinking and drugs again while playing on the Pirates minor league team in Batavia, New York. “I was into the speed in the minor leagues because of the expectations put on me by management and by myself to hurry up and get to the big leagues,” Ellis said.⁷² Dock made it to the majors in 1968 and spent the next twelve years pitching for the Pirates, New York Yankees, Texas Rangers, Oakland Athletics, and New York Mets. Ellis finished his career in 1979 with the Pirates, having pitched on two World Series teams, the 1971 Pirates and 1976 Yankees, and three additional National League East championship teams with the Pirates. During his entire career as a pitcher, Dock continued to take drugs. “I was a loner,” Dock said, “My involvement with drugs was not with team members.”⁷³ Dock retired after the 1979 season because the drugs he had taken much of his life finally wore his body down. “I had no desire,” Dock said, “The drugs and alcohol had really gotten to me.”⁷⁴ Ellis entered a drug rehabilitation center in Arizona after he retired, joined the Yankees during the 1980s to speak to their

⁷¹ Crowe, “Dock Ellis,” June 30, 1985.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

minor league players about drugs and later became a drug and alcohol counselor in California.⁷⁵

Dock's experiences on and off the field during his career made him one of the most controversial figures in the history of baseball. On June 12, 1970, Dock Ellis performed a feat that has made him the stuff of baseball legend. The Pirates flew into San Diego on June 11, an off day for the team, and Ellis drove up to Los Angeles to party. Ellis was smoking marijuana, taking LSD, and drinking in Los Angeles. Around noon on Friday June 12, Ellis woke up and convinced that he had the day off, dropped three more hits of Purple Haze LSD. About an hour later and feeling the effects of the drug, his girlfriend advised him that according to the newspaper, he was the starting pitcher that day against the Padres in San Diego. Ellis got on a plane and arrived in time to pitch the game.⁷⁶ He took a combination of Dexamyl (greenies), Benzedrine (bennies) while warming up to pitch. Ellis walked eight batters, hit a batter, and struck out six. Ellis later recalled that in his drug-induced haze, he was often unable to tell on which side of the plate the opposing batters stood, and if it were not for the reflective tape wrapped around his catcher's fingers, he never would have known where to throw the baseball.⁷⁷

⁷⁵ Goldstein, "Dock Ellis," *New York Times*, December 21, 2008, accessed October 12, 2013, http://www.nytimes.com/2008/12/21/sports/baseball/21ellis.html?_r=0.

⁷⁶ Ellis and Hall, *Dock Ellis*, 317. Goldstein, "Dock Ellis," December 21, 2008.

⁷⁷ Neille Illel and Donnell Alexander, "An LSD No-No," *Weekend America*, March 29, 2008, accessed January 10, 2013, <http://weekendamerica.publicradio.org/display/web/2008/03/28/pitch/>. Ellis also said, "There were times when the ball was hit back at me, I jumped because I thought it was coming fast, but the ball was coming slow. Third baseman came by and grabbed the ball, threw somebody out. I never caught a ball from the catcher without two hands, because I thought that was a big ol' ball! And then sometimes it looks small. One time I covered first base, and I caught the ball and I tagged the base, all in one motion and I said, 'Oh, I just made a touchdown.'"

Ellis took drugs to help his performance on the field and to relieve the stress that the job placed upon him. His recreational drug use shows how easy it was for ballplayers to become involved with the drug culture and lifestyle. Ellis became one of the earliest examples of why major league baseball needed to address its drug problem before a major scandal could occur. Baseball always had a growing problem but it was not until after World War II that players began to use amphetamines on a regular basis. The powers that controlled the game however, chose to ignore the growing problem. No one in the sport took notice of Jim Brosnan's exposé about amphetamine use in the clubhouse or that the Drug Abuse Control Amendments of 1965 and 1968 had banned the distribution of amphetamines without a prescription. It was not until *Ball Four* and the rumors around Dock Ellis that baseball began to try and address its drug problem.

Bil Gilbert, long time columnist for *Sports Illustrated*, wrote a series of articles during the summer of 1969 concerning the rapid rise of drug use in sports. He wrote that sports needed to address its problem before a player lost his or her life because of drug use. Hal Connolly, a veteran of four U.S. Olympic teams stated, "My experience tells me that an athlete will use any aid to improve his performance short of killing himself."⁷⁸ The International Olympic Committee (IOC) announced that amphetamines and other stimulants would be added to the banned substances list starting at the 1968 Olympics in Mexico City and that for the first time, post-event drug testing would occur.⁷⁹ Gilbert warned that a major drug scandal in sport was bound to happen because athletes were

⁷⁸ Bil Gilbert, "Problems in a turned on world," *Sports Illustrated*, June 23, 1969, 72, accessed February 2, 2013, <http://sportsillustrated.cnn.com/vault/article/magazine/MAG1082543/5/index.htm>.

⁷⁹ Ibid. The International Olympic Committee (IOC) stated that "athletes caught using excess alcohol, amphetamines, ephedrine, cocaine, vasodilators, opiates, certain analgesics or hashish, would be regarded as cheaters and punished."

willing to try anything to beat any sort of detection system and sports organizations continued to take a lackadaisical approach to combating their drug problem.⁸⁰ Gilbert reported that few in leadership positions in the major sports organizations around the country seemed concerned with any possible outbreak of a drug scandal.⁸¹ Gilbert said that drug usage raised fundamental questions about the integrity of sports, and it was no wonder that few in the athletic community wanted to address the matter directly. “One can understand the instinctive reaction to the athletic Establishments: when it comes to drugs, they ignore, dismiss, deny.”⁸²

Baseball, in particular, denied the existence of a drug problem until the late 1960s. When questioned about drugs in baseball, National League President Warren Giles said, “Nothing has ever come to my attention that would require a special ruling. It never has come up, and I don’t think it ever will.”⁸³ Executive Assistant of the American League, Bob Holbrook, dismissed even the possibility of ballplayers using drugs.⁸⁴ Gilbert believed that drug testing could deter the spread of drugs within sports. “Athletes customarily take physical examinations, swear to their amateur status, have equipment inspected to see if it conforms to rules, are declared ineligible in many sports if they

⁸⁰ Gilbert, “Problems in a turned on world,” 72.

⁸¹ Bil Gilbert, “High Time to make Some Rules,” *Sports Illustrated*, July 7, 1969, 34, accessed February 2, 2013, <http://sportsillustrated.cnn.com/vault/article/magazine/MAG1082583/3/index.htm>. NFL-AFL Publicity Director Don Weiss said, “We (professional football) have rules on gambling, etc., but none on medical matters. These are left to club physicians and the club trainers in both leagues.” Haskell Cohen of the NBA: “We have no written rules on the subject of drugs. The league does not interfere with individual club trainers.” National Hockey league officials up to that point never had any rules concerning the use of drugs.

⁸² Gilbert, “Problems in a turned on world,” 67.

⁸³ Ibid.

⁸⁴ Ibid. According to Holbrook, “Baseball players don’t use those types of things (drugs).”

gamble, beat up referees or fail Basket Weaving II. In comparison to these matters, submitting to a drug test should not amount to cruel and unusual punishment.”⁸⁵

The end of the 1960s and into the 1970s signaled a time when efforts to clean up the drug problem in America and baseball started to take shape. Congressional legislation such as the Drug Control Amendments of 1965 directly addressed the rising amphetamine problem in the country. New York Times bestselling book *Ball Four* exposed the widespread usage of amphetamines in baseball, tarnished the public image of baseball, and changed how the press covered the personal lives of ballplayers. Baseball commissioner Bowie Kuhn, the man who had scolded Jim Bouton for his book, became the first baseball commissioner to directly address the problem of drugs in baseball. Kuhn devised Major League Baseball’s first ever drug education and prevention program and tried to implement all the provisions of his plan with the assistance of the Major League Baseball Players Association (MLBPA). Marvin Miller, the MLBPA’s first executive director, did not share the same enthusiasm as Kuhn on implementing the drug program. Miller’s strained relationship with Commissioner Kuhn starting in the late 1960s would make it obvious that he would not be interested in any drug program that the commissioner might devise. As the next two chapters show, the relationship formed by these two men would shape baseball drug negotiations for more than twenty years.

⁸⁵ Gilbert, “Problems in a turned on world,” 67.

Chapter 2

The Iron Fist and the Kid from Brooklyn

I want my sports leaders to be El Jefe, Ichi-ban or (worst fate) Czar. I want to see them driving with lightning and thunder to throttle the devils that beset us.

– Bowie Kuhn, *Hardball: The Education of a Baseball Commissioner*

Bowie was a bad loser, and that led him to even greater errors of judgment, almost all of them justified by that all-purpose phrase: in the best interests of baseball...

– Marvin Miller, *A Whole Different Ball Game: The Sport and Business of Baseball*

The dramatic rise in drug use among young, middle-class white Americans during the 1960s prompted support for the enactment of tougher drug laws and new treatment methods for those who fell victim to drug abuse.¹ On the morning of October 27, 1970, at the offices of the Bureau of Narcotics and Dangerous Drugs, President Richard Nixon signed into law the Comprehensive Drug Abuse Prevention and Control Act of 1970. The new legislation represented the culmination of a long process to reform all existing drug laws and to bring narcotics labeled as “dangerous” under federal jurisdiction.² Nixon said before signing the legislation into law, “Once the individual who gets hooked

¹ Joseph Gfroerer and Marc Brodsky, "The Incidence of Illicit Drug Use in the United States, 1962-1989," *British Journal of Addiction* 87, no. 9 (September 1992): 1345-1351, accessed February 28, 2013, *Academic Search Complete*, EBSCOhost.

² David F. Musto, *Drugs in America: A Documentary History* (New York: New York University Press, 2002), 310-317. The Drug Abuse Control Amendments of 1965 labeled such drugs as amphetamines, barbiturates and LSD (added to list in 1968), a lysergic acid derivative, as “dangerous drugs.” The amendments were the first direct prohibition of drugs decreed by the federal government. The 1970 Comprehensive Act separated drugs into categories based on their abuse potential and provided provisions for moving drugs from one category to another. The act brought to an end the tedious process of enacting legislation for each drug.

on drugs is in that condition, he is one that we must have sympathy for. We must do everything we can to cure his habit if it is possible to cure it.”³ The law signaled a new era in United States policy toward enforcement of its drug laws and recognition of the dangers associated with drug use.

Bowie Kuhn, Major League Baseball’s (MLB) fifth commissioner, believed the game needed to address its own rising drug problems. Kuhn wanted to ensure that all baseball personnel, including its major and minor league players, lived and operated within federal and state drug laws.⁴ The Comprehensive Drug Abuse Prevention and Control Act of 1970 signed by the President motivated Kuhn to initiate a drug education and prevention program in February 1971. The program focused on education, prevention, and rehabilitation, making it the first of its kind in professional sports.⁵ The program included provisions covering discipline for players who did not seek help and who violated drug laws. Kuhn received praise for his efforts through the press and from baseball owners and managers. On the player side, Kuhn did have supporters, but he also faced harsh criticism. His biggest adversary in the implementation of his drug program came from Marvin Miller, the executive director of the Major League Baseball Players Association (MLBPA).

³ Richard Nixon: "Remarks on Signing the Comprehensive Drug Abuse Prevention and Control Act of 1970," October 27, 1970. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=2767>.

⁴ William N. Wallace, "Major Leagues Establish a Program to Control Taking of Drugs by Players: Kuhn calls clubs alert to dangers, Seminars Slated for Field Leaders and Executives -- Penalties Planned," *New York Times*, February 19, 1971.

⁵ Notice No. 12, Memorandum from Major League Baseball Office of the Commissioner to Administrative Officials of Major League Baseball Re: Drug Education and Prevention Program, dated Apr. 5, 1971, Bowie K. Kuhn Collection, BA MSS 100, National Baseball Hall of Fame & Museum, Cooperstown, NY. Wallace, "Major Leagues Establish a Program," February 19, 1971.

Commissioner Kuhn penalized and suspended players who violated drug laws and who failed to comply with his drug program. He did this as a deterrent to prevent widespread drug use among major league players. Rather than work alongside Kuhn to help establish an effective uniform drug program for the major leagues, the MLBPA fought to overturn all discipline handed down by the commissioner's office. The combative approach employed by the MLBPA against the commissioner gave players a sense of immunity from disciplinary actions, allowed players to continue to risk their overall health, and created an environment in which the drug problem spiraled out of control, causing immense damage to public perceptions of baseball. The hostility that arose between the commissioner's office and the MLBPA in these formative years of baseball's first direct attempt to eradicate its drug problem ensured that future negotiations for an effective drug policy in the major leagues would be difficult.

On October 28, 1926, Bowie Kent Kuhn was born the third child to culturally conservative and highly patriotic parents. His father was an immigrant from Germany, and his mother had deep Maryland roots dating back some two hundred and sixty years. He was a distant relative of Jim Bowie, the defiant hero of the Alamo.⁶ Growing up in Washington D.C. in a family where education was just as important as his parent's patriotism (flags were a normal sight outside the Kuhn household on holidays), Bowie Kuhn graduated from Princeton University with honors in 1947 and then attended law school at the University of Virginia. His mother instilled in him a love and deep appreciation of baseball that lasted his entire life. His favorite job growing up, he recalled in his memoirs, *Hardball: The Education of a Baseball Commissioner*, was as

⁶ Bowie Kuhn, *Hardball: The Education of a Baseball Commissioner* (Lincoln, Nebraska: University of Nebraska Press, 1997), 13.

the scoreboard operator at Griffith Stadium, home to his beloved Washington Senators.

“I never spent an unhappy day there,” he wrote. “It was ecstasy.”⁷

Bowie Kuhn’s ascension to the job of baseball commissioner came at an important moment in the history of the game. In 1968, baseball owners scrambled to find someone to face the threat of a player strike led by Marvin Miller over a pension agreement that was set to expire.⁸ The baseball owners elected Kuhn, lead counsel for the National League since 1950, to serve as interim baseball commissioner for one year as a replacement for William D. Eckert, who resigned as commissioner after a closed-door meeting with baseball owners in December 1968.⁹ Kuhn convinced the owners to come to a compromise over the pension agreement to avoid a strike. Marvin Miller wrote in his own memoirs, *A Whole Different Ball Game*, that Kuhn’s ability to get the owners to compromise and avoid a strike was his “finest moment as commissioner.”¹⁰ The owners elected Kuhn permanent commissioner later that year. After a little over two years on the job, Kuhn turned his attention toward baseball’s rising drug problem.

On February 18, 1971, Commissioner Kuhn announced that baseball was taking a stand against drugs by initiating a long-term drug education and prevention program with the help of club physicians. The program advised players to report to the commissioner

⁷ Kuhn, *Hardball*, 15.

⁸ Joseph G. Preston, *Major League Baseball in the 1970s: A Modern Game Emerges* (Jefferson, North Carolina: McFarland & Company, Inc., Publishers, 2004), 188.

⁹ Kuhn, *Hardball*, 29-31. Kuhn states the Eckert lacked the skills to deal with baseball’s complex marketing problems and demands. Kuhn believes that Eckert’s failing health may have also contributed to him resigning as commissioner.

¹⁰ Marvin Miller, *A Whole Different Ball Game: The Sport and Business of Baseball* (New York: Carol Publishing Group, 1991), 105.

all cases of illegal drug use “whether known or suspected” and contained disciplinary procedures for those individuals who violated federal and state drug laws.¹¹ It was unique in professional sports because it was the first such program established to educate its personnel on the dangers of drug use and discipline those who violated the policy. “Baseball must responsibly carry out this obligation,” Kuhn said, “if the game and its athletes are to maintain their revered place in the eyes of the public, particularly the young.”¹² Kuhn advised that his program would be permanent, and his hope was that all players realized that drug abuse was a dead end and that it had no place within the confines of athletics.¹³ “We are not naïve about the threat of drugs,” Kuhn said, “We feel we need a program. There has been in baseball a reasonably limited use of pills in the amphetamine and barbiturate group.”¹⁴

Amphetamine usage among ballplayers had often been the drug of choice since the 1950s. Players used amphetamines as a way to combat the rigors of a long baseball season and to improve performance on the field.¹⁵ It was in the first few years of Kuhn’s administration that the public became aware of the widespread use of amphetamines, known in baseball circles as “greenies,” among professional baseball players. Jim Bouton, longtime major league pitcher for the New York Yankees, released *Ball Four* in 1970. Bouton’s book, an exposé of his 1969 season and a *New York Times* bestseller,

¹¹ “Baseball Sets Clinics On Drugs: Kuhn Announces Long-Term War on Barbiturates No Serious Problem O’Connor Heads Seminars,” *The Washington Post, Times Herald*, February 19, 1971.

¹² Ibid.

¹³ Ibid.

¹⁴ Wallace, “Major Leagues Establish a Program,” February 19, 1971.

¹⁵ Gary I. Wadler and Brian Hainline, *Drugs and the Athlete* (Philadelphia: F.A. Davis Co, 1989), 82-83.

stunned the public with its revelations about the personal lives of professional baseball players. Besides amphetamines, players consumed other drugs before performing on the field. Doc Ellis, pitcher for the Pittsburgh Pirates and longtime user of amphetamines, had reportedly pitched a no-hitter against the San Diego Padres while on LSD in 1970.

There was an immediate backlash after Kuhn announced his plans for drug education seminars and discipline among players who took drugs. St. Louis Cardinals outfielder Lou Brock, one of baseball's most prolific players during the 1960s and 70s, said that Kuhn's program was simply an attempt to ease negative public perceptions, and that it was "neither preventative nor corrective."¹⁶ Brock did not feel there was illegal trafficking of pills going on within the game, and he personally believed that anyone who had to take a pill to get ready for a World Series game must have personal problems.¹⁷ Oakland Athletics pitcher Chuck Dobson, who had admitted to using greenies, said of Kuhn's program, "I'd like to see him put on a uniform for 162 games in 180 days, and then see what he says."¹⁸

Baseball held the first of three regional drug abuse seminars in Ft. Lauderdale, Florida, in early March 1971. The purpose of the seminars was to lay out the objectives of Kuhn's drug education and prevention program. Representatives from eight teams: Baltimore Orioles, New York Yankees, Washington Senators, Los Angeles Dodgers, Milwaukee Braves, Montreal Expos, New York Mets and Houston Astros attended the

¹⁶ Joseph Durso, "Brock Calls Baseball's Drug Program Neither Preventive Nor Corrective: Card sees plan directed to fans aim is to Quiet Their Fears, He Says -- Similar Views Taken by Other Players," *New York Times*, February 28, 1971.

¹⁷ Ibid.

¹⁸ Jack Scott, "It's Not How You Play the Game, But What Pill You Take," *New York Times*, October 17, 1971.

event. Kuhn stressed to team representatives that the main objective of his drug program was to educate young players on how to avoid the drug scene and not aimed at players on the major league level. After hearing the purpose of the drug program, Jack Acker, representative of the New York Yankees stated, “The players would lend it their hearty support.”¹⁹

Kuhn experienced some internal opposition to the program as well. Bob Short, owner of the Washington Senators, told Kuhn that his drug program made baseball look worse off than it was in comparison to other sports.²⁰ Short also expressed concern that a drug program might allow Kuhn to suspend players and give more power to the commissioner.²¹ Kuhn believed Short did not want the commissioner to obtain more power because Short was planning to challenge the commissioner’s authority by moving Kuhn’s hometown team, the Washington Senators, to Texas. Despite the objections by players and Short, Kuhn pushed ahead with the implementation of his drug program.

The educational efforts of the drug program soon came out in book form. Major League Baseball produced an educational booklet entitled *Baseball vs. Drugs*. The booklet was the product of a collaborative effort of baseball team doctors and Dr. Garrett O’Connor, director of the John Hopkins Drug Abuse Center.²² Distributed to all players in major and minor league baseball as well as to public and school libraries nationwide,

¹⁹ Jack Acker’s comments are not clear if he is referring to all baseball players or just players in the New York Yankees organization. “Hold baseball drug seminar,” *Chicago Daily Defender*, March 4, 1971.

²⁰ Kuhn, *Hardball*, 304. Kuhn does not give the sports Short was referring.

²¹ Ibid. Office of the Commissioner of Baseball, New York, *Baseball vs Drugs: An Education and Prevention Program* (New York: Brothers Educational Publications Co., Inc., 1971), 3-5.

²² “Baseball warns players about drugs,” *Chicago Defender*, July 14, 1973.

the booklet informed readers of the rising problem of drug abuse throughout the country. The booklet featured characteristics of drug abusers, full color graphics of drugs that players should be aware of, and advice on how to help those who became involved with drugs.²³ It also outlined the details of the 1970 Comprehensive Drug Abuse Prevention and Control Act and the penalties for violators of the new federal law.²⁴ The first page of the booklet contained a message to all readers from Commissioner Kuhn. The message laid out the details of baseball's drug program and informed readers that although baseball at this time "had no serious drug-abuse problems," the objectives of the program were to protect the image of baseball and the health and safety of all its players.²⁵

The booklet and Kuhn's initial efforts at launching a drug prevention program garnered national recognition for Kuhn. In June 1971, Kiwanis International Board of Trustees presented Bowie Kuhn an award "for his efforts in initiating a program for drug education and prevention in baseball."²⁶ His efforts would also bring him into contact with government officials in Washington D.C. who began looking at the rising drug problem in all of sports in early 1972.

Kuhn's initial efforts to establish a drug prevention program came at a time when the federal government initiated its own probe into the rising use of drugs in all levels of amateur and professional sports. The last thing Kuhn wanted was the public or the government thinking that baseball was not doing anything to combat its drug problem.

²³ Office of the Commissioner of Baseball, New York, 3-5.

²⁴ Ibid., 30.

²⁵ Ibid., 2.

²⁶ "Kuhn Cited by Kiwanis," *New York Times*, June 30, 1971.

The federal government became concerned after the decade of the 1960s saw a flurry of controversy concerning the use of drugs in professional sports. The first athlete to die from amphetamine usage in the Olympics was Danish Cyclist Knut Jensen, who collapsed during an event at the Rome Olympics in 1960. Bil Gilbert's 1969 *Sports Illustrated* series over rampant drug use in sports showed how widespread the problem had become. Books by Jim Brosnan and Jim Bouton characterized baseball clubhouses as drugstores for players. Democratic Congressman Harley O. Staggers of West Virginia, Chairman of the House Commerce Committee and its special investigations subcommittee, spent a year probing anti-drug efforts initiated by professional sports. Staggers ordered the study to look "at charges that the use of drugs to artificially stimulate performance in athletics is growing."²⁷ The committee focused on amphetamine usage and anabolic steroids. Congressman Staggers, a former high school and college football and basketball coach, stated after the year-long probe that he did not think legislative action would be necessary "unless effective self-regulation could not cope with the problem."²⁸ He also stated that artificially stimulated performances by players using drugs damaged the amiable qualities of sports. "If the drug culture gains acceptability in this part of our national life, sports and the nation will suffer irreparable harm."²⁹ Staggers called on all professional sports to adopt stringent penalties for illegal use of drugs to include fines, suspensions, and permanent expulsion from sports. Staggers advised professional sports organizations that he would monitor their anti-drug

²⁷ "Widespread Drug Use among Athletes Revealed in Report," *Los Angeles Times*, May 12, 1973. "Congress to investigate use of Drugs in Sports," *Baltimore Sun*, April 27, 1972.

²⁸ "Widespread Drug Use among Athletes Revealed in Report," *Los Angeles Times*, May 12, 1973.

²⁹ *Ibid.*

efforts and warned that if Congress felt that action needed to be taken, “it would be initiated.”³⁰ Bowie Kuhn advised Staggers that baseball had “no significant problem” because of the efforts in its own anti-drug prevention and education program. Staggers, in private comments, reportedly “commended baseball’s drug program as the best and most effective program in sports.”³¹

The probe by the federal government was the first time Congress looked into anti-drug efforts by professional sports organizations. Stagger’s warning of possible congressional intervention concerned Kuhn and baseball owners. Baseball remains to this day the only professional sport in the United States allowed to act as its own “private self-government.” This distinction came about in 1922 when Justice Oliver Wendell Holmes Jr., speaking for a unanimous Supreme Court, declared baseball exempt from anti-trust laws.³² Baseball historians Ben Rader and Charles Alexander declared that the Supreme Court decision provided baseball with a “favored legal status” unique in professional sports.³³ Bowie Kuhn’s implementation of a drug program avoided a possible embarrassing conflict with the federal government over its anti-trust exemption. The only way the federal government would stay out of the business of baseball was if Kuhn could convince all baseball personnel to go along with his drug program. The

³⁰ “Congress to investigate use of Drugs in Sports,” *Baltimore Sun*, April 27, 1972.

³¹ *Ibid.*

³² Benjamin G. Rader, *Baseball: A History of America’s Game*, 3rd Edition (Urbana and Chicago, Illinois: University of Illinois Press, 2008), 121. Charles C. Alexander, *Our Game: An American Baseball History* (New York: Henry Holt, 1992), 135.

³³ “Favored legal status” is a direct quote from Alexander, *Our Game*, 135.

MLBPA's emergence as baseball's first legitimate union would become the biggest obstacle in making that happen.

The Major League Baseball Players Association (MLBPA) formed in 1954 as a players' social or fraternal organization with very little negotiating power. The new association set up by the players insisted it was not a union and that it would never become one.³⁴ Bob Feller, long time pitcher for the Cleveland Indians, became the MLBPA's first president in 1956. Feller, along with most of the players, insisted that a union in baseball would not work. "You cannot carry collective bargaining in baseball," Feller said.³⁵ Bob Friend, a National League player representative, expanded on Feller's opinion. "If the structure of our players' association was changed to a union, I believe it would result in ill will for the players."³⁶ The MLBPA adopted the player representation system, devised by baseball owners in 1946.³⁷ Player representation under this system was severely limited. One chosen player from each of the baseball clubs helped elect a single player representative from the American and National League. The two elected players sat on baseball's ruling body, the Executive Council, which met several times a year to discuss current baseball issues. Baseball labor historian James Dworkin has said that the representation system had two major flaws. First, "players elected to the

³⁴ James B. Dworkin, *Owners versus Players: Baseball and Collective Bargaining* (Boston, Mass: Auburn House Pub. Co, 1981), 27-28.

³⁵ Ibid., 27-28.

³⁶ Ibid.

³⁷ Ibid. The owners did not want the players to unionize and developed a steering committee to study employment relations in baseball. The MacPhail Report was the result of the study done by the committee. In the document, the owners admit to not wanting the players to unionize. "A healthier relationship between club and player will be effective in resisting attempts of unionization – or raids by outsiders."

Executive Council could not vote on any issues” and second, “management *always* made the final decision on *every* issue.”³⁸ Under the player representative system, the MLBPA remained relatively inactive on the negotiation front for the first twelve years of its existence. All that changed when the players began to look for an established labor man with experience to run the MLBPA.

Marvin Miller had spent most of his life working with labor unions or dealing with labor-management problems. He had been an active member of the State, County and Municipal Workers of America (SCMWA) union in New York City and a hearing officer for the National War Labor Board during World War II. Miller believed that these first two experiences in labor-management influenced him the most. “If the War Labor Board provided my advanced education in labor matters, the SCMWA earlier had given me a fundamental, basic training as a union member, active in the operation of a local union.”³⁹ Miller joined the United Steelworkers Union in 1950 and quickly rose within the ranks of the organization. Sixteen years later Robin Roberts (Houston Astros), Jim Bunning (Philadelphia Phillies), and Harvey Kuenn (Chicago Cubs), approached Miller about becoming executive director of the MLBPA. Miller, at the time of his initial meeting with the three players, was the Steelworkers Union chief economist, assistant to the president of the union, and a member of President Lyndon B. Johnson’s National Labor-Management Panel.⁴⁰ Offered a job from Harvard University and the Carnegie Endowment for International Peace, Miller saw himself leaning toward baseball. “I loved

³⁸ Dworkin, *Owners versus Players*, 26-27. The emphasis is Dworkin’s.

³⁹ Miller, *A Whole Different Ball Game*, 21.

⁴⁰ *Ibid.*, 4, 11-33.

baseball, and I loved a good fight, and, in my mind, ballplayers were among the most exploited workers in America.”⁴¹ At his initial press conference, the press asked Miller why he left the United Steelworkers Union, one of the largest and most respected labor unions in the United States, to become head of the first players union in the history of sports. “I grew up in Brooklyn, not far from Ebbets Field.”⁴² According to Miller, that was all the press needed to hear.⁴³

Miller traveled to spring training in 1966 to meet with the players and explain his role as their leading representative. Miller’s effort to establish himself as the players’ leader proved to be more difficult than he first believed. Miller’s first stop was at the spring training home of the California Angels. Jim Piersall, the centerfielder for the Angels, stood up in the meeting and asked Miller, “Are you going to have ballplayers go out on strike?”⁴⁴ The question confirmed Miller’s suspicions that the “powerbrokers” of baseball were trying to prevent the establishment of a union within the game.⁴⁵ Miller explained that unlike individual holdouts, which owners often ignored, collective holdouts were effective and never ignored. “A strike is a weapon that sometimes must be used, but only as a last resort, much like going to war.”⁴⁶ Miller concluded the meeting

⁴¹ Miller, *A Whole Different Ball Game*, 32.

⁴² Ibid., 12.

⁴³ Ibid.

⁴⁴ Ibid., 46. According to Miller, Jimmy Piersall had asked the question that was on everyone’s mind. Players and owners feared players going on strike. Miller quotes Bob Friend of the *Sporting News*: “It would destroy baseball if fans were exposed to the spectacle of someone like Stan Musial picketing a ballpark.”

⁴⁵ Ibid., 45. Miller had heard rumors that baseball owners and the press were telling ballplayers that Marvin Miller’s election as head of the MLBPA would bring the Teamsters Union to baseball.

⁴⁶ Ibid., 47.

with the Angels by summing up how he planned to run the union. “I want you to understand that this is going to be an adversarial relationship. A union is not a social club. A union is a restraint on what an employer can otherwise do. If I’m elected (as your executive director), and you find the owners telling you what a great guy I am, fire me!”⁴⁷ After Miller met with all the clubs, the players accepted him as their executive director by a final vote of 489-136.⁴⁸

Miller’s session with the Angels showed the hesitation ballplayers had with accepting union representation and the lengths baseball owners would go to prevent the players from unionizing. The players felt they already had a good system with the player representation system. Miller also suspected that the owners were trying to maintain their power over the players and destroy any chances that the players would form a legitimate union. Negotiations between the MLBPA and baseball owners over subsequent years convinced Miller that the owners wanted to remove the MLBPA from the game and return the power back to the owners and the commissioner.⁴⁹

The late 1960s and 1970s saw Miller quickly establish the MLBPA as the official negotiating arm of the players. The owners, to their credit, recognized Miller as a threat to their power over the game. The owners appointed a committee of their own to negotiate on their behalf. The special committee, named the Players Relations

⁴⁷ Miller, *A Whole Different Ball Game*, 47.

⁴⁸ Ibid., 61. Miller’s initial meetings with the teams on the west coast did not go well. The Angels rejected Miller by a vote of 25-6, San Francisco rejected Miller 27-0, and the Cleveland Indians rejected Miller 32-1. The tide turned in favor of Miller once he arrived in Florida because of efforts of players like Robin Roberts and Jim Bouton, who convinced the players what a re-organized MLBPA could possibly do to benefit the players. Miller never knew the numbers until after his election.

⁴⁹ Ibid., 46, 88, 206.

Committee (PRC), was composed of the league presidents, three owners from each league, and professional negotiator John J. Gaherin. Miller negotiated baseball's first collective bargaining agreement (CBA) in 1968, the first of its kind in the history of professional sports.⁵⁰ A collective bargaining agreement (CBA) is defined as an "agreement between an employer and a labor union which regulates the terms and conditions of employment."⁵¹ The implementation of a CBA between the MLBPA and baseball executives made baseball subject to the National Labor Relations Act of 1935, which governs relations between employers and employees in the United States.⁵² Miller incorporated the Uniform Player's Contract, the contract signed between a player and the club he played for, into the 1968 agreement. The move prevented baseball owners from changing a player's contract unilaterally and required all changes to occur by collective bargaining.⁵³ The agreement raised minimum salaries, decreased salary cuts and gave players the rights to use agents in contract negotiations.⁵⁴

One of the most significant impacts in the history of baseball came about because of the arbitration process. The *Messersmith-McNally* arbitration decision in 1975 essentially defeated baseball's reserve clause, a one-year contract put in place by the owners dating back to 1879, which helped to keep player salaries low while locking

⁵⁰ Roger I. Abrams, *Legal Bases: Baseball and the Law* (Philadelphia: Temple University Press, 1998), 83. Glenn M. Wong and Richard J. Ensor, "Major League Baseball and Drugs: Fight the Problem or the Player?" *Nova Law Review* 11, no. 2 (Winter 1987): 780. Rader, *Baseball*, 209.

⁵¹ Wong and Ensor, "Major League Baseball and Drugs," 780. The article quotes the definition from Black's Law Dictionary.

⁵² Ibid.

⁵³ Ibid. Miller, *A Whole Different Ball Game*, 97.

⁵⁴ Appendix A. Abrams, *Legal Bases*, 83.

players to one team for the majority of their career. The end of the reserve clause started a system of free agency within baseball, which allowed players to sell their services to the highest bidder.⁵⁵ Soon after the advent of the free agency system, player salaries climbed significantly. Bowie Kuhn believed that rising salaries would have a direct impact on recreational drug usage in baseball. More money meant more disposable income in which to buy illicit drugs.⁵⁶ Kuhn's fears did come true in the decade of the 1980s with players earning multi-million dollar contracts at a very young age.

The development that came out of the 1968 CBA that resulted in the biggest change in how Commissioner Kuhn and future commissioners disciplined players was the establishment of a formal grievance procedure. This was especially important in Miller's eyes because it paved the way for future advances in negotiations.⁵⁷ If the commissioner's office attempted to violate a player's employment or civil rights, Miller

⁵⁵ The end of the reserve clause had a dramatic impact on baseball salaries. See Appendix A: "Baseball minimum and average salaries from 1967-1988." In existence since 1879, the reserve clause perpetually renewed a player's contract, essentially binding a player to one club for life, or until a club decided to release a player. Curt Flood of the St. Louis Cardinals tried to challenge the clause in 1968 by suing Major League Baseball privately. *Flood vs. Kuhn* made it to the U.S. Supreme Court where Flood eventually lost his challenge. Flood lost in court but the case educated the American public on the inequities of the reserve clause. In 1975, Miller tried to challenge the clause again but instead of going to trial in a court of law, he decided to have an independent arbitrator, Peter Seitz, hear the case. The two test subjects were Andy Messersmith of the Los Angeles Dodgers and Dave McNally, a retired player still under contract with the Montreal Expos. In December 1975, Peter Seitz ruled that the reserve clause granted a team only one additional year of service from a player, thereby granting free agency status to Messersmith and McNally. The ruling by Seitz ended the reserve clause and ushered in a new era of negotiation in baseball whereby each team in baseball would have a right to negotiate a contract with a player. The owners challenged the Seitz ruling but lost in appeal. Abrams, *Legal Bases*, 62, 118. Miller, *A Whole Different Ball Game*, 238-250. For an explanation on Messersmith-McNally decision, also see Wong and Ensor, "Major League Baseball and Drugs," 780.

⁵⁶ Kuhn, *Hardball*, 304.

⁵⁷ Paul D. Staudohar, *Diamond Mines: Baseball and Labor* (Syracuse, New York: Syracuse University Press, 2000). Dworkin, *Owners versus Players*, 119-136. Major League Baseball Players Association. "History of the Major League Baseball Players Association." *The Major League Baseball Players Association*, accessed May 3, 2009, <http://mlbplayers.mlb.com/pa/info/history.jsp>.

and the MLBPA would not hesitate to act and file a grievance on a player's behalf. The grievance procedure became a way for the MLBPA to fight all forms of discipline handed out by the commissioner's office. Kuhn wrote that in his opinion, the grievance procedure gave players a sense of immunity from control.⁵⁸ The four-step grievance process in 1968 ended with the commissioner making the final decision.⁵⁹ The National Labor Relations Act of 1969 gave the National Labor Relations Board complete jurisdiction over Major League Baseball. The 1969 Act removed the Commissioner as final authority on the grievance procedure. The 1970 CBA negotiated by Miller included a three-party panel that consisted of a management representative, a union representative, and an impartial board member who chaired the panel. The implementation of an independent arbitrator as the final authority on the grievance procedure significantly curbed the commissioner's disciplinary authority given to him by the baseball club owners.

Bowie Kuhn's job as commissioner was to protect the integrity of the game and punish those individuals who might bring negative publicity to it. It was a power given to him by the baseball owners in response to the 1919 World Series when eight members of the Chicago White Sox "threw" the series for money. The first commissioner of

⁵⁸ Kuhn, *Hardball*, 304.

⁵⁹ Wong and Ensor, "Major League Baseball and Drugs," 782. The four-step process was as follows: 1. Any grievant could bring a verbal complaint to a club representative. Discussions would be held in an attempt to resolve the issue. The club representative delivered a written decision to player and Players Association. 2. Any grievant could appeal step one decision to a representative of the Players Relations Committee. Discussions would be held in an attempt to resolve the issue. The club representative would deliver a written decision to player and Players Association. 3. Any grievant could appeal the step two decision to the Club's League President. An informal hearing would thus be held and it is followed by the written decision of the League's President. (Step 3 was removed from the process in 1980.) 4. Any grievant could appeal step three decision to the Commissioner. The Commissioner then would issue a final decision.

baseball, Kennesaw “Mountain” Landis, was a federal judge who demanded absolute control over all baseball matters. Landis demanded that baseball remain above suspicion from any wrongdoing. Bowie Kuhn was an admirer of Judge Landis and called him “the finest American sports commissioner.”⁶⁰ The justification for this authority is clearly defined in Article 1 and Article X, paragraph A-1 (b) of *The Major League Agreement* between the clubs and the commissioner.⁶¹ The powers listed in the agreement gave the commissioner authority to punish players who did not conform to high standards of professional conduct. According to Kuhn’s general counsel, Alexander H. Hadden, “Beyond the obvious threats, like gambling, if someone were involved in a series of acts that involve public notoriety – like drug use maybe – something that held the game up to public abuse, I have no doubt he [Commissioner Kuhn] would act.”⁶² The expansion of powers given to Landis by baseball owners became a blueprint for Kuhn’s justification in handing down punishments for players who broke drug laws and refused to abide by the provisions of his drug program. Despite Kuhn’s belief that he was right in punishing ballplayers that broke federal drug laws, Marvin Miller disagreed with the way Kuhn handled the issues of drug violations by players. Miller later wrote in his autobiography, “To my mind, the most offensive and distasteful actions of Kuhn’s baseball career were

⁶⁰ Kuhn, *Hardball*, 35.

⁶¹ Memorandum Re: Defining Commissioner’s Jurisdiction in Regard to Player Matters by Bowie K. Kuhn, June 20, 1969, BL. 2966-2001, *Bowie K. Kuhn Collection*, BA MSS 100, National Baseball Hall of Fame & Museum, Cooperstown, NY. Joseph Durso, “Kuhn Can ‘Punish’ Those Who ‘Undermine’ Baseball: Extracts from Major League baseball agreement,” *New York Times*, August 5, 1973.

⁶² Durso, “Kuhn Can ‘Punish’,” August 5, 1973.

directed against players accused of misdeeds away from the baseball field.”⁶³ Armed with the CBA, Miller set out to overturn or lessen any discipline handed down by Kuhn.

The case of future Hall of Fame pitcher Ferguson “Fergie” Jenkins foreshadowed the difficulty Commissioner Kuhn had in trying to impose discipline on ballplayers who broke drug laws and who violated his drug program. For fourteen years prior to his drug incident in 1980, Jenkins proved to be one was one of the most dominant right-handed pitchers in the history of the game. Playing for the Philadelphia Phillies, Texas Rangers, Boston Red Sox, and most notably the Chicago Cubs, Jenkins is the only pitcher in the history of baseball to strike out 3000 batters while walking less than 1000 (1997). He was the first Canadian-born major leaguer elected to Baseball’s Hall of Fame in 1991. In a career that most players dream about, Jenkins had few regrets. One of those regrets came in 1980 while on a road trip to Toronto as a member of the Texas Rangers. On August 25, at Exhibition Stadium, authorities arrested Jenkins and charged him with possession of cocaine found in his luggage. Five days later, Kuhn called Jenkins to his office in an attempt to gather any information he could get concerning the source of the drugs or of any other players’ involvement. Kuhn asked Jenkins if there were criminal elements involved. Jenkins, advised by his lawyer not to answer any questions Kuhn asked him, remained silent. Because of his silence and unwillingness to assist the commissioner with his investigation, Kuhn suspended Jenkins for a year or until Jenkins would change his mind. In an attempt to show Jenkins that his actions were not punitive, Kuhn did not stop Jenkins from receiving his paycheck.⁶⁴

⁶³ Miller, *A Whole Different Ball Game*, 127.

⁶⁴ Kuhn, *Hardball*, 305. Alexander, *Our Game*, 325-326.

Jenkins and the MLBPA quickly filed a grievance against the suspension. Kuhn felt disappointment in the MLBPA's action because it became clear from this point on that the union would not support the commissioner's attempts to deal with drug problems.⁶⁵ Marvin Miller accused the commissioner of violating the rights of Jenkins and of presuming guilt before innocence.⁶⁶ In Miller's book, *A Whole Different Ball Game*, Miller described Kuhn's actions in the Ferguson Jenkins case as "undemocratic, unconscionable and ignorant." He also referred to Kuhn as a "bull in a china shop" and called him "Carrie Nation Kuhn."⁶⁷ Arbitrator Raymond Goetz ruled in favor of Jenkins and allowed him to pitch until his case came up in court. Kuhn called the decision a disservice because of the tremendous influence athletes have on society, in particular young persons.⁶⁸ At his trial, the judge found Jenkins guilty of drug possession but because of his reputation and clean record, the judge erased the verdict. Jenkins called the situation humiliating and said that it took two years to convince his father of his innocence.⁶⁹ Kuhn, who was still upset over the Jenkins decision after he left office, wrote in 1992 that he acted the way he did in the Jenkins case because he saw that this was a sign of more problems to come.⁷⁰

⁶⁵ Kuhn, *Hardball*, 305.

⁶⁶ Murray Chass, "Jenkins Is Suspended Over Drug Inquiry: Reportedly Will Return Home Jenkins Is Benched," *New York Times*, September 9, 1980.

⁶⁷ Miller, *A Whole Different Ball Game*, 128. Carry Nation was a prominent figure in the Women's Temperance movement in the late nineteenth and early twentieth centuries who struck terror in the hearts of saloonkeepers who believed that she would come in at any moment and destroy their saloon. Cartoon pictures of Nation in newspapers of the time often showed her wielding an axe.

⁶⁸ George Vecsey, "Sports of the Times: Judges and Drugs," *New York Times*, September 27, 1980.

⁶⁹ Cindy Thomson, "Fergie Jenkins," *The Baseball Biography Project*, accessed December 6, 2009, <http://bioproj.sabr.org/bioproj.cfm?a=v&v=a&bid=699&pid=6934>.

⁷⁰ Bowie K. Kuhn, "Ruling with an Iron Fist," *New York Times*, March 29, 1992.

Steve Howe of the Los Angeles Dodgers became a poster child for why baseball needed a drug program that emphasized assistance with strong discipline. The 1980 National League Rookie of the Year was a promising pitcher who got involved in drugs early in his baseball career. Howe entered a five-week drug rehabilitation program at the end of the 1982 baseball season. A few months into the 1983 season, he entered the drug rehabilitation program again. When Howe rejoined his team in June 1983, the Dodgers fined Howe one month's salary (\$54,000) and placed him on three years' probation.⁷¹ Concerning the Dodgers fining Howe, Kuhn agreed with the Dodgers decision and felt the matter concluded. Kuhn said publicly that any violation by Howe of his probation would result in "the most severe discipline."⁷² On July 13, 1983, the MLBPA filed a grievance on behalf of Howe in order to overturn the fine. Two days later, Howe arrived three hours late for a game and refused to undergo a drug test. The Dodgers suspended him indefinitely but reinstated him the next day when he passed a drug test. On September 22, Howe missed the Dodgers charter flight to Atlanta. When Howe arrived in Atlanta, he refused again to take a drug test. Howe once again entered drug rehabilitation. On December 15, Kuhn suspended Howe for the 1984 season. The MLBPA dropped the grievance they filed in July 1983 because Kuhn agreed to transfer

⁷¹ A chronology of Howe's career during the Kuhn administration is located in Bowie K. Kuhn's personal papers collection at the National Baseball Hall of Fame in Cooperstown, NY. Memorandum Re: Steve Howe Chronology From: Rick Cerrone To: Bob Wirz, November 9, 1983, BL. 2966-2001, *Bowie K. Kuhn Collection*, BA MSS 100, National Baseball Hall of Fame & Museum, Cooperstown, NY. Kuhn, *Hardball*, 309. Dave Anderson, "The First Second-Offender," *New York Times*, July 3, 1983. Wong and Ensor, "Major League Baseball and Drugs," 785.

⁷² Memorandum Re: Steve Howe Chronology From: Rick Cerrone To: Bob Wirz, November 9, 1983, BL. 2966-2001, *Bowie K. Kuhn Collection*, BA MSS 100, National Baseball Hall of Fame & Museum, Cooperstown, NY. Kuhn, *Hardball*, 309. Anderson, "The First Second-Offender," July 3, 1983. Wong and Ensor, "Major League Baseball and Drugs," 785.

him from the suspended list to the inactive list. According to Kuhn, “their [MLBPA] willingness to close the books on Howe was the first, slight sign that they might take a reasonable position in an individual drug case.”⁷³

In October 1983, three Kansas City Royals players – Willie Wilson, Willie Aikens, and Jerry Martin – pleaded guilty to the charge of attempting to possess cocaine. A month later, the judge sentenced the three players to a year in prison, fined each of the players, and placed them on two-year probations. Never before in baseball’s history had active players received jail sentences on drug-related charges.⁷⁴ U.S. District Magistrate J. Milton Sullivant, in his final decision, advised the men that professional athletes occupy a special place in society and that their sentence hopefully would act as a deterrent to others who hold them out as role models in their lives, especially younger people.⁷⁵ On December 15, 1983, Commissioner Kuhn suspended the three men for a year and stated that he would review their suspensions on May 15, 1984. He required the players to accept mandatory drug testing during their probations. In his decision, Kuhn said, “It is beyond question that their activities have proven detrimental to the best interest of the Kansas City Royals and of baseball. Each of these players has failed to conform to the ‘high standards of personal conduct’ required by his Uniform Player’s

⁷³ Kuhn, *Hardball*, 310. Steve Howe’s drug problems stayed with him his entire playing career. He attempted to make a comeback in 1986 and found himself suspended under Commissioner Ueberroth’s drug policy for the minor leagues. Howe’s continued drug setbacks landed him on baseball’s permanent suspension list from Commissioner Fay Vincent in 1992. An arbitrator overturned the suspension. Howe’s drug problems continued for the rest of his life.

⁷⁴ Claire Smith, “Willie Wilson Nervously Awaits a Royal Welcome,” *Hartford Courant*, April 6, 1984. Dave Anderson, “Fehr Stand Regrettable,” *New York Times*, December 19, 1983. Kuhn, *Hardball*, 311. Wong and Ensor, “Major League Baseball and Drugs,” 785.

⁷⁵ Kuhn, *Hardball*, 311. Wong and Ensor, “Major League Baseball and Drugs,” 785-787.

Contract.”⁷⁶ Marvin Miller immediately told *Newsday* that Kuhn was trying to act like a federal judge and that this “swan song of Bowie is about to be reversed.”⁷⁷ Dave Anderson of the *New York Times* had a different opinion. He said that “as long as the Players Association, through its new acting executive director, Donald Fehr, attempts to minimize the responsibility of its players to baseball, it is minimizing its own responsibility to society as well as its own credibility.”⁷⁸

The MLBPA filed a grievance on behalf of Wilson, Aikens, and Martin but lost this time. The arbitrator, Richard Bloch, sided with Kuhn and upheld the suspensions (although he reduced the suspension to May 15) and drug testing provisions because the commissioner had acted on “just cause.” The arbitration panel in this case said, “As a general matter, given the criminal conviction and the acknowledged drug use, one cannot quarrel with a suspension plus probation, with the latter’s provisions for testing and aftercare.” The panel also said that Kuhn’s decision to punish the players fell within his powers as outlined in Article 1, Section 2 of the Major League Agreement.⁷⁹ Although happy that Bloch and the panel upheld his suspensions and drug testing provisions, Kuhn believed that reducing the suspensions of Wilson, Aikens, and Martin sent a negative signal to the players.⁸⁰

⁷⁶ Anderson, “Fehr Stand Regrettable,” December 19, 1983. Kuhn, *Hardball*, 313.

⁷⁷ Kuhn, *Hardball*, 313.

⁷⁸ Anderson, “Fehr Stand Regrettable,” December 19, 1983.

⁷⁹ Wong and Ensor, “Major League Baseball and Drugs,” 787. As quoted in the article, according to article 1, section 2 of the Major League Agreement, the commissioner may investigate acts suspected to be “not in the best interests of the national game of baseball,” and, “to determine...what preventive, remedial, or punitive action is appropriate.”

⁸⁰ Kuhn, *Hardball*, 313-314.

Kuhn now turned his attention to Vida Blue. Blue had been involved in the Kansas City Royals drug case, and Judge Sullivant imposed the same prison sentence on Blue that he had on Wilson, Aikens, and Martin. After released from prison, Blue sought a contract with the San Francisco Giants. Kuhn informed the Giants that they could not sign Blue until an investigation by the commissioner's office into Blue's activities was completed. The MLBPA filed a grievance on Blue's behalf, and the arbitrator ruled in Blue's favor. Kuhn responded by suspending Blue for the entire 1984 season and imposed a two-year probationary period that included mandatory drug testing. The MLBPA filed another grievance, but this time the arbitrator ruled in favor of Kuhn. The arbitrator concluded that the punishment against Blue was justified because of the role Blue played in introducing players to drugs and acting as an intermediary on many of his teammate's purchases.⁸¹

Kuhn's frustrations in dealing with the arbitration process reached the boiling point in the case involving Pascual Perez. Fresh off his All-Star season with the Atlanta Braves, Perez was in the Dominican Republic playing winter baseball in January 1984. Given the nickname "I-285" by his Brave teammates, (a name given to him when he once missed a pitching start looking for Fulton County Stadium where the Braves played by circling around Atlanta on Interstate 285), Perez was known as a "show boater."⁸² Throughout his career, Perez had a reputation for unusual antics on the field. While pitching, he often shot at opponents with an imaginary finger gun and usually spent some

⁸¹ Kuhn, *Hardball*, 316-317. Wong and Ensor, "Major League Baseball and Drugs," 790.

⁸² Richard Sandomir, "A Pitcher Recalled for his Broad Spectrum of Quirks," *New York Times*, November 2, 2012. Kuhn, *Hardball*, 316-319.

of his time pounding the baseball into the dirt on the pitcher's mound. He wore gold chains that often bounced in motion when he ran off the field after pitching. On January 9, 1984, the Dominican police arrested and charged him with possession of a half-gram of cocaine in his wallet. He told authorities that he did not know what the item was and that a woman in Atlanta gave it to him. Two months later and still in jail, a judge found Perez guilty of possession of cocaine and fined him.⁸³

On returning to the United States, Commissioner Kuhn summoned Perez to his office. Donald Fehr, who was now the acting executive director of the MLBPA after the retirement of Marvin Miller and the later firing of Miller's replacement Kenneth Moffett, called Kuhn a few days before Perez arrived to discuss the situation. Fehr thought that Perez was innocent and the victim of a possible set up. He told Kuhn not to rely on the Dominican judicial process. Kuhn advised Fehr that Perez was misleading him and that the "substance of the case clearly supported the decision he [Kuhn] was about to make."⁸⁴ Kuhn questioned Perez in front of representatives of the Atlanta Braves organization, Ed Durso, the Commissioner's assistant counsel, and Miguel Rodriguez, the Caribbean baseball coordinator who conducted the questioning to Perez in Spanish. Kuhn wanted to know if Perez was somehow involved in some sort of drug trafficking or if he was somehow influenced by gamblers. Kuhn asked Perez many of the same questions that the Dominican authorities had asked before. When Kuhn determined that it was obvious that Perez was not going to cooperate with his investigation and that his answers were not

⁸³ Kuhn, *Hardball*, 316-319. Alexander, *Our Game*, 328. Alexander notes that although Perez won twenty-nine games combined in 1982 and 1983, he slowly became more dependent on cocaine.

⁸⁴ Kuhn, *Hardball*, 318.

credible, he promptly suspended Perez through May 15 and placed him on probation for a year.

Not to Kuhn's surprise, a day after his decision, the MLBPA filed a grievance. On April 29, arbitrator Richard Bloch threw out the suspension and the probation, allowing Perez to rejoin the Braves immediately. Ignoring the decision of the Dominican court that found Perez guilty of possession of cocaine, the arbitrator stated that there was no evidence linking Perez with cocaine involvement. Kuhn's reaction to the decision was disbelief and frustration. Kuhn thought that Bloch's decision was damaging baseball's drug prevention program. Kuhn stated, "Of course, another contributor to this damage has been the continuing, improvident opposition of the Players Association to virtually all our efforts to deal with this problem."⁸⁵ Perez played another eight years in the majors for the Atlanta Braves, Montreal Expos, and New York Yankees. His career ended in 1992 when baseball's eighth commissioner, Francis T. (Fay) Vincent, suspended him for a year for violating Major League Baseball's drug policy.

The MLBPA experienced a series of rapid changes at the top during 1983. Marvin Miller decided to step down as executive director of the MLBPA in January 1983. Miller chose not to name his own successor because he wanted the MLBPA to be in position when he left to run itself.⁸⁶ The MLBPA replaced Miller with Kenneth Moffett, the former director of the Federal Mediation and Conciliation Service and mediator of the 1981 baseball strike.⁸⁷ After it became apparent that Moffett would take

⁸⁵ Kuhn, *Hardball*, 318.

⁸⁶ Miller, *A Whole Different Ball Game*, 329.

⁸⁷ *Ibid.*, 320-329.

a more conciliatory approach to negotiations with baseball management, particularly on the drug issue, Moffett was fired by the MLBPA and Miller was brought back as executive director until his protégé, Donald Fehr, was named acting executive director in December 1983.

From the moment Moffett took over for Miller, the possibility of a strong drug program that all sides could agree upon became a glimmering hope. Lee MacPhail, the former American League President who became head of the Players Relations Committee (PRC), thought that Moffett's hiring as the new executive director of the MLBPA offered the best chance for baseball to have an effective drug program.⁸⁸ Moffett believed players were tired of the negative publicity the game received because of rampant drug use but had concerns about what a joint plan would entail and how management would use any information it received concerning players.⁸⁹ MacPhail and Moffett worked out an outline for a program that benefitted both sides.⁹⁰ The plan called for medical or scientific experts in the drug field to serve as a neutral body with decision-making authority. The players wanted the provisions of the program to focus on cocaine – not alcohol, marijuana, or amphetamines. MacPhail agreed to this as a starting point but wanted language in the agreement that covered future adjustments. Baseball general managers wanted the program to include “strict mandatory testing,” but MacPhail

⁸⁸ Lee MacPhail, *My 9 Innings: An Autobiography of 50 years in Baseball* (Westport, CT: Meckler Books, 1989), 185. Rader, *Baseball*, 215.

⁸⁹ MacPhail, *My 9 Innings*, 185.

⁹⁰ Ibid. MacPhail does not explain the specifics of the conversation with Moffett but he described the outline of what a joint drug program might entail. “Ken and I decided that what was needed was a formal program that spelled out in writing when players should be placed on a restricted list; what kind of medical treatment they should receive; who would pay for it; what would happen with respect to their salary; whether or not they would eventually be allowed to sign with other teams, etc.”

advised them that the MLBPA would not agree to this provision. Miller and the MLBPA had taken the stand that mandatory testing invaded privacy rights and violated the fourth amendment. MacPhail said of the provisions of the new Joint Drug Program, “You had to start somewhere and all of us expected the original agreement would need constant amending and improving.”⁹¹

Moffett’s conciliatory tone with baseball executives on the drug issue did not sit well with the heads of the MLBPA. Moffett believed, like Kuhn, that the only effective drug policy for baseball was a policy that included player discipline. Moffett wanted the union to participate with the owners in establishing a strong anti-drug policy. This view contrasted sharply with the MLBPA’s notion that it should remain free to file grievances over any punishment handed down by the commissioner’s office.⁹² After less than a year as executive director, the MLBPA fired Moffett on November 22, 1983, and brought back Miller on a temporary basis.

Ken Moffett believed that Marvin Miller was behind his removal because he had a different philosophy than Miller when dealing with baseball executives on the drug issue. Moffett thought Miller was too confrontational when he dealt with the commissioner’s office. Moffett said that with the drug issue, you could not be that way. “Drugs aren’t a win-lose type of situation. There are kids who are messed up and need help, and there are ways to do this short of confrontation. You can’t go to the mat on every issue.”⁹³ Six months after Ken Moffett’s removal as executive director of the

⁹¹ MacPhail, *My 9 Innings*, 186.

⁹² Kuhn, *Hardball*, 312.

⁹³ *Ibid.*

MLBPA, Moffett spoke at a sports-journalism seminar about the growing problem of cocaine use in the game. Moffett said that the cocaine problem in baseball was rampant, and many players were working with the FBI in drug trafficking cases. Donald Fehr, now acting as executive director of the MLBPA, criticized Moffett's statement. "I don't think widespread allegations are accurate or serve any purpose," Fehr said.⁹⁴ In a later interview, Moffett said that some of the representatives at the seminar believed that four to five players on their respective clubs used cocaine.⁹⁵ Fehr's denouncement of Moffett proved to be another example of the MLBPA's insistence on avoiding the drug problem in baseball.

Baseball management knew that the drug problem was becoming worse in baseball now that cocaine had gained wide acceptance as the "drug of choice" among major league ballplayers. Whitey Herzog, manager of the St. Louis Cardinals, estimated that "about 11" players on his 1980 club were "heavy users" of cocaine.⁹⁶ John McHale, president of the Montreal Expos, believed that widespread drug use on his team, especially by his star player Tim Lincecum, cost him the chance at a World Series title.⁹⁷ Lincecum became one of the first players in Major League Baseball to admit that using cocaine affected his on-field performance. "A ball coming straight at me, I couldn't

⁹⁴ Irvin Molotsky, "Cocaine use called common by Moffett," *New York Times*, February 23, 1984.

⁹⁵ Moffett did not give a specific number to how many players total in the league used cocaine. Moffett said that many players who used cocaine on the various clubs were cooperating with Federal investigators involving the trafficking of the drug. Molotsky, "Cocaine use called common by Moffett," February 23, 1984.

⁹⁶ Jane Gross, "Drug Addiction: The threat to sports keeps growing," *New York Times*, July 25, 1983. Alexander, *Our Game*, 326-327.

⁹⁷ Gross, "Drug Addiction," July 25, 1983. Alexander, *Our Game*, 326-327. The Montreal Expos finished third in the National League East that year. Tim Lincecum admitted that he would always slide into a base headfirst so that he would not break the cocaine vials he had in his back pocket.

judge how close it was,” Raines said. Raines admitted that cocaine usage also affected his ability to steal bases, a major part of his game. “With base stealing, it messes up your concentration as far as watching the pitcher is concerned. Your reactions are slower. Sometimes I thought I had started to run before I actually started to run.”⁹⁸ When news of a nationwide cocaine drug ring centered on Pittsburgh made itself known to the public in 1985, Fehr’s earlier criticism of Moffett made the MLBPA seem further out of touch with the realities of the rising drug problem amongst major league players.

Marvin Miller stayed on as temporary executive director until his protégé, Donald Fehr, was ready to take over. Born in Marion, Indiana on July 18, 1948, Fehr’s family moved to the Kansas City area where Fehr remained until leaving for college. After graduating from the University of Indiana in 1970, Fehr received his law degree from the University of Missouri-Kansas City School of Law in 1973. Fehr joined the MLBPA in 1977 when he was the union’s local counsel after the owners appealed the Messersmith/McNally decision.⁹⁹ Sportswriter John Helyar described Fehr as “the cerebral sort” who read constantly and who learned from Miller how to handle baseball’s management.¹⁰⁰ Skip McGuire, a lawyer who represented the MLBPA, described Fehr this way. “If Marvin Miller is a Rommel, Don Fehr is an Eisenhower. If he could, he would make sure every battalion, company, and squad is in place before he starts the offensive. He’s very low-risk. He doesn’t move until he’s sure of his ground.”¹⁰¹ Fehr

⁹⁸ Gross, “Drug Addiction,” July 25, 1983.

⁹⁹ Miller, *A Whole Different Ball Game*, 238-254.

¹⁰⁰ John Helyar, *Lords of the Realm: The Real History of Baseball* (New York: Ballantine Books, 1995), 343-345. Helyar says that Fehr reads almost 150 books a year.

¹⁰¹ *Ibid.*, 344-345.

kept the title of “interim executive director” until 1986 when the players made him the permanent executive director for the MLBPA, a title he held until he left the MLBPA in 2009.

When it became apparent that Fehr would take a more aggressive tone with management after he took over for Moffett, MacPhail and Kuhn did not hold out much hope for the joint drug program. In May 1984, Lee MacPhail and Donald Fehr came to an agreement on a joint management-union drug program. The agreement allowed for only “reasonable-cause testing” since the MLBPA refused to accept any plan for mandatory testing. The plan consisted of a three-person panel of drug experts to consider player cases submitted by the clubs and a reduction of salary for those players requiring repeat treatment.¹⁰² Considered well ahead of its time, it made the drug problem no longer a disciplinary issue, but a medical question.¹⁰³

Kuhn expressed reservations over the plan. Kuhn could not endorse or present the plan to the other clubs because it did not require a strong mandatory drug-testing plan. He felt that this was an attempt by the union to “delude the public and blunt my assault on drug violations.”¹⁰⁴ After Kuhn’s refusal to endorse the program, Fehr came to the commissioner’s office in an attempt to address some of the issues Kuhn had with the program. Upon arrival to Kuhn’s office, Fehr began to yell at Kuhn. He roared his disapproval for the way Kuhn had handled the drug cases, screamed at Kuhn for not supporting the joint drug program, and concluded by stating that he [Fehr] was

¹⁰² Kuhn, *Hardball*, 319-321.

¹⁰³ Abrams, *Legal Bases*, 167.

¹⁰⁴ Kuhn, *Hardball*, 319.

determined to eliminate baseball's drug problem. Kuhn waited until Fehr calmed down, and then told him that he was impressed by his good-faith promise but as to the other stuff that was just said, he was lucky that he had not punched Fehr in the nose. "I suggested he stop acting like a smart-assed kid and learn some manners."¹⁰⁵ Kuhn told Fehr that he would talk to MacPhail and get back with him later.

Kuhn did not have faith that the program would work but he believed MacPhail when he said that the program was a good starting point. Kuhn agreed to accept the program if the MLBPA agreed to a few changes. First, Kuhn wanted the MLBPA to accept a more positive attitude toward drug testing and second, agree to accept without attack a tougher new set of drug discipline measures issued by Kuhn himself.¹⁰⁶

On June 27, 1984, the two sides agreed to a new joint drug program. The agreement called for reasonable-cause testing, which equated to an owner having a player tested if there was reasonable enough evidence to believe that the player was using drugs. Kuhn's addition to the plan called for stronger suspensions for drug convictions and amnesty for a player only on the first occasion if that player agreed to testing and treatment. The focus of the agreement was cocaine and did not include marijuana, amphetamines, or alcohol.¹⁰⁷

¹⁰⁵ Kuhn, *Hardball*, 320.

¹⁰⁶ Ibid.

¹⁰⁷ The 1984 Joint Drug Agreement Provisions and Commissioner Kuhn's additional disciplinary measures are outlined in Appendix B. Kuhn, *Hardball*, 321 and "Kuhn Announces New Drug Rules: 'Serious' Abusers Could Face One-Year to Lifetime Ban KUHN," *Los Angeles Times*, June 29, 1984. "Bowie Kuhn's Drug Sanctions for Major League Baseball," *Los Angeles Times*, June 29, 1984. Abrams describes the joint drug agreement as unique in professional sports. Abrams, *Legal Bases*, 167.

Although initially pleased with the player's overwhelming support of the program, Kuhn believed that the program would not last because it did not require mandatory testing for all personnel and players. In October 1985, eleven months after leaving office, Kuhn's successor, Peter Ueberroth, abandoned the program because of reluctance by baseball owners to test players and the MLBPA's continued adamant refusal to accept mandatory random drug testing. Kuhn said that a solution to the drug problem would only get worse until the clubs and players found a way to work together to solve the problem.¹⁰⁸

The Joint Drug Agreement between management and the players came at a time when the United States found itself in the middle of an escalating illicit drug problem. As part of President Ronald Reagan's well-advertised "War on Drugs" campaign, the federal government once again took up the question in September 1984 of how to combat an escalating drug problem and how professional athletes could assist in this fight. Peter Bensinger, former director of the Drug Enforcement Agency (DEA), said in early 1984, "Society has undergone a reappraisal that individual drug use is a personal choice. The idea that what I do is my own business does not wash anymore. An employer has the contractual right to expect a professional athlete to be fit for duty."¹⁰⁹

On September 25, 1984, Senator Paula Hawkins of Florida presided over a hearing before the Subcommittee on Alcoholism and Drug Abuse concerning the impact of illegal drugs in sports and the effort of sports figures to help fight the rapidly growing

¹⁰⁸ Kuhn, *Hardball*, 322.

¹⁰⁹ Jane Gross, "Keeping Watch on Athletes: An Emotional Issue: Keeping Watch on Athletes: An Issue Filled with Emotion," *New York Times*, February 12, 1984.

drug abuse problem in the country and sports. According to the National Household Survey on Drug Abuse, in 1982, 43.4 percent of adults ages 18-25 reported using illicit drugs at least once during the previous year. By 1985, the number had dropped to 42.6 percent.¹¹⁰ In her opening comments, Hawkins stated that according to a recent survey of college athletes, drug and alcohol abuse among athletes surpassed that of the national average.¹¹¹ Hawkins estimated that ten to twenty percent of professional athletes used drugs regularly. In baseball and basketball, Hawkins claimed, the usage was even higher.¹¹² Athletes are “involuntary role models,” Hawkins said and to her the biggest tragedy in sports was the negative impact drug abuse had on an athlete and the child “who idolizes and often emulates him.”¹¹³ Hawkins called on professional and amateur

¹¹⁰ National Institute on Drug Abuse, and Research Triangle Institute. 1990. *National household survey on drug abuse: highlights 1988*. Rockville, Md: U.S. Dept. of Health and Human Services, Public Health Service, Alcohol, Drug Abuse, and Mental Health Administration, 169. Senate Committee on Labor and Human Resources, *Sports and Drug abuse: Hearing before the Subcommittee on Alcoholism and Drug Abuse of the Committee on Labor and Human Resources, 98th Congress, 2nd session, September 25, 1984*. Washington, D.C.: U.S. G.P.O, 1. According to a study by Joseph Gfroerer and Marc Brodsky, estimates of illegal drug use are presented based on data from the *National Household Survey on Drug Abuse*. Estimates for first time drug use in 1982 are 1.5 million people. After 1982, the numbers of new drug users dropped to 1.25 million in 1983 and an estimated 1.2 million in 1984. Gfroerer and Marc, "The incidence of illicit drug use in the United States," 1345-1351.

¹¹¹ Senate Committee, *Sports and Drug abuse*, 1. The only survey she referred to was a recent formal study done of Big Ten athletes. The study showed the following: 22 percent were regular users of marijuana, seven percent regularly snorted cocaine, and 62 percent had at least a couple of drinks per week. Senator Hawkins did not cite any specific study that backed up her claims. She may have been referring to a 1984 Michigan State University College of Human Medicine (Big Ten College) drug study that gathered data from Division I, II, and III colleges. Of the 2039 athletes that participated in the study, 17 percent of athletes reported using cocaine, 88 percent used alcohol within the prior twelve months, 36 percent used marijuana, 2 percent used barbiturates, and 8 percent reported using amphetamines in prior twelve months. Results of the survey are discussed in Wadler and Hainline, *Drugs and the Athlete*, 82, 94, 118, 127.

¹¹² Senate Committee, *Sports and Drug abuse*, 1. In describing the severity of the drug problem in professional sports, Hawkins referenced a former member of the Miami Dolphins (she did not state the player's name) who said, "The membership of professional sports is being eaten alive by a cancer."

¹¹³ Ibid.

sports to take action but warned that no solution to the growing drug problem would ever be successful without the full support and participation of the players.¹¹⁴

Following the opening statements by Senator Hawkins, Senator Orrin Hatch of Utah, Chairman of the Committee on Labor and Human Resources, reiterated Senator Hawkins' belief that athletes held a special position in American society. Hatch went on to say that because Americans support athletes so deeply with loyalty and money, the public expected their athletes to be above corruption. The decade of the 1980s had seen a dramatic increase in news and sports coverage, and Hatch warned athletes that the constant media coverage and widespread news made an athlete's personal life more accessible to the public than ever.¹¹⁵ He stressed the importance of athletes adhering to higher standards of personal conduct because of the impressionable youth that followed them on a daily basis. "The ball they hit, the dirty shirt they discard, the ground they walk on—all are valuable memorabilia for fans. Each is a Paul Bunyan, a public hero, an idol for our young."¹¹⁶ Senator Hatch ended his opening remarks by warning that if the

¹¹⁴ Senate Committee, *Sports and Drug abuse*, 2. In her closing remarks, Hawkins points to the corrupting aspect of drug usage among athletes. One of baseball's biggest fears was a repeat of the 1919 World Series gambling scandal, baseball's first major scandal of the twentieth century. Because of baseball's lack of a strong antidrug program that included widespread mandatory testing for all players and heavy disciplinary measures such as heavy fines and lifetime bans, I believe that the Pittsburgh Drug Trials that occurred during Ueberroth's administration became baseball's second biggest scandal of the twentieth century.

¹¹⁵ Ibid., 2-3. "How it started," *ESPNfounder.com*, accessed March 11, 2013, http://www.espnfounder.com/how_it_started.htm. ESPN became the world's first twenty-four hour sports network in 1979. Glenn M. Wong, *Essentials of Sports Law* (Westport, Conn: Praeger, 2002), 305. According to Glenn Wong, Professor of Sport Law at the University of Massachusetts-Amherst, the widespread media attention made drug abuse and drug testing of players "two of the most emotionally charged issues facing athletes, coaches, and fans of professional sports." Wong and Ensor, "Major League Baseball and Drugs," 779. Wong notes that the drug abuse issue in sports (baseball in particular) dominated the lead stories so much that other sports events stories are often pushed to the back of the newspaper or newscasts.

¹¹⁶ Senate Committee, *Sports and Drug abuse*, 2-3. The statement by Senator Hatch deserves more study when it comes to the history of drug abuse by athletes. Memorabilia, especially jersey sales, remain to this day a multi-billion dollar a year industry. Relating to the study of baseball's drug problems, questions regarding memorabilia sales for a particular athlete the year after that athlete admits to or is found to be a

sports community did not quickly gain control of its rising drug problem, the long tradition of professional sports in the country might be forever lost.¹¹⁷

The committee invited former and current athletes from various sports associations – NCAA (National Collegiate Athletic Association), NFL (National Football League), NBA (National Basketball Association), and an American Olympian – to testify as to their past problems and to offer any solutions they may have to help the committee. Three-time Olympic gold medalist Nancy Hogshead, who won her medals in the 1984 Olympic Games in Los Angeles, believed that the problem of drug abuse at the Olympic level was not a major issue because of the rigorous testing program of the International Olympic Committee (IOC). Hogshead pointed out that drug tests administered by the IOC not only checked for illicit drugs like cocaine or marijuana but had the ability to determine “whether the athlete took a Sudafed six months ago, or whether the athlete took a steroid a year ago.”¹¹⁸ Hogshead did view drug abuse education important. She believed young athletes viewed their bodies as “indestructible” and did not fully understand the long-term dangers associated with repeated drug abuse.¹¹⁹

drug user deserves further study. Newspaper reports show that athletes make a tremendous amount of income from selling their memorabilia. Some of baseball’s most recognized names linked to controversy (Pete Rose – gambling, Darryl Strawberry – drug abuse, Barry Bonds – steroids), have been the subject of possible tax evasion convictions by the IRS because they failed to report their income from the sale of memorabilia. See, “IRS, not steroids Bonds’ main foe,” *The Toronto Star*, July 19, 2006, sec SPORTS and Press, Associated, “Taxes may cost bonds.” *Telegraph Herald (Dubuque, IA)*, July 19, 2006, sec OTHER.

¹¹⁷ Senate Committee, *Sports and Drug Abuse*, 3-4. “The abuse of chemical substances by athletes has the potential to precipitate the decline and eventual decay of the American sports tradition. Continued and increased abuse could conceivably destroy the great American pastimes.”

¹¹⁸ *Ibid.*, I, 46.

¹¹⁹ *Ibid.*, 46. “You cannot tell somebody, well, the reason why you did not perform well is because of what you were doing six months ago, repeatedly. They only see it as, “Well, that just hurt me for a few hours, when I woke up in the morning,” and not that this repeated actions really damage their bodies yourself.”

One of the final athletes to testify was Tom McMillen of the NBA's Washington Bullets. McMillen started by apologizing to the committee for his tardiness to the hearing. His late arrival, McMillen stated, was due to his requirement to undergo a physical as part of the NBA's drug-free program. Considered the toughest drug program in professional sports, the NBA had a zero tolerance policy for players who abused drugs.¹²⁰ His testimony touched on the celebrity aspect of an athlete's life and their huge financial contracts. NBA players have a "high amount of disposable income," McMillen said, and he believed that was a major driving force behind drug abuse in his sport.¹²¹ McMillen wanted to be a positive influence to young fans that looked up to him.¹²² His suggestions to combat drug abuse to the committee included implementation of drug awareness programs that stressed physical fitness, stiffer penalties for repeat drug

¹²⁰ Senate Committee, *Sports and Drug Abuse*, 1, 48-49. Gary I. Wadler and Brian Hainline, *Drugs and the Athlete*, 199. Wong, *Essentials of Sports Law*, 309. According to Glenn Wong, estimates of cocaine use in the NBA reached almost 70% in 1982. NBA commissioner Larry O'Brien (not David Stern as Wong states) believed that the high percentage of players using drugs was the reason the NBA had a hard time attracting top sponsors and broadcasting contracts. The NBA sought mandatory testing in 1982 but like the MLBPA, the National Basketball Players Association (NBPA) resisted. The NBPA finally agreed to reasonable cause testing. "NBA Announces Crackdown on Illegal Drug use," *Los Angeles Times*, Sep 29, 1983. The article cites a LA Times report that had estimates by people in the game that 40-75% of players were using cocaine. The toughest provision of the new agreement was a player's permanent dismissal from the NBA if he uses or distributes heroin or cocaine. "Any player who either is convicted of, or pleads guilty to, a crime involving the use or distribution of heroin or cocaine, or is found under a newly instituted procedure to have illegally used these drugs he shall immediately be permanently dismissed." A permanently banned player could appeal for reinstatement to the league after two years. An independent expert in drug abuse detection and enforcement would be hired by the league to authorize drug tests based on information given to the NBA. The agreement also stated that the NBPA or the league could request a hearing before an arbitrator. "If the arbitrator determines the player has engaged in illegal use of drugs," the article quoted, "the players then would be expelled from the NBA."

¹²¹ Senate Committee, *Sports and Drug abuse*, 1, 48-49.

¹²² Ibid., 1, 48-49. "NBA Announces Crackdown on Illegal Drug use," *Los Angeles Times*, Sep 29, 1983. Bob Lanier of the Milwaukee Bucks, president of the players union said at the announcement of the drug agreement: "There is no question that professional basketball players are role models for young people all over the country and particularly in the inner cities. By telling the world that we as professional players will not tolerate the use of illegal drugs, we are setting a new standard, something that is absolutely essential in today's environment."

offenders and traffickers, and a focus on rehabilitation efforts.¹²³ In his closing remarks, McMillen praised the newly elected baseball commissioner, Peter Ueberroth, on his strong anti-drug stance. Quoting Ueberroth, McMillen believed that sports should “attack drugs, not athletes.”¹²⁴

Marvin Miller transformed the MLBPA starting in 1966 from a small, insignificant association of baseball players to a powerful union that forever changed the relationship between management and the players. For fifteen years, Miller fought Bowie Kuhn and the owners on virtually every issue involving players. The 1970 CBA forced all disciplinary questions involving the drug problem to go through an independent federal arbitrator and more times than not, the MLBPA had Kuhn’s discipline either overturned or lessened. When Miller retired as executive director in January 1983, Miller named Ken Moffett as his replacement. Moffett acknowledged the seriousness of the drug issue and worked with baseball management to implement a joint management drug program that directly addressed the growing illicit drug problem in the game. Miller’s combative approach against baseball executives was engrained in the philosophy of the MLBPA, and Moffett’s conciliatory approach toward the drug problem caused his firing less than a year after taking over for Miller. The MLBPA resumed negotiations after Moffett’s dismissal. The approach employed by the new executive director Donald Fehr, a protégé of Miller, reverted to the combative and unyielding position that any joint drug agreement proposal that included mandatory random drug testing for major league players was out of the question. The resulting 1984 Joint Drug Agreement, the first of its

¹²³ Senate Committee, *Sports and Drug abuse*, 1, 48-49.

¹²⁴ Ibid., 48. Ueberroth originally made the quote at a press conference on March 3, 1984. Murray Chass, “The next task is at hand,” *The New York Times*, September 30, 1984.

kind in professional sports, allowed only “reasonable-cause” testing for players suspected of drug use. The agreement received only muted praise by Commissioner Kuhn, once he inserted his own disciplinary provisions to the plan. The plan was not what Kuhn thought the game needed, but he accepted it as an important first step.

During the Kuhn administration, the MLBPA improved the economic conditions of players to heights unimaginable before 1970.¹²⁵ Miller’s legacy as the MLBPA’s first executive director was succeeding in giving the players a voice at the negotiation table after almost one hundred years of owner dominance. Where Marvin Miller failed as executive director was in his unwillingness to work with Commissioner Kuhn on cleaning up the game in regard to rampant drug use. Miller fought to curb Kuhn’s disciplinary powers on players that violated the drug program and worked hard to prevent any program that included mandatory random drug testing for all players. Miller and the MLBPA’s obligation was to protect the player from the dangers of drug use. The MLBPA’s unwillingness to work with Kuhn in establishing a strong drug policy was a grave error that contributed to the explosion of player drug scandals that occurred at the end of Kuhn’s time as commissioner. Marvin Miller’s enduring legacy as the first executive director of the MLBPA was that although he succeeded in improving the financial lives of major league ballplayers, his stance on refusing to accept mandatory drug testing for all players proved in this to be his biggest mistake.

Bowie Kuhn left office in November 1984. His time as baseball’s fifth commissioner represented a period of dramatic change in baseball. Under his watch, the players won the right to free agency, better benefits, and better working conditions. He

¹²⁵ Appendix A.

saw the scourge of drugs in baseball get out of hand. Professor Glenn Wong and Richard Ensor state that Kuhn's drug program and decisions dealing with players who violated his drug program seem "reactive," however, as I have shown, Kuhn was the first commissioner in baseball history to address the drug problem directly.¹²⁶ He could not implement any baseball policy until he became commissioner in 1968. Less than three years after becoming commissioner, he instituted a drug program well ahead of any other professional sports organization in the United States. Kuhn's battles with Marvin Miller and the MLBPA in enforcing his disciplinary actions against players who violated the provisions of his drug program made negotiations of a strong joint drug agreement with the players unattainable. Kuhn left office in 1984 and his plan for a uniform drug policy with strict disciplinary measures that included mandatory drug testing remained a long way off. Peter Ueberroth, the man who epitomized the aggressive CEO type of the 1980s, would push the MLBPA to expand on Kuhn's plan for a tougher drug plan as the United States and the game of baseball tried to control an escalating drug problem.

¹²⁶ Wong and Ensor, "Major League Baseball and Drugs," 793.

Chapter 3

Enough is Enough

It is unfortunate that he [Ueberroth] did not seem to have the deep attachment to the game itself that would have motivated him to stay on. It is probable that he never envisioned his role in baseball as more than a temporary one.

— Lee MacPhail, *My Nine Innings*

Peter Victor Ueberroth regarded illicit drugs as a serious threat to the future of the United States and to Major League Baseball. Ueberroth announced in his first press conference after his elections as baseball commissioner that he wanted to save baseball, and the country, from the drug problem that was currently attacking “the underbelly of society.”¹ Ueberroth’s announcement matched the current sentiment expressed in President Ronald Reagan’s administration.² The direct attack on baseball’s drug problem by the commissioner made one owner reflect on what kind of man the owners had elected. “We always felt that Ubie [Ueberroth] was just passing through – a momentary pause between opportunities but, we assumed he wanted to be the President of the United

¹ Peter Ueberroth, Rich Levin, and Amy Quinn, *Made in America: His Own Story* (New York: W. Morrow, 1985), 373. Ueberroth wanted to get rid of drugs in baseball because the youth of America saw players as role models. He also believed that the “War on Drugs” was a battle for the future of the country. Jack Sands and Peter Gammons, *Coming Apart at the Seams: How Baseball Owners, Players, and Television Executives have led our National Pastime to the Brink of Disaster* (New York: Macmillan, 1993), 44.

² James H. Rubin, “Reagan vows to upgrade war on drugs,” *The Hartford Courant*, October 15, 1982. In 1982, President Reagan vowed to “end the drug menace” by implementing a \$200 million dollar program that would essentially “blanket the nation with federal narcotic task forces.” “REAGANFOUNDATION.ORG | NANCY REAGAN - HER CAUSES: JUST SAY NO.” *The Ronald Reagan Presidential Foundation and Library*, accessed March 5, 2013, http://www.reaganfoundation.org/details_f.aspx?session_args=2A496B23-53C1-4E3C-8892-5B0654701091&p=RR1008NRHC&tx=6&h1=3&h2=7&sw=NANCYHERCAUSES&lm=reagan&args_a=cms&args_b=12&argsb=Y. Nancy Reagan made 110 appearances and 14 speeches as part of her “Just Say No” program in 1984.

States – or at least governor of California. It never occurred to anyone that he wanted to be the drug czar.”³

Extension of the 1984 Joint Drug Agreement to include mandatory random drug testing for all players, including those in the major leagues, became the hot topic of negotiation between the MLBPA and Ueberroth during his time as commissioner. The MLBPA was satisfied with the “reasonable-cause” testing language in the agreement. Anything else was out of the question. Ueberroth believed that the only way to defeat the drug problem was to submit all players to mandatory testing. Their disagreement over this one issue caused the relationship between the MLBPA and the commissioner’s office to reach a new low point in baseball’s fight against drug abuse. After a few meetings with Donald Fehr, the executive director of the MLBPA, Ueberroth determined that mandatory testing for all players could only be accomplished through his actions alone. Ueberroth issued drug policies unilaterally without consulting the baseball owners or the MLBPA. Ueberroth ordered all baseball personnel, including himself, to submit to drug testing. Ueberroth circumvented the MLBPA and reached out directly to major league players asking them to submit to voluntary drug testing. When the players and the MLBPA refused to go along with his program, Ueberroth convinced the owners to drop the 1984 Joint Drug Agreement and insert drug clauses into new player contracts. When an arbitrator ruled against the owners on this issue, Ueberroth abandoned his attempt to implement drug testing for all players and did not negotiate any new drug programs with

³ James H. Rubin, “Reagan vows to upgrade war on drugs,” *The Hartford Courant*, October 15, 1982. Senator Joseph R. Biden of Delaware favored the creation of a federal drug “czar” to be in charge of all drug enforcement programs. Sands and Gammons, *Coming Apart at the Seams*, 44. Ueberroth’s only attempt at political office came in 2003 when he briefly ran for California governor.

the MLBPA for the remainder of his time as commissioner. Ueberroth's efforts to force drug testing by unilateral decree and his coerced embarrassment of the MLBPA caused irreparable damage to future drug negotiations on both sides. The Ueberroth era ended with no agreed upon drug policy for major league players. The long lasting result of Ueberroth's actions and the unwillingness of the MLBPA to accept more testing was the outbreak of baseball's biggest drug scandal in history whose lingering effects are still felt today.

Hired as the first "CEO of baseball," Ueberroth outlined the goals of his administration from the very beginning.⁴ "I made it clear that they were asking me to work on drugs, work on economics, and work on the popularity of the game. And those were going to be the three [goals of] the one term."⁵ Elected unanimously by the baseball owners on March 3, 1984, to replace the outgoing Bowie Kuhn, Ueberroth delayed his entry as baseball commissioner until the end of the 1984 Olympic Games in Los Angeles. As the historian Charles Alexander put it so eloquently, "fresh from his spectacular success – financial, artistic, and otherwise – with the Olympic extravaganza, the urbane Ueberroth began a five-year term as the sixth commissioner of baseball. He inherited the biggest mess since the Black Sox scandal."⁶

⁴ Bowie Kuhn, *Hardball: The Education of a Baseball Commissioner* (Lincoln, Nebraska: University of Nebraska Press, 1997), 431. Bowie Kuhn advised Peter Ueberroth early in the search for his replacement that the job as baseball commissioner was not worth having unless he was clearly recognized as CEO of baseball with all administrative departments reporting directly to him and that his future reelection could be obtained by a simple majority of all the clubs.

⁵ Larry Moffi, *The Conscience of the Game: Baseball's Commissioners from Landis to Selig* (Lincoln: University of Nebraska Press, 2006), 63. Ueberroth, Levine, and Quinn, *Made in America*, 218. In his book, Ueberroth hoped to restore the traditional values of baseball (what those are he did not state).

⁶ Charles C. Alexander, *Our Game: An American Baseball History* (New York: Henry Holt, 1992), 324.

Ueberroth admitted long before his first day as baseball commissioner that he did not know much about the game. His experience was limited to playing third base, catching, and as a pitcher on his high school baseball team. "I lettered, but I really wasn't very good."⁷ Ueberroth loved to play sports, but his talent level never matched his desire to participate. "I played anything that had a ball. I could throw, but I couldn't run very fast. I never made the first string."⁸ Ueberroth received a partial scholarship from San Jose State College where he played water polo and almost made the 1956 Olympic team.

Ueberroth gave up on a career in sports after graduation and decided to join the corporate world where he soon found his niche. He moved to Hawaii, got a job with a non-scheduled airline owned by financier Kirk Kerkorian, and became vice-president of Kerkorian's company at the age of twenty-three. Ueberroth believed that working for Kerkorian gave him the tools he needed to succeed in business.⁹ After a failed venture on his own in 1962, Ueberroth established First Travel Corporation with one employee and less than \$5000 in 1963.¹⁰ Seventeen years later, when organizers offered him the job as head of the Los Angeles Olympic Organizing Committee (LAOOC), Ueberroth's company was the second-largest travel company in the nation with revenues of \$300

⁷ Ueberroth, Levine, and Quinn, *Made in America*, 38. Jane Leavy, "UEBERROTH: A Private Man Goes Public," *Washington Post (1974-Current File)*, April 15, 1984, accessed March 2, 2012, <http://search.proquest.com.ezproxy.lib.uh.edu/docview/138399649?accountid=7107>.

⁸ Ueberroth, Levine, and Quinn, *Made in America*, 38.

⁹ *Ibid.*, 45.

¹⁰ Leavy, "UEBERROTH," April 15, 1984. Andrew S. Zimbalist, *In the Best Interests of Baseball?: The Revolutionary Reign of Bud Selig* (Hoboken, N.J.: Wiley, 2006), 90-91. Robert Lindsey, "Baseball hires strong-willed businessman," *New York Times*, March 11, 1984.

million.¹¹ Ueberroth sold his company and took over as an unpaid volunteer in charge of organizing the Olympic Games. Relatively unknown to the sports world before 1979, Peter Ueberroth would be transformed by 1984 into one of the most visible sports executives in the nation.

The 1984 Los Angeles Olympics became a model for how Ueberroth ran baseball financially, how he dealt with the drug issue, and how he would relate with baseball owners and the MLBPA. As head of the LAOOC, the 1984 Los Angeles Olympic Games set records in crowd attendance, corporate sponsorships, and netted a \$215 million dollar surplus.¹² Ueberroth's role as head of the LAOOC earned him *Time's* Man of the Year award in 1984. A few years after the games, Mayor Tom Bradley of Los Angeles hailed the 1984 Summer Olympic Games as "the best public-private partnership of all time."¹³

Ueberroth wanted to keep drugs and doping from taking center stage at the games. "The last thing we wanted was a repeat of the fiasco at the 1983 Pan American Games in Caracas, where a series of drug violations took center stage and overshadowed the competition."¹⁴ Ueberroth oversaw the construction of the fifth International Olympic

¹¹ Ueberroth sold his company for \$10.1 million and made \$4.4 million off the deal. Leavy, "UEBERROTH," April 15, 1984. Zimbalist, *In the Best Interests of Baseball*, 90-91. Lindsey, "Baseball hires strong-willed businessman," March 11, 1984.

¹² Ueberroth, Levine, and Quinn, *Made in America*, 369. According to Ueberroth, the profits from the Olympics were distributed to various youth and sports organizations throughout the country. The \$10.9 million raised as part of the Olympic torch relay was distributed to the YMCA, Boys and Girls Clubs of America, and the Special Olympics. Sands and Gammons, *Coming Apart at the Seams*, 38. Zimbalist, *In the Best Interests of Baseball*, 90.

¹³ "Olympics model for funding," *Los Angeles Sentinel*, April 17, 1986.

¹⁴ Ueberroth, Levine, and Quinn, *Made in America*, 335.

Committee (IOC) certified drug-testing laboratory on the campus of UCLA.¹⁵ The first of its kind built in the United States, the \$2 million dollar facility tested for a long line of banned substances, including amphetamines and anabolic steroids.¹⁶

Ueberroth's management style during the games earned him a reputation as someone who was impatient, controlling, and a manager that delegated responsibility but not authority. "Peter likes to keep control," said one LAOOC executive, "In order to keep control, you have to manipulate or calculate."¹⁷ Alan "Bud" Selig, who headed the search committee for a new baseball commissioner, viewed Ueberroth as the right man to take over for Commissioner Kuhn, despite such criticism from some at the LAOOC. "He's effective, he's articulate, [and] he's good looking. He fits this marvelous American dream of a guy who started with nothing, became a millionaire, and is about to become commissioner of baseball. Naturally, that kind of guy, some people like to find holes in, and some have tried."¹⁸

On October 1, 1984, the day after the baseball regular season ended, Ueberroth arrived in New York City as new commissioner ready to tackle baseball's problems. He wanted to tackle the drug issue early in his administration, and so he tried to establish unity between management and the MLBPA. His previous job as head of the LAOOC

¹⁵ Subcommittee on Commerce, Transportation, and Tourism, *1984 Summer Olympics*, 98th Congress, 1st session, September 27, 1983, Serial No. 98-62, 34. Ueberroth testified at the hearing that the United States, at the time, did not have an accredited drug-testing facility. The \$2 million dollar drug testing facility became the first such facility in the United States.

¹⁶ Ibid., 34, 39. The IOC Medical Commission also wanted the Los Angeles Olympic Committee to test athletes for elevated levels of testosterone and caffeine. Ueberroth called this sort of testing "subjective" and refused to agree to the tests because he did not want the Los Angeles Olympics "to be unfair to athletes."

¹⁷ Leavy, "UEBERROTH," April 15, 1984.

¹⁸ Ibid.

made him fully aware of the tough drug testing policies of the IOC.¹⁹ Ueberroth wanted to bring this sort of model to baseball, and the only way to do that was to amend the 1984 Joint Drug Agreement to include mandatory random testing for all players. He wanted his policy implemented quickly before the outbreak of a drug scandal. Instead of negotiating with the MLBPA, Ueberroth tackled the drug issue by taking his case to the press where he expressed his concern on how drugs could corrupt and influence baseball games. “Organized crime is involved, and they are using women to get the players hooked. Many players aren’t buying cocaine; they are getting it free from girls at bars.”²⁰

Ueberroth met with Marvin Miller and Donald Fehr several times in the earliest months of his administration to talk about expanding the joint drug agreement to include mandatory testing. Donald Fehr was not impressed. “He’s the new kid on the block. He works for the owners; they hired him. He can meet with a couple of players if he wants to, but not on collective bargaining issues.”²¹ Fehr advised Ueberroth that to change the current joint drug agreement, he would have to take up negotiations through collective bargaining and stop trying to persuade the MLBPA to change its position by “grandstanding for the press.”²² Ueberroth, a man who was used to getting his way when

¹⁹ Gary I. Wadler and Brian Hainline, *Drugs and the Athlete* (Philadelphia: F.A. Davis Co, 1989), 257-264. The IOC had strict guidelines involving drug testing. Any athlete testing positive for a banned substance received the following penalties: First Offense – loss of eligibility for at least six months, Repeated Offense – loss of eligibility for at least four years, Positive test at Olympic Trials – disqualification.

²⁰ Sands and Gammons, *Coming Apart at the Seams*, 45. Ueberroth feared throughout his term of another 1919 World Series game fixing scandal.

²¹ Glenn M. Wong and Richard J. Ensor, “Major League Baseball and Drugs: Fight the Problem or the Player?” *Nova Law Review* 11, no. 2 (Winter 1987): 780-781. Sands and Gammons, *Coming Apart at the Seams*, 44.

²² Wong and Ensor, “Major League Baseball and Drugs,” 780-781. Glenn M. Wong, *Essentials of Sports Law* (Westport, Conn: Praeger, 2002), 783. It may or may not cover items such as pension, insurance, minimum salary, drug testing, or anything related to wages, hours, and terms and conditions of employment. According to Wong, the use of arbitration as a tool in the collective bargaining agreement

it came to negotiations, was perplexed by Fehr's response. Ueberroth saw no reason to go through the collective bargaining process to amend the agreement because drug testing was the right thing to do.²³ Ueberroth's frustration in dealing with the MLBPA after a few meetings changed his opinion on how mandatory drug testing could be achieved in baseball. Ueberroth decided that in order to get testing for all major leaguers, he would have to circumvent the MLBPA and act in what he believed to be the best interests of baseball. If they would not join him, then he would show the public that at least someone in baseball was taking responsibility for the drug problem.

Ueberroth issued a memorandum in May 1985 ordering all baseball personnel, excluding major league players, to submit to drug testing.²⁴ "We will include everyone [at all levels of baseball] from the owners on down," said Ueberroth. He included himself in this number along with more than 3000 minor league players, scouts, umpires, and other nonplaying personnel of major league teams.²⁵ In a memorandum entitled "Baseball's Drug Education and Prevention Program," Ueberroth outlined guidelines for testing and emphasized that the purpose of the plan was the detection of users of cocaine,

originally came about in the first Collective Bargaining Agreement in 1968 and was included in subsequent bargaining agreements in 1970, 1976, 1980, and 1985. It is, according to Wong, an effective way to make policy and to resolve grievances. Sands and Gammons, *Coming Apart at the Seams*, 45.

²³ Sands and Gammons, *Coming Apart at the Seams*, 45.

²⁴ Wong and Ensor, "Major League Baseball and Drugs," 794-795. Robert McG. Thomas Jr., "Ueberroth Orders Wide Tests for Drug Use in Pro Baseball: Ueberroth Orders Wide Tests for Drugs," *New York Times*, May 8, 1985.

²⁵ Thomas, "Ueberroth Orders Wide Tests for Drug Use in Pro Baseball," May 8, 1985. Murray Chass, "Players are Urged to Alter Drug Plan," *New York Times*, May 9, 1985. Allen Doherty, "Baseball Commissioner Peter Ueberroth and Steroids," *Steroidsinbaseball.net*, <http://www.steroidsinbaseball.net/commish/ueberroth.html>. "Ueberroth outlines his anti-drug policy: [NO STAR Edition]," *Houston Chronicle*, May 17, 1985.

amphetamines, marijuana, heroin, and morphine.²⁶ Ueberroth stressed that the objective of the plan was to “deter drug use, not punish anyone who may be involved with it.”²⁷ Ueberroth requested that each club name a contact person to run the program and hoped that all players would eventually join.²⁸

Ueberroth sent a letter to Fehr asking the players to join his program voluntarily. Donald Fehr took his action as grandstanding. “What he’s doing,” Fehr said, “is engaging in a public relations effort to co-opt the collective bargaining process to get the players to go along with his unilateral decision. It won’t work.”²⁹ Fehr continued by saying that Ueberroth’s plan to test all baseball personnel assumed guilt and invaded the privacy rights of all players.³⁰ The American Civil Liberties Union (ACLU) agreed with Fehr and added that Ueberroth’s plan to force all baseball personnel to submit to comprehensive drug testing was a violation of the Fourth Amendment.³¹

Baseball executives came out in support of the commissioner. Frank Cashen, general manager of the New York Mets, said, “What he is trying to do is clean up the

²⁶ Appendix E outlines the details of Ueberroth’s memorandum.

²⁷ Michael Goodwin, “Baseball Drug Tests Are Set: Ueberroth Gives Details First Baseball Drug Tests Scheduled,” *New York Times*, June 19, 1985. Quote taken from Wong and Ensor, “Major League Baseball and Drugs,” 795-797. Appendix E. Drug Memo from Peter V. Ueberroth, Commissioner, Office of Commissioner, Major League Baseball to all Major League Clubs, Re: Baseball’s Drug Education and Prevention program, June 18, 1985.

²⁸ Appendix E. Goodwin, “Baseball Drug Tests Are Set,” June 19, 1985.

²⁹ Thomas, “Ueberroth Orders Wide Tests for Drug Use in Pro Baseball,” May 8, 1985. Murray Chass, “Players are Urged to Alter Drug Plan,” *New York Times*, May 9, 1985. Allen Doherty, “Baseball Commissioner Peter Ueberroth and Steroids,” Steroidsinbaseball.net, <http://www.steroidsinbaseball.net/commish/ueberroth.html>. “Ueberroth outlines his anti-drug policy: [NO STAR Edition],” *Houston Chronicle*, May 17, 1985.

³⁰ Thomas, “Ueberroth Orders Wide Tests for Drug Use in Pro Baseball,” May 8, 1985.

³¹ “ACLU criticizes Ueberroth’s drug testing program,” *Los Angeles Times*, May 9, 1985.

whole industry.” Ballard Smith, president of the San Diego Padres, called the move “a very progressive and innovative step.”³² New York Yankees owner George Steinbrenner, the most vocal baseball owner against drug abuse, said that if owners and other personnel were willing to adopt the mandatory testing plan, then the public would view the players and its union’s refusal to participate as “foolish.”³³ Richie Phillips, counsel for the Major League Umpires Association, while agreeing with the MLBPA and the ACLU that drug testing violates privacy rights, believed that Ueberroth’s plan was in the best interest of the game.³⁴

Ueberroth insisted that his plan emphasized fighting the problem of drugs more than punishing players, and that the plan ensured baseball would be prepared to withstand any scandal. Fehr saw the guidelines as wanting to force the MLBPA to join a program that it simply did not agree with and to bring pressure on the players to join as well.³⁵ Ueberroth insisted he was trying to fight drugs and that the current plan needed altering.³⁶ The MLBPA maintained their stance that any mandatory testing violated personal

³² Wong and Ensor, “Major League Baseball and Drugs,” 796. Thomas, “Ueberroth Orders Wide Tests for Drug Use in Pro Baseball,” May 8, 1985.

³³ “Baseball Backs Big Drug Plan,” *USA Today*, May 8, 1985.

³⁴ Wong and Ensor, “Major League Baseball and Drugs,” 797. Wong adds the following quote from Richie Phillips: “While mandatory testing is an invasion of privacy and an infringement on certain fundamental principles of civil liberties...the umpires balanced that infringement against the need that all of baseball remain above reproach and suspicion. It was determined that the program is not punitive, intends no publication or sanctions but rather is a confidential procedure aimed at rehabilitation.”

³⁵ Murray Chass, “Players are Urged to Alter Drug Plan,” *New York Times*, May 9, 1985. Allen Doherty, “Baseball Commissioner Peter Ueberroth and Steroids,” Steroidsinbaseball.net, <http://www.steroidsinbaseball.net/commish/ueberroth.html>. “Ueberroth outlines his anti-drug policy: [NO STAR Edition],” *Houston Chronicle*, May 17, 1985.

³⁶ “Ueberroth outlines his anti-drug policy,” May 17, 1985.

privacy rights, insulted player integrity, and did not deter further drug abuse by players.³⁷ “You assume innocence,” Fehr said, “You prove guilt.”³⁸ Fehr did not share Ueberroth’s fear of a coming scandal. “If he really believes such activities are imminent and not just possibilities, then he should be frank in sharing with us the problems so we can examine the circumstances together.”³⁹

The early clashes between Ueberroth and the MLBPA over the drug issue was not the only news for the 1985 baseball season. On the baseball diamond, the game was full of high moments and the emergence of young stars. Dwight Gooden, building on his legendary rookie season in 1984, continued to mesmerize batters by winning twenty-four games and striking out 268 batters. At the age of twenty, Gooden’s mastery on the pitching mound in 1985 made him the youngest pitcher in baseball history to win the coveted Cy Young award as the National League’s best pitcher.⁴⁰ Although Gooden’s dominance on the pitching mound during the 1985 season landed him on the cover of *Time* magazine in 1986, “Dr. K,” as he was called by the New York Mets fans, was not the biggest on-field baseball story of the 1985 season.⁴¹

³⁷ Spencer Weber Waller, Neil B. Cohen, and Paul Finkelman, *Baseball and the American Legal Mind* (New York: Garland Pub, 1995), 305.

³⁸ Chass, “Players are Urged to Alter Drug Plan,” May 9, 1985.

³⁹ Michael Goodwin, “Drugs seen as Peril to the game itself,” *New York Times*, May 12, 1985.

⁴⁰ Tom Callahan, “Dr. K is King of the Hill,” *Time*, April 7, 1986, accessed January 29, 2013, <http://content.time.com/time/subscriber/article/0,33009,961028,00.html>. Alexander, *Our Game*, 335. Alexander makes the point in his book that Gooden helped turn around a New York Mets franchise suffering from low attendance since 1979. The attendance rose at Shea Stadium in New York from 789,000 in 1979 to almost 2.5 million in 1985. The Cy Young award, named in honor of Denton True “Cy” Young, a late 19th and early 20th century pitcher who won 511 games in his twenty-one year career, is awarded annually to baseball’s best pitcher in the American and National League. Until 1966, the award was given to the best pitcher in baseball. Dwight Gooden remains to this day the youngest pitcher ever to win the Cy Young award.

⁴¹ Callahan, “Dr. K is King of the Hill,” April 7, 1986.

On September 11, 1985, in front of over fifty thousand hometown fans in Cincinnati, Pete Rose singled to left-center field off San Diego's Eric Show. That single, Rose's 4192nd hit of his career, broke Ty Cobb's all-time hit record. Rose stood at first base and raised his helmet to the crowd while the hometown faithful gave him a seven-minute standing ovation. Speaking about the moment later Rose said, "That's the first time I was ever on a baseball field when I didn't know what to do."⁴² Rose, the consummate professional while the game was in progress, seemed moved by the long ovation. When his son ran out to join him at first base, emotion overtook Rose and he broke down and cried.⁴³ The media coverage Rose received during the final months of his chase to break Ty Cobb's record was bigger than anything baseball had ever experienced.⁴⁴

The Rose record-breaking accomplishment gave baseball fans everywhere a momentary sigh of relief from the negative publicity that had filled the sports pages for most of the 1985 season. The MLBPA and the owners continued to fight over major league player salaries and rumors of a major drug scandal erupting in Pittsburgh made national headlines. Average annual salaries of major league players had increased from \$19,000 in 1967 to almost \$330,000 in 1984.⁴⁵ The income factor combined with the "celebrity" status many Americans bestowed onto major league players made access to

⁴² Tom Callahan, "Sport: For Pete's Sake, He Cried," *Time*, September 23, 1985, accessed June 2, 2013, <http://content.time.com/time/subscriber/article/0,33009,959918,00.html>.

⁴³ Callahan, "For Pete's Sake, He Cried," September 23, 1985.

⁴⁴ Ira Berkow, "Rose Gets a Single to Break Cobb's Career Mark for Hits." *New York Times*, Sep 12, 1985, 2, accessed October 1, 2013, <http://search.proquest.com.ezproxy.lib.uh.edu/docview/111185226?accountid=7107>.

⁴⁵ Appendix A.

recreational drugs for ballplayers easy. Eric Davis of the Cincinnati Reds perhaps said it best. "If I was the type of guy who wanted to go out and party all the time, there would be easy access, because everybody has drugs."⁴⁶ Ueberroth's fear of a major scandal came to fruition in 1985 when over twenty major league players were called before a grand jury concerning drug usage and trafficking centering on Pittsburgh, Pennsylvania.

The 1985 Pittsburgh Drug Trials exposed the rampant use of cocaine in baseball and turned the public against the MLBPA's insistence that major league ballplayers did not need to be drug tested. By the end of the trials, the public viewed major league ballplayers as "a bunch of pampered, overpaid, cocaine-snorting millionaires."⁴⁷ The biggest drug scandal in baseball history before the steroid era centered around Three Rivers Stadium in Pittsburgh, Pennsylvania. Not since the 1919 World Series gambling fix had professional baseball dealt with a scandal quite as big as the Pittsburgh Drug Trials.

The trials centered on seven men who were all indicted on cocaine trafficking charges.⁴⁸ Over twenty major league ballplayers were called to witness during the trials. All of the players who testified were granted immunity from prosecution. The particular case that brought the most attention to audiences nationwide started on September 5, 1985, and involved Curtis Strong, a caterer and Philadelphia resident who was charged

⁴⁶ The quote from Eric Davis is from John Bowman and Joel Zoss, *Diamonds in the Rough: The Untold History of Baseball* (New York and London: Macmillan Publishing Company and Collier Macmillan Publishers, 1989), 328.

⁴⁷ The quote is from Alexander, *Our Game*, 329.

⁴⁸ The seven men indicted were: Robert William McCue, Jeffrey Mosco, Kevin Connolly, Dale Shiffman, Curtis Strong, Thomas Balzer, and Shelby Greer. Murray Chass, "Seven Indicted for Drugs Are Said to Sell to Players: Seven Are Indicted on Drug Charges," *New York Times* (1857-Current file), June 1, 1985, accessed May 4, 2009, <http://www.proquest.com/>.

with sixteen counts of cocaine distribution from June 13, 1980, to May 14, 1984.⁴⁹

Prosecutor James Ross advised the jury that “during this case, you may hear some things about major league baseball that will distress you and upset you. There is one thing to keep in mind throughout: Major League Baseball is not on trial here. The defendant, Curtis Strong, is.”⁵⁰

Curtis Strong’s lawyer, Adam Renfroe, painted major league baseball and its players in a much different light when it was his turn. Renfroe said that major league baseball was indeed on trial and that he was going to show the players in a much different light. “We will show you, ladies and gentlemen, that these heroes are nothing but criminals. These hero-criminals actually sell and have sold drugs and still are selling the drugs to baseball players around the league.”⁵¹

Over the next two weeks, several players, including Lonnie Smith (St. Louis Cardinals), Keith Hernandez (New York Mets), Dave Parker (Cincinnati Reds), Dale Berra (New York Yankees) and former Pittsburgh Pirates outfielder John Milner, testified about their drug use off the field, in the baseball clubhouses, and during games. The biggest bombshell of the trial came from John Milner who testified on September 12 that Hall of Famer Willie Mays had a concoction in his locker known as red juice. “I don’t know what kind of speed it was,” Milner said, “but it kept your eyes open.”⁵² Willie

⁴⁹ Chass, "Seven Indicted for Drugs Are Said to Sell to Players," June 1, 1985.

⁵⁰ Aaron Skirboll, *The Pittsburgh Cocaine Seven: How a Ragtag Group of Fans took the Fall for Major League Baseball* (Chicago, Ill: Chicago Review Press, 2010), 169.

⁵¹ Ibid.

⁵² Ibid., 178.

Mays denied the story the next day in an interview with KGO-TV in San Francisco.⁵³

Curtis Strong was found guilty on September 20 on eleven of fourteen counts of selling cocaine to major league players.⁵⁴ None of the baseball players called to testify at the Strong trial or who testified before the grand jury several months earlier received any punishment from the criminal justice system. Judge Gustave Diamond, who preceded over the Strong trial, told the media that he hoped that the trial showed the young people of the country the dangers of drugs.⁵⁵

Ueberroth agonized over the 1985 offseason on what to do with the players who had been implicated during the trials. During the month of January 1986, Ueberroth met with the twenty-one players that testified in the trial. On February 28, 1986, Ueberroth announced his rulings regarding the twenty-one players who had been personally involved in the drug trials. Seven players were to receive a one-year suspension unless they donated 10 percent of their base salaries that year to programs that combat drug abuse, submitted to random drug testing for the rest of their careers, and completed one hundred hours of community service.⁵⁶ Four players were given the option of a sixty-day suspension at the start of the 1986 season, unless they donated 5 percent of their salary for one year, submitted to random drug testing for the rest of their careers, and contributed fifty hours of community service for each of the next two years.⁵⁷ Ten

⁵³ "Willie Mays says he didn't use drugs in his playing days," *Houston Chronicle*, September 13, 1985.

⁵⁴ Skirboll, *Pittsburgh Cocaine Seven*, 193. Strong was sentenced to 12 years in a low-security prison.

⁵⁵ Ibid.

⁵⁶ Ibid., 210. The players given this option included Dave Parker, Keith Hernandez, Joaquin Andujara, Lonnie Smith, Enos Cabell, Jeff Leonard, and Dale Berra.

⁵⁷ Ibid. The players given this option included Al Holland, Lary Sorensen, Lee Lacy, and Claudell Washington.

players were given the option of facing suspensions or submitting to drug testing for the rest of their careers.⁵⁸ None of the players ever missed a game. The day after Keith Hernandez arrived back in New York, he received a standing ovation from the crowd.⁵⁹ In response to the discipline handed down by Ueberroth, Donald Fehr said that the commissioner was making these suspensions based on “little to no evidence that they [the players] have done something wrong.”⁶⁰

Public opinion in the aftermath of the drug trials showed that ballplayers were not as good role models as they used to be and that athletes who violated drug laws received preferential treatment as compared to the rest of society.⁶¹ In regard to drug testing, a 1985 poll taken by ABC News showed that 75 percent of those polled favored drug testing for professional athletes, and a majority of those polled thought that the tests should be mandatory. In the same poll, 12 percent of those surveyed sought to ban first time drug offenders from participation in sports for life.⁶² A few readers on both sides of the debate sent in letters expressing their opinions. One reader gave credit to Ueberroth for having concern about baseball’s integrity, but disagreed with Ueberroth’s stance on

⁵⁸ Skirboll, *Pittsburgh Cocaine Seven*, 210. The players given this option included Dusty Baker, Gary Matthews, Manny Sarmiento, Derrel Thomas, Vida Blue, Dickie Noles, Daryl Sconiers, Rod Scurry, Tim Raines, and Alan Wiggins.

⁵⁹ *Ibid.*, 170.

⁶⁰ "Executives back suspensions; players cautious on moves: [1 STAR Edition]," *Houston Chronicle* (pre-1997 Fulltext), March 1, 1986, accessed May 4, 2009, <http://www.proquest.com/>.

⁶¹ Bowman and Zoss, *Diamonds in the Rough*, 329. According to Bowman and Zoss, opinion polls also showed that seven out of ten people surveyed pointed to drug use among athletes as the biggest problem in sports.

⁶² John E. Kenneth, "Most favor drug testing for pro athletes," *Houston Chronicle*, November 3, 1985.

mandatory testing because the results of drug screens were often inaccurate.⁶³ Another reader praised *New York Times* writer Dave Anderson on his stance that the MLBPA was doing its members more harm than good by its continued refusal to have the players submit to mandatory testing.⁶⁴ The reader then attacked the legitimacy of the MLBPA itself for its stance against the commissioner.⁶⁵ The argument was that baseball players do not exist in the private sector but in the realm of thousands of public spectators. Because the public pays the athletes salaries, players have the responsibility to be role models for children and decent citizens.⁶⁶

The Pittsburgh Drug Trials and the MLBPA's refusal to accept mandatory random drug testing for major league players forced Ueberroth and the owners to rethink the future of baseball's current drug agreement between players and management. Ueberroth seemed turned off on the idea of working with the MLBPA because of the MLBPA's insistence on not accepting more testing. Barry Rona, chief counsel for the owners, made one last attempt on October 11, 1985, to get the MLBPA to accept more testing. When the plan failed, the owners, at Ueberroth's insistence, decided that the

⁶³ Neal Klausner, "Even Baseball Players can have Civil Rights," *New York Times*, September 4, 1985. Neal Klausner, an Advocate for the Unemployed at New York University School of Law spoke in his letter about the Pittsburgh Drug Trials. Klausner stated in his letter that the use of the results of drug screens in a criminal proceeding could violate constitutional rights.

⁶⁴ Dave Anderson, "Defiance is Indefensible," *New York Times*, May 12, 1985. In the article, Dave Anderson stated that although the MLBPA is designed to help the players, the union's refusal to have its players submit to testing does the player's significant harm. "By refusing to adopt mandatory testing, the players association is protecting the guilty and increasing the ill, not protecting the innocent and harboring the healthy."

⁶⁵ David C. Farber, "Position of Ueberroth on Drugs is applauded," *New York Times*, May 26, 1985. The last paragraph of the readers' letter seems more to be an indictment against all unions. "For the union to turn its back on a most reasonable request by Commissioner Peter Ueberroth, in which he asks everyone associated with our great pastime to participate, only reinforces those who believe that unions are an entity who live only for their self-interests and not for the lofty assertions of brotherhood and equality for all."

⁶⁶ Dave Anderson, "Punishment, but No Policy," *New York Times*, March 2, 1986.

present program was not working. On October 23, 1985, in the middle of an exciting World Series between the Kansas City Royals and St. Louis Cardinals, the baseball owners agreed to abandon the joint drug program because “there was no sense in keeping it for the sake of keeping it.”⁶⁷

Ueberroth and the owners understood that the abandonment of the joint drug agreement left major league baseball without any sort of plan to combat recreational drug use among its players. Baseball owners observed how the National Basketball Players Association (NBPA) worked alongside basketball executives to come up with a tough plan that permanently disqualified players who used drugs.⁶⁸ The owners agreed that from a public relations standpoint, the NBA plan was perhaps the best in professional sports. Ueberroth persuaded the owners that to make baseball not appear soft on the issue of drugs, the owners had to act quickly. The owners decided to insert drug testing clauses into players’ new guaranteed and non-guaranteed individual contracts.⁶⁹ In the minds of the owners and Ueberroth, this accomplished two things. First, it bypassed the collective bargaining negotiation process with the MLBPA, leaving the owners in full control of their own players, and second, it would help the owners protect the large investments that they made in players. The owners saw nothing specific in the collective bargaining agreement that directly prohibited inserting drug clauses. This gave the owners the right to insert the clauses as “special covenants to the players’ contracts” under Article XX of

⁶⁷ "Owners end anti-drug accord," *Houston Chronicle*, October 23, 1985. Skirboll, *Pittsburgh Cocaine Seven*, 208. Lee MacPhail, *My 9 Innings: An Autobiography of 50 Years in Baseball* (Westport, CT: Meckler Books, 1989), 189.

⁶⁸ Wong, *Essentials of Sports Law*, 309. Players could seek reinstatement after two years.

⁶⁹ MacPhail, *My 9 Innings*, 189.

the collective bargaining agreement.⁷⁰ The MLBPA responded swiftly once they received news that Joe Youngblood of the San Francisco Giants refused to sign a contract because of the drug testing clause.

The Thomas Robert's Drug Clause case became the first major drug-related decision involving arbitration of Ueberroth's administration. Joe Youngblood refused to sign a guaranteed contract with the San Francisco Giants once a mandatory drug testing clause was added. The MLBPA filed a grievance on Youngblood's behalf on January 6, 1986. The Roberts decision focused on two major points of Major League Baseball's collective bargaining agreement. The owners used Article XX as justification to insert drug clauses into contracts. The MLBPA used Article II of the CBA. Article II specifically identified the MLBPA as "the sole and exclusive collective bargaining agent for all Major League Players...with regard to all terms and conditions of employment."⁷¹ Roberts ruled in favor of the MLBPA in July 1986. His reasoning was that the clauses had been imposed by the owners' unilaterally and were not voluntary. This act by the owners "would be inconsistent with the provisions of baseball's CBA."⁷²

The 1984 Joint Drug Agreement was never given a chance to work because of Ueberroth's inability to get more testing and because of the owners' greed. Ueberroth was the prototypical 1980s American CEO brought on board by the owners to maximize

⁷⁰ Wong and Ensor, "Major League Baseball and Drugs," 807.

⁷¹ Ibid.

⁷² Ibid. Roberts stated that in his opinion, "Article II on its face prohibits the individual negotiation of special covenants uniform in nature and applicable to substantially all players who desire to negotiate a new contract so long as those special covenants provide no actual or potential additional benefits to the player. A unilaterally imposed condition of employment may not be sanctioned if it is inconsistent with the provisions of the Basic Agreement or does not provide "additional benefits" to the player within the meaning of that phrase as it appears in Article II."

their profits. The joint drug agreement became ineffective because no players were ever disciplined under the program and because owners were more interested in profits and winning than in cleaning up the game's drug problems. The owners wanted results on the field because they knew a winning team meant bigger profits at the baseball gates and in merchandising sales. The owners viewed players as investments. Players could not produce on the field if they were in rehab or locked up in jail on drug charges. Owners were all about ridding the game of players who used drugs, as long it was not their own players.

The story of Dennis "Oil Can" Boyd represented how far the owners would go in covering up their players drug habits. Long time Boston Red Sox limited owner and team physician, Dr. Arthur Pappas, advised pitcher Dennis "Oil Can" Boyd to tell the press that he had noncontagious viral hepatitis instead of admitting to a cocaine and crack problem in 1986.⁷³ Boyd was an important part of a Red Sox pitching staff that included Tom Seaver, Bruce Hurst, and a young flamethrower from Texas named Roger Clemens. The Red Sox were well on their way to a World Series appearance in 1986, and Pappas did not want to see one of his ace pitchers in drug rehab. "So maybe they hide that you had some kind of drug problem or drinking problem – which they did for several other ballplayers – but they're doing it to protect their investment as much as they are to help you," Boyd said in his autobiography *They Call Me Oil Can: Baseball, Drugs, and Life on the Edge*.⁷⁴

⁷³ Dennis Boyd and Mike Shalin, *They Call Me Oil Can: Baseball, Drugs, and Life on the Edge* (Chicago, Ill: Triumph Books, 2012), 65-67.

⁷⁴ *Ibid.*, 65-67.

Kenneth Moffett, former executive director of the MLBPA backed up Boyd's claim in an interview with *Sports Illustrated*. "Greed stops the owners from really going after the drug problem in the game," Moffett said, "People in the game know who the drug users are, but the owners do not really do anything about it because of greed and because the Players Association [MLBPA] does not want to deal with the problem."⁷⁵ The twenty-six baseball owners personified Gordon Gekko, the iconic character from Oliver Stone's *Wall Street* (1987). "The point is, ladies and gentlemen, that greed, for lack of a better word, is good. Greed is right. Greed works."⁷⁶

Ueberroth attempted one last time in April 1986 to get players to accept voluntary drug testing. The drug test would only look for traces of cocaine, marijuana, heroin, and morphine. The plan called for all baseball personnel, including major league players, to submit to drug testing. Ueberroth noted that his plan would not penalize players who tested positive the first time. Results of the tests would be held in strictest confidence between the doctor and the player. If a player tested positive, only then would a second test be conducted as confirmation.⁷⁷ The MLBPA promptly rejected Ueberroth's plan while awaiting the result of the Thomas Roberts Arbitration case. The rejection of the plan by the MLBPA was the last attempt by Ueberroth and Major League Baseball to include mandatory drug testing for all players until 2002. By that time, the game found itself in the middle of an exploding anabolic steroid scandal.

⁷⁵ Robert W. Creamer, "Baseball and Sleaze," *Sports Illustrated*, September 23, 1985, accessed September 10, 2013, <http://sportsillustrated.cnn.com/vault/article/magazine/MAG1119915/index.htm>.

⁷⁶ Robert M. Collins, *Transforming America: Politics and Culture in the Reagan Years* (New York: Columbia University Press, 2007), 94. Bradford D. Martin, *The Other Eighties: A Secret History of America in the Age of Reagan* (New York: Hill and Wang, 2011), 83.

⁷⁷ "Testing Plan Sent to Players," *New York Times*, April 6, 1986.

Ueberroth's issued his last drug policy of his administration in July 1986. The policy reiterated the 1985 drug testing policy and emphasized that Major League Baseball's first priority was to help those who admitted to having a drug problem.⁷⁸ Disciplinary measures were put in place for all baseball personnel, including major league players, who distributed illegal drugs, refused to participate in the plan, and for repeat drug offenders.⁷⁹ Ueberroth's failure to convince the MLBPA to accept more drug testing for major league players is evident in his 1986 drug policy. The policy specifically focused on three groups of players: those admitted to or been found using illegal drugs, those punished by Ueberroth in the direct aftermath of the Pittsburgh Drug Trials, and those who had signed guaranteed contracts with drug testing clauses in them.⁸⁰ The policy required clubs to notify suspected drug use to the Commissioner's office. Failure to report such possible drug use by a player, beginning in November 1986, resulted in a fine of up to \$250,000 for the club.⁸¹ The policy and subsequent drug policies moving forward only allowed for baseball and clubs to act if a major league player was found to be in possession of an illegal drug or who was caught in the act of illegal drug trafficking.⁸²

⁷⁸ Clarification of Baseball's Drug Testing Policy, dated July 10, 1986, Bowie K. Kuhn Collection, BA MSS 100 Series II BL – 2966.2001 Drug Issues [1 of 3] 1981-1986, National Baseball Hall of Fame & Museum, Cooperstown, NY.

⁷⁹ Ibid.

⁸⁰ Ibid. The Thomas Roberts arbitration decision on July 31 removed those players who signed contracts with drug clauses in them.

⁸¹ Ibid.

⁸² Baseball's 1988 drug policy and reiterated many of the same provisions of the 1986 policy. Wadler and Hainline, *Drugs and the Athlete*, 289-292.

Baseball may have moved away from mandatory drug testing for all players by the end of 1986, but the United States moved closer to passing legislation that required drug testing for federal employees. Ronald Reagan pushed for a broader, more lucrative antidrug bill in the spring of 1986. He promised stronger penalties for drug-related crimes and more law enforcement to help combat the rising drug problem. Reagan's push culminated in the signing of a \$1.7 billion dollar piece of legislation against drug abuse on October 27, 1986. "We must be intolerant of drug use and drug sellers," Reagan said. Part of the large antidrug legislation was an executive order requiring mandatory drug testing for federal workers.⁸³ In a poll conducted by *Time* magazine in 1986, 69 percent of the public said they favored drug testing at their job.⁸⁴ Three years later, the Supreme Court upheld drug testing for federal workers involved in law enforcement and public safety in the landmark case *Skinner vs. Railway Executives Association*.⁸⁵ The federal government ramped up its efforts toward cleaning up the drug scourge that was afflicting American society during 1986. Ueberroth, on the other hand, was ready to declare victory on the drug problem in baseball.

⁸³ Jacob V. Lamar, "Rolling out the Big Guns," *Time*, September 22, 1986, accessed September 17, 2013, <http://content.time.com/time/subscriber/article/0,33009,962371-2,00.html>.

⁸⁴ Ibid.

⁸⁵ Al Kamen, "Split Court Upholds 2 Drug-Testing Plan's." *The Washington Post (1974-Current File)*, Mar 22, 1989. 2, accessed September 25, 2013, <http://search.proquest.com.ezproxy.lib.uh.edu/docview/140088852?accountid=7107>. Justice Anthony M. Kennedy, speaking for the majority, "Rejected arguments that the Fourth Amendment's prohibition on unreasonable searches required search warrants, probable cause, or a "particularized suspicion" before an employee could be tested for drugs." Justices Thurgood Marshall and William J. Brennan, speaking for the minority, "The issue in this case is not whether declaring a war on illegal drugs is good public policy. The importance of ridding our society of such drugs is, by now, apparent to all. Rather, the issue here is whether the Government's deployment in that war of a particularly Draconian weapon – the compulsory collection and chemical testing of railroad workers' blood and urine – comports with the Fourth Amendment. Precisely because the need for action against the drug scourge is manifest, the need for vigilance against unconstitutional excess is great."

Ueberroth's announcement to Congress in May 1986 that baseball's drug problem was over must have seemed disingenuous to the public in the aftermath of the Pittsburgh Drug Trials. Baseball historian Charles Alexander called Ueberroth's claim "hollow."⁸⁶ Baseball journalist Aaron Skirboll described the Ueberroth announcement as a "total disregard for reality."⁸⁷ The congressional hearing where Ueberroth made the announcement was set up as a forum so that business, government, and law leaders could testify as to how the public and private sectors were handling the issue of drug testing.⁸⁸ Ueberroth used the forum to declare that although baseball did not have a mandatory drug-testing program for all its players, the drug problem in baseball was all but solved. "Baseball is defeating the problem. Frankly, the battle is over. There might be a flare up or two from time to time, but the institution of baseball has returned dignity to itself."⁸⁹ Sounding more politician than baseball commissioner, Ueberroth then challenged the White House to do something about the growing drug problem like he had in baseball. "The conclusion is that we are, you are losing the war on drugs, and that in the last six months the war has changed, escalated, and it is a lot more serious."⁹⁰

The 1986 World Series between the New York Mets and the Boston Red Sox showed how absurd Ueberroth's declaration in front of Congress really was. Several

⁸⁶ Alexander, *Our Game*, 330.

⁸⁷ Skirboll, *Pittsburgh Cocaine Seven*, 213.

⁸⁸ House of Representatives, Committee on Narcotics Abuse and Control, *Drug Abuse in the Workplace: Hearing before the Select Committee on Narcotics Abuse and Control, 99th Congress, 2nd session, May 7, 1986*, 9. Lee May, "Ueberroth says baseball's battle with drugs is over," *Los Angeles Times* May 08, 1986. Lee May says that the issue of drug testing in the workplace has become a hot topic and that it "increasingly divides employers and employees." The hearing provided a forum for leaders in the private and the public workplace to challenge the federal government's inability to stop the drug problem.

⁸⁹ House of Representatives, *Drug Abuse in the Workplace*, 9.

⁹⁰ May, "Ueberroth says Baseball's Battle with Drugs is over," May 08, 1986.

stars from each club were recreational drug users in the past, were using drugs at the time, or would become major names in future drug scandals. Keith Hernandez of the Mets had been called to testify about his role in the Pittsburgh Drug Trials and Dennis “Oil Can” Boyd of the Red Sox suffered from drug addiction for most of his career.⁹¹ The young ace for the Boston Red Sox, Roger Clemens, would become a major name in baseball’s steroid scandal several years down the road.

The players in the World Series whose careers were affected the most from their long bouts with drug addiction were Darryl Strawberry and Dwight “Doc” Gooden of the Mets. The dominant bat in the Mets lineup was 6 foot 6 inch powerful slugger Darryl Strawberry from Crenshaw High School in Los Angeles. Strawberry had come into the league only four years earlier and had unlimited power potential. Strawberry hit 27 home runs and had 97 RBIs in 1986, including one of the longest homeruns ever recorded at the Houston Astrodome during the All-Star Home Run Derby.⁹² Strawberry started to use drugs as an adolescent and by 1986, he was a heavy amphetamine user. Strawberry’s career would become sidelined by numerous drug problems in the 1990s.⁹³

Dwight “Doc” Gooden’s star had been rising from the time he broke into the major leagues back in 1984. The first year Gooden had broken the all-time record for strikeouts by a rookie and then in 1985, he became the youngest pitcher in history to win the Cy Young Award. New York Mets fans were already mentioning his name in the

⁹¹ Skirboll, *Pittsburgh Cocaine Seven*, 172-173. For a description of Boyd’s troubles with drug addiction, see Boyd and Shalin, *They Call Me Oil Can*, 57-75.

⁹² Alexander, *Our Game*, 339. During the 1986 All-Star Home Run Derby at the Houston Astrodome, Strawberry hit a homerun that hit a speaker in deep right-center field that was located 350 feet away from home plate and 140 feet high.

⁹³ Darryl Strawberry and John Strausbaugh, *Straw: Finding My Way* (New York: ECCO, 2009), 83.

same conversation with Walter Johnson and Bob Gibson as the best pitchers in the history of the game. The success of the Mets in 1986 added more acclaim for the young pitcher from Tampa, Florida. The World Series title by the Mets in 1986 would be the pinnacle of Gooden's career however. Gooden started to use cocaine heavily before the start of the 1986 season. Gooden came clean in 2013 after years of denial when he admitted to missing the Mets World Series parade because he was at home recovering from a night of heavy cocaine usage.⁹⁴

Gooden found himself at a crossroad during spring training 1987 when he tested positive for cocaine. The Mets gave him the option to either go to drug rehab and earn a salary or skip rehab and face a yearlong suspension without pay.⁹⁵ The Mets opened the 1987 season against the Pittsburgh Pirates at Shea stadium in New York. Across the East River in Manhattan, Gooden was at the Smithers Addiction Treatment and Research Center beginning the first of many rehabilitation stints that sapped his career of any Hall of Fame potential.⁹⁶ In an interview long after his time as commissioner, Ueberroth felt that he did not fight the MLBPA hard enough regarding the drug problems of Gooden and Strawberry.⁹⁷ Ueberroth may have been able to save the careers of Gooden and

⁹⁴ Dwight Gooden and Ellis Henican, *Doc: A Memoir* (Boston, MA: New Harvest, 2013), vii-xviii. In his two previous biographies, written with Bob Klapisch, Dwight Gooden denied that he used drugs in 1986. He said that drinking was his only problem and that the reason he missed the parade was because of a hangover. Bob Klapisch, *High and Tight: The Rise and Fall of Dwight Gooden and Darryl Strawberry* (New York: Villard, 1996), 10-11. Dwight Gooden and Bob Klapisch, *Heat: My Life On and Off the Diamond* (New York: William Morrow and Company, Inc., 1999), 50-52.

⁹⁵ Gooden and Henican, *Doc*, 103-108.

⁹⁶ *Ibid.*

⁹⁷ Moffi, *Conscience of the Game*, 65. Ueberroth said of Strawberry and Gooden, "Both of those guys needed constant monitoring and restriction on a year-around basis to enable them to stay in the game. Any drug expert knew that, and I gave up fighting to have them tested twice a week for the rest of their careers. And that would have kept them out of harm's way and they, in my view, both would have been Hall-of-Famers. More importantly that Hall-of-Famers, they would have had better lives...[But] being in New

Strawberry if the 1984 Joint Drug Agreement had stayed intact. Their troubled careers may have turned out differently.

Ueberroth spent the rest of his time as commissioner after 1986 working on the financial stability of Major League Baseball. Ten years after the end of the reserve clause, the MLBPA had helped trigger the advent of baseball free agency. From 1976 to 1985, average salaries rose 700 percent and by 1985, twenty-one of the twenty-six major league clubs reported operating losses totaling altogether \$277 million dollars.”⁹⁸

Ueberroth turned baseball’s licensing income from merchandise around. Drawing from his experience as head of the Los Angeles Olympics, he sold corporate sponsorships to help generate more income for the game.⁹⁹ Ueberroth then went to work on baseball’s expiring television deal. Baseball’s five-year, \$1.1 billion dollar television contract with NBC and ABC, started in 1985, was set to expire at the end of the 1989 baseball season.¹⁰⁰ Ueberroth negotiated a new deal starting in 1990 with CBS and the Entertainment and Sports Programming Network (ESPN) that amounted to \$1.75

York and listening to the media and listening to all the pressure every day, I gave up that fight too early. I may have lost it in the end, but I still gave it up too early. I think they probably, in an honest interview...both confirm that. These guys were both intelligent: they both had God-given skills, and we just missed...Baseball, the institution, missed for both of them.”

⁹⁸ Appendix A. Benjamin Rader, *Baseball: A History of America's Game*. 3rd Edition (Urbana and Chicago, Illinois: University of Illinois Press, 2008), 219. John Helyar, "Playing Ball: How Peter Ueberroth Led the Major Leagues in the 'Collusion Era' --- He Whipped 'Stupid' Owners into Shape; Profits Soared, but the Legacy is Grim --- Andre Dawson's Bold Gambit." *Wall Street Journal*, May 20, 1991, accessed July 3, 2013, <http://search.proquest.com.ezproxy.lib.uh.edu/docview/398219261?accountid=7107>.

⁹⁹ Rader, *Baseball*, 219. Zimbalist, *In the Best Interests of Baseball*, 91-92. According to Zimbalist, by the end of Ueberroth’s time as commissioner, licensing and merchandising income exceeded \$36 million dollars annually. Ross Newhan, "THE UEBERROTH ERA," *Los Angeles Times*, Jan 11, 1989, accessed October 1, 2013, <http://search.proquest.com.ezproxy.lib.uh.edu/docview/1150186658?accountid=7107>.

¹⁰⁰ Alexander, *Our Game*, 324. The contract signed by Kuhn and the networks garnered \$5.7 to \$7.9 million annually for each major league baseball franchise on top of what they already received for local radio-TV rights.

billion.¹⁰¹ The signing of the new contract ensured economic stability for the game well into the decade of the 1990s.

Despite Ueberroth's financial successes as commissioner, he failed miserably when it came to creating an amicable relationship between the commissioner's office, baseball owners, and the MLBPA. An independent arbitrator found the baseball owners guilty of collusion in 1988 while under Ueberroth's watch. The arbitrator awarded \$280 million dollars to the players affected by the collective efforts of owners not to sign free agents from 1985-1988.¹⁰² Retired executive director of the MLBPA Marvin Miller said in his autobiography that the \$280 million dollar award "involved not one penny of *penalty*."¹⁰³ Donald Fehr held Ueberroth personally responsible for the collusion. "I can tell you, collusion is concurrent with his term."¹⁰⁴

Judge Kennesaw Landis, baseball's first commissioner, viewed his position as the final authority in all baseball matters. Ueberroth saw himself as the final say in baseball matters as well. He issued policy and decisions without consulting baseball owners or the MLBPA. Ueberroth's settlement of the umpires strike just days after taking office in October 1984 without consulting the baseball owners suggested how Ueberroth planned to run baseball and solve the drug problem. Citing the overused cliché "in the best

¹⁰¹ Alexander, *Our Game*, 352. According to Alexander, the contract marked the first time that "major league franchises earned more money from radio and television than from in-stadium revenues." Richard Justice, "Giamatti Elected to be Ueberroth's Successor," *Washington Post*, September 9, 1988. John Thorn, Pete Palmer, and Michael Gershman, *Total Baseball* (New York, NY: HarperPerennial, 1993), 584. The new television contract ended the 41-year partnership baseball had with NBC. Zimbalist, *In the Best Interests of Baseball*, 95. Newhan, "THE UEBERROTH ERA," Jan 11, 1989.

¹⁰² Rader, *Baseball*, 217.

¹⁰³ Marvin Miller, *A Whole Different Ball Game: The Sport and Business of Baseball* (New York: Carol Publishing Group, 1991), 399-400. The emphasis is Miller's.

¹⁰⁴ Alexander, *Our Game*, 353.

interests of baseball,” Ueberroth declared the umpires strike settled and gave the umpires more than they asked.¹⁰⁵

Ueberroth believed the 1984 Joint Drug Agreement was not an effective drug prevention tool because it did not require mandatory random drug testing for all major league players. He met with Donald Fehr and Marvin Miller hoping to get the MLBPA to accept more testing because it was the right thing to do. When it became obvious that the MLBPA would not assist him in solving the drug problem quickly, Ueberroth circumvented the MLBPA and asked the players directly to submit to voluntary drug testing. Donald Fehr believed Ueberroth’s circumvention of the MLBPA was “a public relations effort to co-opt the collective bargaining process to get the players to go along with his unilateral decision.”¹⁰⁶ The *reign* of “Peter the Great” and his style of leadership caused significant damage to already strained relations between the MLBPA and the commissioner’s office.¹⁰⁷

The outbreak of a major drug scandal in Pittsburgh did not sway the MLBPA into accepting more drug testing. When the 1985 Pittsburgh Drug Trials made national headlines, Ueberroth again appealed to the players asking for their support of his drug testing plan. The MLBPA answered by telling the players to ignore Ueberroth’s request. Ueberroth convinced the owners to abolish the 1984 Joint Drug Agreement during the 1985 World Series, leaving the league without an agreed upon drug policy between

¹⁰⁵ Zimbalist, *In the Best Interests of Baseball*, 92. “The umpires had asked for a salary and benefits package of \$340,000. Ueberroth gave them \$480,000.” Sands and Gammons, *Coming Apart at the Seams*, 42.

¹⁰⁶ Thomas, “Ueberroth Orders Wide Tests for Drug Use in Pro Baseball,” May 8, 1985.

¹⁰⁷ I use the word “*reign*” because several journalists have often referred to Peter Ueberroth as “Peter the Great.” For uses of “Peter the Great” see Zimbalist, *In the Best Interests of Baseball*, 55.

players and baseball management. He then convinced the owners to start inserting drug-testing clauses into new player contracts. The MLBPA filed a grievance swiftly and won the case when it went before an arbitrator. Ueberroth's last attempt to institute a drug testing plan for all major league players failed in April 1986 when the MLBPA rejected his plan while it awaited the drug testing clause arbitration decision. Baseball would not have a drug testing plan for the major leagues for another sixteen years.

The debate over drug testing in baseball during the middle of the 1980s came at a time when employers pushed for more drug testing of its employees in the workplace. When Peter Ueberroth assumed office as commissioner of baseball in October 1984, less than 25 percent of Fortune 500 companies required drug testing as a condition of employment.¹⁰⁸ Less than five years later, however, testing in the workplace had become almost commonplace. By the end of Ueberroth's administration in 1989, virtually all government employees were ordered to submit to drug testing, and the number of Fortune 500 companies that required testing had reached upwards of 50 percent. The percentage of non-Fortune 500 companies that required some form of drug testing was about one-third.¹⁰⁹

One of the biggest tragedies of this period in baseball history is not the game's final success over the drug problem that plagued its ranks for decades. The lasting images of this period demonstrate how drugs destroyed the promising careers of such players as Dwight Gooden and Darryl Strawberry. Ueberroth's legacy as commissioner was not a defeat of drugs in baseball as he promised, but an administration scarred by

¹⁰⁸ Wadler and Hainline, *Drugs and the Athlete*, 197.

¹⁰⁹ Ibid.

scandal and player tragedy. Ueberroth's unwillingness to negotiate on a new drug policy that resembled the 1984 Joint Drug Agreement after 1986 left players and baseball clubs alone to try and control their own drug problems. In May 1986, Ueberroth declared before Congress, "You are not going to hear about any baseball scandals from this day forward."¹¹⁰ The lack of an agreed upon policy at the end of Ueberroth's term opened the door for a new problem to emerge, a drug that would not be so easily identifiable on a drug test. In a final analysis of this critical period in baseball history, Ueberroth and the MLBPA inadvertently allowed anabolic steroids to enter the game.

¹¹⁰ House of Representatives, *Drug Abuse in the Workplace*, 9. Lee May, writer for the *Los Angeles Times* claims that Ueberroth used the "controversial urinalysis tests of 3000 minor leaguers" to make the claim that baseball has returned itself to its "proper dignity." May, "Ueberroth says baseball's battle with drugs is over," May 08, 1986.

Conclusion

The Demon is out of the Bag

Francis T. (Faye) Vincent Jr. became baseball's eighth commissioner on September 13, 1989 after A. Bartlett Giamatti's untimely death in office twelve days earlier. Vincent inherited the same problems as Ueberroth and Kuhn when dealing with the drug problems of major league players. The demise of the 1984 Joint Drug Agreement and the rejection by the MLBPA of Ueberroth's 1986 drug policy left baseball with no agreed upon outline for disciplining major league players who violated federal and state drug laws. Vincent issued memorandums outlining baseball's drug policy and punished players ad hoc who violated the provisions outlined in his memorandums.¹ Baseball's most frequent drug violator, Steve Howe, forced Vincent to make a tough decision concerning the troubled left-hander's career in June 1992.

Steve Howe pled guilty to drug charges in a federal court in Missoula, Montana, on June 8, 1992. It was the seventh time in Howe's career that he had been involved in an alcohol or drug related incident. The same day that Howe pled guilty, Commissioner Vincent permanently banned Howe from baseball for life. Howe became the first player in baseball history to be banned from the game because of substance abuse. Feeling the suspension for life "unwarranted" or "without just cause," the MLBPA filed a grievance on Howe's behalf. Arbitrator George Nicolau overturned Howe's lifetime ban on

¹ Faye Vincent suspended the following players for their involvement with illegal drugs: Leon Durham (1989), Rick Leach (1990), Otis Nixon (1991), Gilberto Reyes (1991), Pascual Perez (1992), and Steve Howe (1992).

November 12, 1992.² Vincent disagreed with the arbitrator's decision to overturn his ruling. "It makes baseball look silly and I think there'll be a lot of adverse reaction. I think the arbitrator substituted his judgment for mine, and the arbitrator was wrong. I think it's a bad development for baseball. Why is eight different from seven?"³ Howe returned to baseball and ended his career in 1996 after the New York Yankees released him. Two days later, Howe was arrested at JFK airport for carrying a loaded gun. The San Francisco Giants, who were interested in signing Howe after the Yankees released him, withdrew their offer after he pled guilty of gun possession.⁴

The Steve Howe case shows baseball's regression toward an effective drug policy that covered all players. Commissioners Kuhn and Ueberroth had addressed the drug problem directly but instead of defeating it permanently, the incidents of player involvement with illegal drugs continued. No new negotiations toward a drug policy that included mandatory drug testing had occurred since April 1986 when the MLBPA rejected Ueberroth's final attempt to get major league players to submit to drug testing voluntarily. The MLBPA remained steadfast as the 1990s opened in their position that mandatory testing violated player privacy rights even as the private and public sector moved toward drug testing as a condition of employment.⁵

² Howe's drug problems date back to the Bowie Kuhn administration. Ross Newhan, "Rangers Defy Ueberroth by Calling Up Howe," *Los Angeles Times*, August 7, 1987. For the Kuhn administration, see Dave Anderson, "The First Second-Offender," *New York Times*, July 3, 1983. For the story behind Howe's overturned suspension see "Howe's suspension overturned," *Atlanta Daily World*, November 19, 1992 and "Steve Howe reinstated by arbitrator," *Bangor Daily News*, November 13, 1992.

³ "Steve Howe reinstated by arbitrator," November 13, 1992.

⁴ Peter Botte, "Ex-Yank Howe dead at 48. Drug problems, suspensions tarnished career," *New York Daily News*, April 29, 2006.

⁵ Jacob V. Lamar, "Rolling out the Big Guns," *Time*, September 22, 1986, accessed September 17, 2013, <http://content.time.com/time/subscriber/article/0,33009,962371-2,00.html>. Al Kamen, "Split Court

Players such as Dwight Gooden, Darryl Strawberry, and Steve Howe saw their careers ruined by continued drug abuse during the 1990s because no amount of threats from the commissioner's ineffective drug policies were taken seriously. Major League Baseball could only act if there was "reasonable cause" to believe that a player was taking drugs or if a player broke the law. As in the case of Howe, even if a player was convicted of a drug related crime and suspended by the commissioner, the MLBPA often filed a grievance on the player's behalf and the suspension was usually overturned or reduced significantly.

Baseball's seventh commissioner A. Bartlett Giamatti wrote in his book *Take Time for Paradise: Americans and their Games*, that cheating took away from the basic value of any contest. "The basic convention for any game is the assumption of a level field. Without that convention, there is no contest."⁶ Giamatti's quote refers to major league baseball's problem with gambling that had been a part of the game since its earliest days. As baseball entered the 1990s, Giamatti's words prophesied a new type of "cheating" in the game. Since no uniform drug policy was in place to help combat a rapidly-growing anabolic steroid problem, major league baseball was helpless to stop what would become the biggest and longest lasting drug scandal in the game's history.

Commissioner Faye Vincent, acting in the best interest of baseball, added anabolic steroids to the list of prohibited drugs in his 1991 policy. Vincent's addition of steroids came about because of rumors that major league players were taking the

Upholds 2 Drug-Testing Plan's." *The Washington Post (1974-Current File)*, Mar 22, 1989. 2, accessed September 25, 2013, <http://search.proquest.com.ezproxy.lib.uh.edu/docview/140088852?accountid=7107>.

⁶ A. Bartlett Giamatti, *Take Time for Paradise: Americans and Their Games* (New York: Summit Books, 1989). 62.

substances without a prescription.⁷ Anabolic steroid use was indeed circulating throughout baseball clubhouses in the late 1980s and into the 1990s. Oakland Athletic slugger Jose Canseco started to field questions concerning his rumored anabolic steroid use in 1988. In an injury plagued 1989 baseball season, Canseco banged out 17 homeruns while only playing in 65 games.⁸ While traveling on the road, Athletics players received the usual amount of boos and hisses from the home team's fans. Canseco's response by the fans, however, was quite different. Reading about the steroid allegations in newspapers and watching twenty-four hour sports coverage on ESPN, fans greeted Canseco with loud chants of "STE-ROIDS, STE-ROIDS!"⁹

Two baseball players on the 1995 Seattle Mariners roster would become the embodiment of the future debate concerning how baseball history should regard its greatest players when it came to anabolic steroids and other Performance Enhancing Drugs (PED's). Kenneth Griffey Jr., known simply as "Jr." or "The Kid," led the Seattle Mariners to their first ever trip to the playoffs in 1995. Griffey had been the number one pick in the amateur draft by the Mariners at the age of eighteen in 1987. Griffey made his major league debut in 1989 at the age of nineteen. Now twenty-five, Griffey was already a six-time All Star centerfielder and respected power slugger throughout the American League. Sitting on the bench for most of that 1995 playoff run was another up and coming young star. The nineteen year old young power hitting shortstop had been

⁷ Memorandum from Francis T. Vincent, Jr. to All Major League Clubs Re: Baseball's Drug Policy and Prevention Program, dated June 7, 1991.

⁸ Canseco's 17 homeruns in 65 games averaged out over a 162 game season would be 42 homeruns. 42 homeruns in 1989 would have made him second in all of baseball behind Kevin Mitchell's major league leading 47 homeruns.

⁹ Alan Solomon, "Canseco rings up more excitement," *Chicago Tribune*, October 11, 1989.

the number one pick by the Mariners in the 1993 amateur draft. Alex Rodriguez from Miami, Florida was only 18 when he made his major league baseball debut with the Mariners in 1994. Twenty years later, both players are seen by baseball enthusiasts and writers in a very different light. Griffey retired from baseball in 2010 and although he made millions as a professional baseball player, he is revered by the baseball establishment and the public as a “clean” major leaguer whose future enshrinement into baseball’s Hall of Fame is certain. Alex Rodriguez, currently major league baseball’s highest paid player, is a different story.¹⁰ Rodriguez, in recent years, has become one of baseball’s most recognizable PED users. Rodriguez admitted to using steroids as early as 2001 and has since become one of the primary figures in baseball’s most recent drug scandals involving Bay Area Laboratory Co-Operative (BALCO) and Biogenesis.¹¹

The next logical step in the history of baseball’s drug problems is a comprehensive academic examination of the steroid era. Players like Barry Bonds, Jose Canseco, and Alex Rodriguez earned millions of dollars throughout their careers and yet are now considered to be cheaters of the game mentioned in the same conversations as Pete Rose.¹² A close look at the role baseball owners played in hiding players who took steroids also deserves attention. One final area of research is needed in examining the

¹⁰ Jackie Dickey, “The Prosecution of A-Rod,” *Time*, August 19, 2013, accessed October 30, 2013, <http://content.time.com/time/subscriber/article/0,33009,2149136,00.html>. Rodriguez signed a \$275 million dollar contract in 2007, the biggest baseball contract in history.

¹¹ Ibid. Jack Curry, “As Rodriguez Delivers Admission, Yankees Offer Support,” *New York Times*, Feb 10, 2009, accessed October 30, 2013, <http://search.proquest.com.ezproxy.lib.uh.edu/docview/1030630080?accountid=7107>. Other primary baseball players involved these scandals include Barry Bonds, Melky Cabrera, and Ryan Braun.

¹² Rose was banned from baseball for life in 1989 because he placed bets on baseball games that he managed. Roger I. Abrams, *Legal Bases: Baseball and the Law* (Philadelphia: Temple University Press, 1998), 159. Pete Rose and Rick Hill, *My Prison without Bars* (Emmaus, Pa.: Rodale, 2004), 168-189. Pete Rose vehemently denied he ever bet on baseball until the release of this book in 2004.

complete history of baseball's drug problems. Baseball players at the end of the 1985 Pittsburgh Drug Trials wanted to accept testing because they no longer wanted to be associated with players who took cocaine. Also, recent news reports show that the MLBPA itself is turning its back on players who take PED's.¹³ The saga of drugs and baseball has yet to find a reasonable conclusion.

¹³ ESPN.com News Services, "MLBPA won't protect PED users," ESPN, July 18, 2013, accessed October 30, 2013, http://espn.go.com/mlb/story/_/id/9488348/michael-weiner-mlbpa-head-says-union-protect-ped-users.

Appendix A

Baseball Minimum and Average Salaries from 1967-1989

Source: Salaries are from MLBPA Average Salary Report – 1967 – 2007.
http://www.bizofbaseball.com/index.php?option=com_content&task=view&id=563&Itemid=42

Year	Minimum Salary	Average Salary
1967	\$6,000.00	\$19,000.00
1968	\$10,000.00	Unavailable
1969	\$10,000.00	\$24,909.00
1970	\$12,000.00	\$29,303.00
1971	\$12,750.00	\$31,543.00
1972	\$13,500.00	\$34,092.00
1973	\$15,000.00	\$36,566.00
1974	\$15,000.00	\$40,839.00
1975	\$16,000.00	\$44,676.00
1976	\$19,000.00	\$51,501.00
1977	\$19,000.00	\$76,066.00
1978	\$21,000.00	\$99,876.00
1979	\$21,000.00	\$113,558.00
1980	\$30,000.00	\$143,756.00
1981	\$32,500.00	\$185,651.00
1982	\$33,500.00	\$241,497.00
1983	\$35,000.00	\$289,194.00
1984	\$40,000.00	\$329,408.00
1985	\$60,000.00	\$371,571.00
1986	\$60,000.00	\$412,520.00
1987	\$62,500.00	\$402,900.00
1988	\$62,500.00	\$447,291.00
1989	\$68,000.00	\$497,254.00

Appendix B

The 1984 Joint Drug Agreement

Source: Memorandum Re: Joint Drug Program and Discipline, June 28, 1984, BL. 2966.2001, *Bowie K. Kuhn Collection*, BA MSS 100 Series II, National Baseball Hall of Fame & Museum, Cooperstown, NY.

The 1984 Joint Drug Agreement was agreed upon by the MLBPA and management on June 21, 1984. The program had the following features:

1. The program excluded marijuana, amphetamines, and alcohol. Players who were found to be abusing these substances would continue to be subject to action by the commissioner, and the union would continue to have the right to file grievances in such cases.
2. A cornerstone of the new agreement was a salary abatement procedure to penalize players who continued to use drugs. A player who asked for help with a drug program would receive full pay for the first 30 days of treatment and half pay for the next 30 days. Beyond 60 days, if kept on the major league roster by the club, the player would be paid at a rate of \$60,000 a year, the minimum salary.
3. A club that suspected a player of drug involvement would ask the person to undergo examination. If the player refused, the evidence would be presented to a review council. A panel that included drug counselors. The members of this council were to be selected by a joint committee of owners and players. If the council recommended that the player undergo testing or treatment and the player refused, he would be subject to disciplinary action by the commissioner.

One week later on June 28, 1984, Commissioner Kuhn issued a memorandum to all players and clubs outlining a new set of drug discipline and treatment rules:

1. The possession or use of illegal drugs is strictly prohibited. The procedures established in the joint player/management drug use program shall be followed in all applicable cases. Matters excluded from the joint program shall be handled in accordance with these rules.
2. Any player convicted of or pleading guilty to a crime related to the distribution of a controlled substance will be suspended without pay for a minimum of one year to a maximum of permanent ineligibility.
3. Any player who facilitates the use by others of a controlled substance will be suspended without pay for a minimum of year up to a maximum of permanent ineligibility.
4. Any player convicted of or pleading guilty to any crime related to the possession or use of a controlled substance will be suspended without pay for one year.

5. Any player found in possession of or using any controlled substance on the playing field or the premises of a stadium will be suspended without pay for one year.
6. Any player who has previously been disciplined under these rules and thereafter again is found in violation of any of them shall be subject to such discipline as in the opinion of the Commissioner may be appropriate under the circumstances which may include permanent ineligibility.
7. Any player involved with a controlled substance covered by the joint program who for any reason is excluded from the procedures of the joint agreement (that is, players who have been on the Rehabilitation List for more than 60 days and those who fail to comply with the recommendations of the Joint Review Council) shall be subject to such discipline as in the opinion of the Commissioner is appropriate.
8. In addition to the sanctions set forth above, any player disciplined as the result of involvement with a controlled substance may thereafter be placed on probation for such period as may be determined to be appropriate under the circumstances. During this probationary period, the player will be subject to mandatory, unannounced testing for the purpose of assuring that the player is no longer involved with a controlled substance. The probationary terms may also include such provisions as may, in the opinion of the Commissioner, be appropriate as regards aftercare or community service.
9. Any player involved with a controlled substance not covered by the joint program shall be subject to such discipline as in the opinion of the Commissioner may be provided, however, that any player who voluntarily seeks help for such a problem will be accorded amnesty and not be subject to discipline. Such players will, however, be subject to appropriate probationary terms which may include testing, aftercare and community service. The amnesty referred to above does not extend to subsequent failure to comply with the probationary terms or for any renewed involvement with such controlled substances.

Appendix C

Players Suspended for Drug Use

<u>Player</u>	<u>Year</u>	<u>Commissioner</u>
Alan Wiggins	1982	Kuhn
	1987	Ueberroth
Willie Aikens	1983	Kuhn
Vida Blue	1984	Kuhn
Jerry Martin	1983	Kuhn
Willie Wilson	1983	Kuhn
Steve Howe	1983	Kuhn
	1986	Ueberroth
	1992	Vincent
Pascual Perez	1984	Kuhn
	1992	Vincent
LaMarr Hoyt	1986	Ueberroth
Floyd Youmans	1988	Ueberroth
Eddie Milner	1988	Ueberroth
John Rabb	1988	Ueberroth

Appendix D

Proud to be an Astro

The lyrics of “Proud to be an Astro” were set to the tune of Tom Lehrer’s “It makes a Fellow Proud to Be a Soldier.” “Proud to be an Astro” stanzas are quoted directly from Jim Bouton and Leonard Shecter, *Ball Four: Twentieth Anniversary Edition* (New York: Wiley Publishing, Inc., 1990), 331-332.

Now, the Astros are a team that likes to go out on the town,
We like to drink and fight and fuck till curfew comes around,
Then it’s time to make the trek,
We better be back to buddy’s check,
It makes a fellow proud to be an Astro.

Now, Edwards is our catcher and he’s really No. 1,
Dave Bristol said he drinks too much and calls some long home runs,
But we think John will be all right,
If we keep him in his room at night,
It makes a fellow proud to be an Astro.

Now, our pitching staff’s composed of guys who think they’re ‘pretty cool,’
With a case of Scotch, a greenie and an old beat-up whirlpool,
We’ll make the other hitters laugh,
Then calmly break their bats in half,
It makes a fellow proud to be an Astro.

Now, Harry Walker is the one that manages this crew,
He doesn’t like it when we drink and fight and smoke and screw,
But when we win our game each day,
Then what the fuck can Harry say?
It makes a fellow proud to be an Astro.

Appendix E

1985 Ueberroth Drug Program

Source: The drug provisions set forth by Ueberroth in a memo dated June 18, 1985 to all Major League Baseball Clubs are quoted in Glenn M. Wong, and Richard J. Ensor, "Major League Baseball and Drugs: Fight the Problem or the Player?" *Nova Law Review* 11 (2) (1987): 795-797. Commissioner Ueberroth.

Memo from Peter V. Ueberroth, Commissioner, Office of Commissioner, Major League Baseball to all Major League Clubs, Re: Baseball's Drug Education and Prevention program, June 18, 1985.

Ueberroth outlined his new drug program as follows:

1. Preparations are complete for the implementation of the testing program.
2. Testing for Minor League players and umpires will commence during the month of July and continue through the end of each league season.
3. Testing for remaining Major and Minor League personnel will begin in August and continue through November 1985.
4. For 1986 and years thereafter, testing will commence in March and continue through October for all affected personnel. The Program will operate under the following guidelines:
 - a. Individuals subject to testing include all Minor League umpires and playing personnel; all full-time, year-round administrative and management personnel employed in Minor Leagues and by Major League Baseball; and all Major League managers, coaches, trainers, and umpires.
 - b. The program will be administered under the direction of Anthony F. Daly, Jr., MD. of Inglewood, California and Kim Jasper, Pharm. D. of Los Angeles. Dr. Daly has extensive background in providing assistance to amateur and professional athletes. Dr. Daly is a recognized sports medicine authority and former U.S. team physician for the 1976 and 1980 Olympic Games. He was the Director of the Olympic Health Services Program for the 1984 Los Angeles Olympic Games. Dr. Jasper's specialty is pharmacology. She was the director of Doping Control for the Los Angeles Olympic Games;
 - c. The tests will be administered by appropriately trained and supervised medical technicians;
 - d. The cost for the administration of this program will be borne by the Major Leagues Central Fund;
 - e. Samples will be taken at Major and Minor League ballparks and at the administrative offices of Major and Minor League management personnel. Samples will be divided into two containers, one for analysis and the other stored for confirmatory tests, if required. Laboratory analysis will be conducted at a fully competent facility under the supervision of Dr. Daly and Dr Jasper;

- f. Samples will be tested for the following controlled substances: cocaine, amphetamines, marijuana, heroin, and morphine. Amphetamines will not be considered an illegal drug if an individual has a legal prescription;
- g. Positive test results will be provided to Dr. Daly. He will then authorize a confirmatory analysis. If positive, Dr. Daly (or an appropriate designee) will thereafter contact the individual to make arrangements for appropriate evaluation and treatment if necessary;
- h. At the time of collection samples will be coded. The results of all tests will be confidential;
- i. There will be no discipline or penalties for initial positive test results. Test results will not become part of an employee's permanent employment record;
- j. Positive test results will occasion evaluation and rehabilitative treatments if necessary. Wherever appropriate, this will be done in conjunction with our Employee Assistance Program.

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