

THE LEE AND DOUGLAS BENDEL AWARD

A Look into the Past of America's Pastime

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Amidst the cheers a familiar crack, the sound of bat meeting ball, resounded throughout the stadium. Silence ensued as the fans held their breath in anticipation; suddenly the roar of their voices resumed as the ball sailed gracefully over the wall. As the crowd chanted his name, the batter trotted around the bases, wondering if one day his legacy would join the historic players in the baseball Hall of Fame. The names of baseball's greats—Mickey Mantle, Babe Ruth, Hank Aaron, and Jackie Robinson to name a few—are known throughout the country. The mere word baseball conjures up patriotic sentiments, images of cheering crowds joined together, singing “Take Me Out to the Ball Game,” and of fathers and sons playing catch. Yet the actual history of baseball is not mere grand slams; baseball gathered quite a few strikes against it throughout its days as America's pastime. Two examples of negative experiences in baseball are the Black Sox scandal of 1919 and the modern day steroid scandal. Neither of the events were isolated incidents, but instead were a significant part of baseball's development. While differences existed between the ways the baseball industry eventually addressed these two issues, a closer look reveals that during the early twentieth century and during the modern era, baseball's initial response toward them was disregard. In both instances the baseball industry's reactions were intimately linked with protecting the sport's national image and the management's investments within it.

For more than a century baseball has occupied a significant place in American culture. According to Michael Kimmel, author of “Baseball and the Reconstitution of American Masculinity, 1880-1920,” “Participation in sports around the turn of the twentieth century was seen as a patriotic duty calculated to reverse the slide into lethargy that came with lifestyle changes brought on by new technology.”¹ Prominent individuals, including President Theodore Roosevelt, believed sports instilled in young men morality, spirituality, and physical fitness. Baseball was viewed as the superior athletic activity, and its benefits were spoken throughout the land; even preachers and parental advice manuals spoke favorably of it. According to Kimmel, society regarded baseball as an activity that encouraged independent thinking, but at the

¹ Michael S. Kimmel, “Baseball and the Reconstitution of American Masculinity, 1880-1920,” in *Baseball History from Outside the Lines*, ed. John Dreifort, (Lincoln, NE: University of Nebraska Press, 2001), 47.

same time taught teamwork, self-discipline and obedience. However, baseball was not beneficial just for the players; it was also a prime recreational activity for the spectators. President Taft recognized in baseball a way of bringing all levels of people, from laborers to businessmen, into fresh air and sunshine.² Kimmel quoted Donald Hall, "...Baseball is the generations, looping backward forever with a million apparitions of sticks and balls, cricket and rounders... the profound archaic song of birth, growth, age, and death. This diamond encloses what we are."³

By the 1900s baseball claimed the title of America's national pastime and was considered to be uniquely American.⁴ Because baseball was linked intimately with American identity, society believed in its honesty and morality. In his book *Blackball, the Black Sox, and the Babe* Robert Cottrell quoted the *Chicago Tribune's* writer I. B. Sanborn, who wrote that baseball was an honest game "...because it cannot be fixed or made dishonest as long as there are honest men identified with it in any way..."⁵ Most individuals, such as F. C. Lane, a writer for the *Chicago Tribune* during 1912, and Reverend George Perin did not believe throwing a baseball game was possible. Too many players' cooperation was required to purposefully lose, including individuals with high moral standards, like the pitchers. These players would not, they believed, stoop to that level.⁶ Therefore, when the news of the 1919 World Series gambling scandal first became public, America refused to believe the rumors.

In reality, however, gambling existed within baseball for nearly half a century before the Black Sox scandal. It merely was ignored and kept out of public scrutiny. Cottrell wrote

Charges of corruption had afflicted organized baseball since it first emerged after the close of the Civil War. An 1865 contest between the New York Mutuals and the Brooklyn Eckfords was marred by the determination of three Mutual players to throw the game. But with a dearth of quality ballplayers, the two teams allowed the fixers to play again and downplayed the incident. The great Cincinnati Red Stockings of 1869-70 suffered one tie in the midst of a long winning streak, but that stalemate occurred because of a reputed \$60,000 that had been bet by gamblers, including the Troy Haymakers' owner John Morrissey.⁷

Formed in 1876, the charter of the National League stated that gambling was not allowed; yet limited punishments were handed out to the guilty parties. In fact, the National League's creator William Hulbert "...ran with a fast crowd. He piled up some gambling debts."⁸ David Voigt provided other examples of gambling in early baseball. His article stated that in 1877 some Louisville players were expelled for selling games, and a brief time later an umpire was fired for dishonesty. In the second World Series Rube Waddell was offered \$17,000 to sit out of the games. Voigt wrote,

² Ibid., 47-59.

³ Ibid., 50.

⁴ Steven A. Reiss, "Professional Baseball," in *Baseball History*, ed. John Dreifort, 34-37.

⁵ Robert C. Cottrell, *Blackball, the Black Sox, and the Babe* (Jefferson, NC: McFarland and Company, 2002), 9.

⁶ Ibid., 6-11.

⁷ Ibid., 197.

⁸ Ibid., 197.

“Coincidentally or not, he injured himself falling over a suitcase and did not appear.”⁹ In the early years of the twentieth century, gambling thrived at baseball parks with players betting on their own teams. Some historians argue that during the period of 1916-1918, the number of fixed games rose dramatically. These years during World War I found the league financially duntrodden because of competition by the new Federal League, and players were unsure about their financial situation. Also during this time the United States closed the horse racetracks where gambling was popular; thus the gamblers found a new outlet in baseball.¹⁰ In 1917 Boston Red Sox pitcher Carl Mays was charged with breach of contract. He had failed to repay a several hundred dollar loan that the plaintiff had given to gambler “Sport Sullivan” in Mays’ name to cover a debt which the pitcher owed. His case, however, was dismissed on a technicality. Hal Chase, who was the Cincinnati Reds’ first basemen during the 1916-1918 seasons, was another significant player associated with twentieth century gambling. Susan Dellinger wrote about her grandmother’s opinion of Chase’s baseball skills.

Essie [Edd Roush’s wife and Dellinger’s grandmother] remembered how she felt about Hal Chase in the beginning. She had never seen a man play first base like he did. He played so far from the base that she held her breath each time for fear he wouldn’t get back to tag the runner. But he was pure lightning. He was all over the infield, even running close to third base on catches behind the pitcher. His movements were fluid and graceful, and he seemed to pick the ball out of the air as if it were a meaningless tap in a practice session. Essie knew her baseball, and this guy could play first base.¹¹

Essie Roush’s opinion of Chase lessened, however, when she discovered he stole for enjoyment and threw baseball games. In fact during the 1918 season the Reds’ players believed Chase caused them twenty-seven losses. Finally in September 1918 Christy Mathewson, Chase’s manager, suspended him for these dishonest actions on the field. Mathewson filed a formal complaint with the President of the National League, John Heydler. Because of insufficient evidence, however, the National Commission reinstated Chase with only a \$200 fine. The actual reason for a lack of suspension may have been to avoid bad publicity for baseball. Dellinger noted that Heydler admitted privately that he believed Chase was guilty. “Correspondence between Herrmann and Heydler strongly suggested a cover-up to prevent a ‘severe black eye for the game if the details became fully known.’”¹² Asinof wrote gambling was kept secret by the team owners. He stated

They knew, as all baseball men came to know. They knew, but pretended they didn’t. Terrified of exposing dishonest practices in major-league ball games, their solution was no solution at all. ...The official, if unspoken, policy was to let the rotteness grow rather than risk the dangers involved in exposure and cleanup. So all the investigations were squashed. This was business, pure and

⁹ Voigt, “The Chicago Black Sox and the Myth,” in *Baseball History*, ed. John DrCIFort, 102.

¹⁰ Cottrell, *Blackball, the Black Sox and the Babe*, 198.

¹¹ Susan Dellinger, *Red Legs and Black Sox*, (Cincinnati: Emmis Books, 2006), 124-125.

¹² *Ibid.*, 127-44.

simple, for all the pious phrases about the nobility of the game and its inspirational value for American youth. In fact, that, too, was part of the business.¹³

In *Never Just a Game* Robert Burk provided a reason for the gambling. He wrote
The continuous squeezing of players' legitimate incomes had made illicit avenues of alternative pay more and more alluring. At the same time, ironically, the absence of certain and meaningful punishment encouraged players to assume that even their worst transgressions still would not, at bottom, cost them a baseball livelihood.¹⁴

Baseball owners did not want to tarnish their teams' names with scandal or lose key players; either of these actions led to diminished profits. Therefore, with no or at least minor consequences, players and other individuals linked to the baseball industry lacked little reason not to gamble. Until the 1919 World Series scandal exploded, the possible benefits of gambling outweighed its repercussions.

From the beginning, the 1919 World Series shocked the baseball fans. Few people thought the Cincinnati Reds would reach the pennant race. Yet, the World Series opened in Cincinnati on October 1. A nervous excitement filled the city streets and especially the Cincinnati fans.

For all their enthusiasm, few could realistically anticipate a World's Championship. Deep down inside, they foresaw the adversary walking all over them. Not even Miracle Men could be expected to stop the all-powerful colossus from the West. For they were the Chicago White Sox, a mighty ball club with a history of triumphs. It was said that Chicago fans did not come to see them win: they came to see *how*.¹⁵

However, this series held more unexpected events. At the outset of the pennant race, the White Sox were favored to win five out of eight games by many individuals, including *Chicago Herald and Examiner* sports writer and baseball statistician Hugh Fullerton. According to Susan Dellinger in *Red Legs and Black Sox*, Fullerton is credited for creating the concept of "doping," or predicting the result of a game or series by studying the teams' past performances. Fullerton's predictions were highly respected, and in 1919 he was so certain the White Sox would win that he said he would quit his job if he was wrong.¹⁶ Unfortunately Fullerton made these predictions prior to learning about a possible series fix by the White Sox.

Before the World Series even began, rumors circulated that gamblers had penetrated the White Sox, and some of the players were planning to throw the series. Many individuals suddenly switched their bets to the Reds. Hugh Fullerton and retired

¹³ Eliot Asinof, *Eight Men Out*, (New York: Holt, Rinehart and Winston, 1963), 14.

¹⁴ Robert F. Burk, *Never Just a Game*, (Chapel Hill: University of North Carolina Press, 1994), 176-77.

In fact, some entire ball clubs practiced the "...custom whereby a contending ball club offered a suit of clothes to a noncontending pitcher for beating another contender." Voigt, "The Chicago Black Sox and the Myth," in *Baseball History*, ed. John Dreifort, 2-3.

¹⁵ Asinof, *Eight Men Out*, 4-5.

¹⁶ Dellinger, *Red Legs*, 192.

player and manager Christy Mathewson scrutinized each play of that first game, believing that some White Sox's plays, particularly plays made by pitcher Eddie Cicotte, hinted at a fix. When the game ended in a White Sox defeat, the two gentlemen were unable to dismiss a possible scandal; the White Sox had played the first game of the series like a defeated team.¹⁷ That night Chicago manager Kid Gleason and owner Charles Comiskey also did not believe the game was straight. Asinof wrote, "Comiskey was adamant in his belief that something terrible was going on...."¹⁸ However, he allowed himself to be dissuaded and took no action.

On October 9, 1919 after eight games, the World Series ended, crowning the Cincinnati Reds the pennant winners. However, the 1919 story was not over. While the victorious Reds celebrated, Comiskey and Gleason fumed. To Gleason, no doubt existed; his team had sold him out. Comiskey, however, felt trapped. If he dealt with the series as a fix, he would probably destroy his ball club and million dollar investment; if, on the other hand, he ignored the scandal, he feared the dishonesty would ruin him in the end. Comiskey sought advice from his lawyer Alfred Austrian, and the two men decided that Comiskey should act upon both parts. He merely would "investigate" the rumors, asking for information about any dishonesty in the series. "It was a way of protecting himself, especially since there was no likelihood of any 'evidence' resulting from it. In fact, Ban Johnson [American League President] and the National Commission could be relied on to do absolutely nothing."¹⁹ Any proof Comiskey received, such as a letter from White Sox player Joe Jackson requesting a meeting to confess the scandal, was quietly filed away.

By November 1919 rumors of the scandal had ceased, and Comiskey believed he was in the clear until Hugh Fullerton began writing. Fullerton wrote numerous articles about the 1919 World Series, attempting to reveal the scandal to the public, but he was ignored and "...crushed for his attack on baseball. The establishment assailed him, and his reputation was ruined. *Baseball Magazine* called him an 'erratic writer' who knew so little about baseball that he thought games could be fixed!"²⁰ Fullerton believed much of the blame for the scandal lay with the owners. Daniel Nathan, author of *Saying It's So*, quoted Fullerton.

Their [the owners] commercialism is directly responsible for the same spirit among the athletes and their failure to punish even the appearance of evil has led to the present situation, for the entire scandal could have been prevented and the future of the game made safe by drastic action in the Hal Chase case.²¹

As the 1920 season opened, new stories were printed about baseball gambling. By September 1920 the gambling problem, including the gambling involved with the 1919 World Series, was common knowledge. Baseball's name and image were in trouble. Action needed to be taken before the American people began to believe that gamblers ran the game. Baseball finally started to act in September when a Cook

¹⁷ Ibid., 214.

¹⁸ Asinof, *Eight Men*, 77.

¹⁹ Ibid., 127-29.

²⁰ Gene Carney, "Uncovering the Fix of the 1919 World Series," *Nine: A Journal of Baseball History and Culture*, 13.1 (2004), 39-49.

²¹ Daniel A. Nathan, *Saying It's So*, (Chicago: University of Illinois Press, 2003), 18.

County grand jury investigation into the 1919-20 rumors began.²² Charles Comiskey was one of the first men to appear before the jury, but his statements proved useless. He only said he had heard the rumors, but neither he nor Ban Johnson had pursued them. However, in late September 1920 the grand jury faced a surprise: Cicotte was ready to talk. With tears in his eyes, he confessed before the court. "I never did anything I regretted so much in my life...I've played a crooked game and I have lost, and I am here to tell the whole truth. I've lived a thousand years in the last year."²³ According to court officials Cicotte said, "In the first game at Cincinnati...I wasn't putting anything on the ball...In the fourth game...I deliberately intercepted a throw from the outfield to the plate which might have cut off a run...I did not try to win."²⁴ Joe Jackson was the next player to talk to the court and according to his testimony on September 28, he also confessed of his involvement. The transcriptions read:

...Did anybody pay you any money to help throw that series in favor of Cincinnati? They did. How much did they pay? They promised me \$20,000, and paid me five...Did you make any intentional errors yourself that day? No, sir, not during the whole series.²⁵

Eventually Oscar Felsch and Claude Williams also provided the grand jury with a confession, and soon eight members of the 1919 White Sox team and a number of gamblers were indicted and appeared before the Cook County grand jury. The players were: first baseman Charles (Chick) Gandil, pitcher Edward Cicotte, outfielder Joseph (Shoeless Joe) Jackson, third baseman George (Buck) Weaver, shortstop Charles (Swede) Risberg, center fielder Oscar (Happy) Felsch, pitcher Claude (Lefty) Williams, and utility infielder Frederick McMullin.²⁶

The trial, however, met with difficulties from the beginning. Norman Rosenberg wrote in his article

Since baseball's magnates obviously feared having their trade secrets—including Comiskey's scandalously tight-fisted salary schedule—exposed in a public trial, they did not simply allow 'blind justice' to run its course. At the outset, for example, they helped the players, the very same ones whose salaries Comiskey continually tried to shave, obtain very expensive legal talent.²⁷

²² David Q. Voigt, *The Chicago Black Sox and the Myth*, in *Baseball History*, ed. John Dreifort, 99.

²³ "Eight White Sox Players Are Indicted On Charge of Fixing 1919 World Series; Cicotte Got \$10,000 and Jackson \$5,000," *New York Times*, 29 September 1920, 1:8.

²⁴ *Ibid.*, 1

²⁵ Joe Jackson, interviewed by Hon. Charles A. McDonald, September 28, 1920, 5-12, www.apbnews.com.

²⁶ Dave Condon, *The Go-Go Chicago White Sox*, (New York: Coward-McCann, Inc., 1960), 75-7.

²⁷ Norman L Rosenberg, "Here Comes the Judge! The Origins of Baseball's Commissioner System and American Legal Culture," in *Baseball History*, ed. John Dreifort, 114. "The White Sox were commonly regarded as the team with the most talent, though their salaries were often lower than those of mediocre and poor teams...." Robin F. Bachin, "At the Nexus of Labor and Leisure: Baseball, Nativism, and the 1919 Black Sox Scandal," *Journal of Social History*, 36.4 (2003): 941-962.

Another hindrance to the case occurred when the court realized that the state attorney George Gorman had lost vital documents, including the four confessions gathered by the grand jury.²⁸ "In their petitions [during the trial] Williams and Jackson asserted that they did not make any admission of 'game throwing,' as they were said to have made before the Grand Jury."²⁹ Legal officials also found it difficult to discover any law the Black Sox had broken. Conspiracy to throw games constituted a breach of contract between owner and player.³⁰ On August 2, 1921 Judge Friend stated, "The State must prove that it was the intent of the ballplayers and gamblers charged with conspiracy through the throwing of the World Series, to defraud the public and others, and not merely to throw ballgames!"³¹ The defense faced too many obstacles, and on August 3 all individuals indicted were declared not guilty.³²

However, during the trial and investigation in 1920-21, baseball officials had worked to create a new position of commissioner to clean baseball's image and restore the public faith in the game. In 1921 Chicago federal judge Kennesaw Mountain Landis filled this position. Landis' original contract gave him the power to recommend that action be taken if he suspected foul play in baseball, but he did not accept these terms. "But I [Landis] want you to know that either I must have power to take such action as I wish or else you had better seek a new Commissioner. I wouldn't take this job for all the gold in the world unless I knew my hands were to be free."³³ Thus he received powers to investigate and act upon any suspected practice that might be detrimental to baseball. Judge Landis made his first statement as baseball commissioner immediately after the eight players were declared not guilty. Landis, banned the eight players for life, stating

Regardless of the verdict of juries, no player that throws a ball game, no player that entertains proposals or promises to throw a game, no player that sits in conference with a bunch of crooked players and gamblers where the ways and means of throwing games are discussed, and does not promptly tell his club about it, will ever again play professional ball.³⁴

When Kennesaw Mountain Landis became commissioner and banned the Black Sox players, American society believed the new commissioner had purified baseball once again, and they returned in droves to watch their sport. However, Landis merely had

²⁸ *Ibid.*, 115-16.

²⁹ "Indicted White Sox Demand Particulars," *New York Times*, 15 February 1921, 6:2.

³⁰ Norman L. Rosenberg, "Here Comes the Judge!" in *Baseball History*, ed. John Dreifort, 115-16. During this time Sidney Mudd, United States Congress Representative for Maryland, became infuriated. If there was no law against throwing games, he decided to make one. He stated, "Congress must make it a Federal offense to bribe ballplayers and throw ball games. Since professional baseball was played in leagues that cover two or more states, it was therefore in violation of interstate commerce." In 1921 individual states, such as Maryland, Ohio and Missouri drafted bills to serve this purpose. "Ohio Bill Provides Prison Term for Bribed Players," *New York Times*, 20 January 1921, 11:5.

³¹ Asinof, *Eight Men*, 270.

³² *Ibid.*, 272.

³³ "Majors and Minors Reach Agreement," *New York Times*, 13 January 1921, 15:2.

³⁴ Norman L. Rosenberg, "Here Comes the Judge!" in *Baseball History*, ed. John Dreifort, 112-116.

painted the surface of the problem. Banning the eight players did not solve the issue. While their dishonesty deserved reprimand, their exclusion from baseball did not punish the gamblers involved or the owners who had remained silent. Landis' scapegoats, Gandil, Cicotte, Jackson, Weaver, Risberg, Felsch, Williams, and McMullin, paid the price for all of baseball; some even losing their opportunity to be inducted into the Hall of Fame.

To the average person, Landis' verdict meant that baseball was able to keep itself clean; in reality however, Landis just allowed the owners to escape a scandal and resume the business of their investments unscathed. Numerous other gambling charges arose after his 1921 ruling, and many of Landis' verdicts mirrored his first: life-time bans. In his first year as commissioner, Landis banished seven ballplayers in addition to the eight Black Sox. Nearly a dozen prominent names associated with baseball faced Landis for gambling-related charges throughout his two decade term. For example, in November 1943 Landis named baseball owner William Cox permanently ineligible to hold office or be employed in the baseball industry for betting on his own team. At another time fifty-three players were put on his ineligible list.³⁵ Landis' actions ascertained that these incidences were brought to public attention, broadcasting his speedy judgments on corruption. Yet Landis' actions appeared to be more for show since he did not maintain fairness throughout his rulings. If his interests or those of baseball were at stake, justice was sacrificed. "Demonstrating the selective nature of his justice, several other players with 'guilty knowledge' of the plot [Black Sox scandal] received no punishment at all nor did the longtime player/fixer Hal Chase."³⁶ When Philadelphia's Heinie Sand reported he had been offered \$500 by Giants outfielder Jimmy O'Connell to help the Giants' pennant chances, O'Connell confessed. He also implicated coach Cozy Dolan and players Frisch, Youngs, and Kelly. Yet only Dolan and O'Connell were blacklisted. Another example showed itself in December 1926. Reporters quoted Landis as saying that Ty Cobb and Tris Speaker

...had been "permitted" to resign in the face of long-standing game-fixing allegations dating back to the 1919 AL pennant race...Publication of the charge, however, unleashed other game-fixing claims...against Cobb...The revelations in turn unraveled the commissioner's undercover resignation deal with Cobb and Speaker, who now backed out...On January 5, 1927, Landis...concluded that the pot of money the Chicagoans had collected for their Detroit adversaries had been a retroactive "reward" for beating Boston rather than a bribe soliciting the Tigers to lay down.³⁷

Cobb and Speaker were both reinstated with their teams. Finally in 1927 the magnates, impatient with both the reoccurrence of game-fixing and Landis' confusing and random responses, drafted their own penalties. "The codification of formal rules and

³⁵ "Kenesaw Mountain Landis," http://www.baseballlibrary.com/baseballlibrary/ballplayers/L/Landis_Kenesaw_Mountain.stm, (accessed 25 April 2006).

³⁶ Robert F. Burke, *Much More than a Game*, (Chapel Hill: University of North Carolina Press, 2001), 14.

³⁷ *Ibid.*, 15-16.

punishments on baseball game-fixing, bribery, and betting represented the forced withdrawal of Landis from his initial celebrated role as baseball's public policeman."³⁸

Even with the end of Landis' era and the implementation of new guidelines, baseball failed to deal with many of its problems in a timely and honest manner. In fact baseball's focus on its business rather than its ethical behavior during the early twentieth century repeated itself during the end of the twentieth century. The Juiced Era, as many sports writers named the ten years between 1994 and 2004, began after the baseball strike. It received its name because of the wide-spread use of drugs, particularly steroids, within baseball. Like the gambling problem, for nearly two decades many people did not believe steroids were a concern in baseball. Not only would drug use make the sport dishonest, especially since Congress outlawed steroids in 1990, but to baseball steroids were not an issue; thus they did not test for them. Big muscles were seen as a hindrance to batters, making them slower at swinging the bat. According to this view, players lacked a reason to employ steroids in their fitness regiment. In fact in the 1960s and 1970s baseball clubs discouraged weightlifting by threatening to fine players who lifted.³⁹ However, America's pastime was once again blackened when wide-spread steroid use was revealed.

Like the gambling problem, baseball's drug issue was not a simple isolated incident. The baseball players living in the Juiced Era were surrounded by drugs just as the early twentieth century players lived amongst gambling. Burke wrote in his book *Much More than a Game*

By the late 1970s, besides baseball's traditional problem of alcoholism, the use of prescription and performance-enhancing drugs, from amphetamines to steroids, and the abuse of so-called recreational drugs, especially cocaine had risen sharply.⁴⁰

To Jerry Goldman, the Oakland A's team physician during the late 1980s, it was only a matter of time before steroids entered baseball. Goldman believed the weightlifting way of life the team had implemented would lead to a disastrous outcome. With the other major league teams following Oakland's example and embracing weightlifting, Goldman worried the players eventually would realize supplements existed that would increase their strength training; not all of these substances were legal.⁴¹

To add to the temptation of drug use, a variety of new supplements were made available after October 1994. With the World Series cancelled, President Clinton signed into law the Dietary Supplements Health and Education Act, known as DSHEA, which shifted the burden of proof of a product's safety from the producer to the Food and Drug Administration. The FDA was already an overburdened agency and was unable to keep pace with the numerous dietary supplements issued. The result was a billion dollar supplement industry that developed many muscle building products. Naturally these products were popular with professional athletes.⁴² One example of this type of product was creatine. While ball clubs once discouraged their players from gaining more muscle for fear it would slow their swing, the discovery of creatine, a

³⁸ Ibid., 17.

³⁹ Howard Bryant, *Juicing the Game*, (London: Viking Penguin Publishers, 2005), 90-1.

⁴⁰ Robert F. Burke, *Much More than a Game*, (Chapel Hill: University of North Carolina Press, 2001), 213.

⁴¹ Bryant, *Juicing the Game*, 102-03.

⁴² Ibid., 48.

supplement that aided in gaining muscle and strength without some of the bulk, changed this practice. Creatine meant the players could lift weights and still maintain bat speed. Howard Bryant, author of *Juicing the Game*, is a senior sportswriter for the *Boston Herald*. In 2002 his first book won the Casey Award for the Best Baseball Book and was a finalist for the Seymour Medal by the Society for American Baseball Research. In his recent book Bryant stated, "By the mid-1990s, creatine was as ubiquitous in major league clubhouses as tobacco. Several teams, including the Oakland A's and St. Louis Cardinals, purchased creatine for their players."⁴³ In fact prominent players like Mark McGwire and Sammy Sosa employed creatine as a part of their exercise regiment.

Baseball enthusiasm had waned since the 1994 strike, but in the summer of 1998, just like in Babe Ruth's era of the 1920s, baseball was rescued once again by a power hitter. In fact it was two power hitters that drew the crowd's enthusiasm that season: Mark McGwire and Sammy Sosa. As Conesco suggested in his book *Juiced*, the homerun race between the two players was just what baseball needed. "The McGwire-Sosa contest was great for ratings, great for attendance, and great for the viability of the game. That summer was everything the owners were hoping for."⁴⁴ It proved to be such a good experience for baseball that when Associated Press reporter Steve Wilstein stumbled upon androstenedione ("Andro") in McGwire's locker, Bud Selig, baseball commissioner, panicked. Androstenedione is a testosterone-producing pill intended to raise levels of the male hormone, which builds lean muscle mass and promotes recovery from injuries. McGwire admitted using "Andro" and creatine. McGwire told the press, "Everything I've done is natural...Everybody that I know in the game of baseball uses the same stuff I use."⁴⁵ Selig feared his perfect season was ending, and he told the press he had no knowledge of the supplement use, although McGwire spoke about it as if it were common knowledge. Merle Baker III, a Red Sox strength coach in 1998, viewed the McGwire story as a warning sign upon which baseball should have acted; however they ignored it.⁴⁶ Instead the Players Association was quick to remind the media that neither supplement was illegal, and during the time baseball had no rules in regard to supplement or even anabolic steroid use, although both the NFL and the Olympics had illegalized "Andro." Doctors believed it could be dangerous.⁴⁷ According to Bryant, Selig wanted the 1998 season's focus to remain on the homerun race between Sosa and McGwire, not drugs. Thus the story lasted two weeks was dropped, and the two players became sensations.⁴⁸ Bryant asserted

By the late 1990s, virtually every sport had been faced with the reality that performance-enhancing drugs threatened their

⁴³ *Ibid.*, 96.

⁴⁴ Jose Conesco, *Juiced: Wild Times, Rampant 'Roids, Smash Hits, and How Baseball Got Big*, (New York: Rcan Books, 2005), 201.

⁴⁵ Joe Drape, "McGwire Admits Taking Controversial Substance," *New York Times*, 22 August 1998: 3:1.

⁴⁶ Bryant, *Juicing the Game*, 134-42.

⁴⁷ Joe Drape, "McGwire Admits," *New York Times*, 3. Bud Selig, present-day baseball commissioner, officially became commissioner in 1998. In the absence of a commissioner, however, he became a significant figure in baseball's power structure when named Chairman of the Major League Executive Council in 1992. "MLB Executives," http://mlb.mlb.com/NASApp/mlb/mlb/official_info/about_mlb/exccutives.jsp?bio=selig_bud.html. (accessed April 3, 2006).

⁴⁸ Bryant, *Juicing the Game*, 134-42.

traditions, raised new ethical questions, and required a special vigilance unlike anything they had faced before...Yet baseball was different. It mobilized and silenced dissent almost immediately.⁴⁹

To Selig's credit, he immediately asked Rob Manfred to research the supplement and discovered it was a steroid. However, it was not until five years later that "Andro" was reclassified as a steroid, and the baseball industry banned it on April 12, 2004.⁵⁰

Baseball waited six years to ban "Andro" when it entered the spotlight, but steroid use within the sport existed years before 1998. In 1983 nineteen year old Jose Conseco turned to steroids to improve his baseball performance. During the '83 season Conseco's batting average was .159 with three homeruns. By 1985, while using steroids, Conseco's average climbed to .318 with twenty-five homeruns. Three years later he was batting a .307 with forty-two homeruns, 124 RBIs and forty stolen bases.⁵¹ By 1990 the Oakland A's offered Jose Conseco \$4.7 million per season, which, up to that point, was the highest contract ever given in the history of baseball.⁵² In his book Conseco related his own steroid story in his book *Juiced: Wild Times, Rampant Roids, Smash Hits, and How Baseball Got Big*. He wrote that at the same time that he was taking steroids, he was also researching and promoting them. Because Conseco was such a believer in the way he thought steroids aided his career, he encouraged other players to use them and provided them with first-hand knowledge. According to Conseco, by 1988 Mark McGwire began discussing steroids with him. He wrote

...soon we started using them together. I injected Mark in the bathrooms at the Coliseum more times that I can remember...Nobody knew that much about steroids back then and nobody really knew what we were doing. As the years went on, more and more players started talking to me about how they could get bigger, faster, stronger, but at that time, as far as I know, Mark and I were the only ones doing steroids.⁵³

In 1992 the A's traded Conseco to the Texas Rangers, and the ballplayer wrote that he wondered if his steroid use caused the change. He believed that by the early '90s the baseball teams knew all about steroids. He wrote that no one in the A's organization ever came right out and said it, but by that time there were a lot of rumors about Conseco using steroids. Everyone in baseball knew in 1992 that he was the godfather of steroids, but it did not seem to bother the Rangers. In 2004 CNN's Paul Begala commented on President Bush's State of the Union address.

But when he was the owner of a baseball team, Mr. Bush did nothing about steroids. Although other sports were cracking down on steroids, Mr. Bush and his fellow baseball owners refused to do a thing. In fact, Mr. Bush even traded for Jose Conseco...a

⁴⁹ *Ibid.*, 40-41.

⁵⁰ Robert Dvorchak, "Officials bungled steroid rules from start Pittsburg lawyer pieces together evidence that puts the government in center ring of this controlled-substance controversy," *Pittsburg Post-Gazette*, 3 October 2005, E-1.

⁵¹ Bryant, *Juicing the Game*, 105.

⁵² Bryant, *Juicing the Game*, 105-111.

⁵³ Conseco, *Juiced*, 74.

man who one sports agent told the UPI was the "Typhoid Mary of steroids."⁵⁴

When Conseco moved to the Rangers, he picked up three new students: Rafael Palmeiro, Juan Gonzalez, and Ivan Rodriguez. Soon he was injecting them until they understood how to inject themselves. Conseco also wrote he acted as teacher to other ballplayers, including Wilson Alvarez and Dave Martinez; according to Conseco, Bret Boone also used steroids, although Conseco did not teach him. In his book Conseco wrote that after using steroids in 2001, Boone's batting percentages increased and so did his salary. Boone went from making \$3.25 million a year to \$8 million.⁵⁵

Goldman believed that pressure to succeed in the industry was the drive behind steroid use, and the huge pay increases, such as seen among the industry's power hitters, reaffirm this point. Bryant related

For A. J. Hinch [Oakland A's], steroid use was a fact of his major league existence. The margins were so thin for players that a little more distance on a fly ball, a little more velocity on a fastball, or a bit more durability could be the difference between earning a big league salary worth several hundred thousand dollars a year and the lousy \$1200 per-month pay in the minors. That made steroid use a critical issue.⁵⁶

Instead of punishing steroid users, baseball inadvertently had developed a system that encouraged drug use. By rewarding the players who hit the ball further and throw faster with increased salaries, baseball compelled other players to use steroids in order gain that advantage. Results of a 2002 *USA Today* poll conveyed that forty-four percent of players said they felt pressure to use steroids or other performance-enhancing drugs to keep up with the players already taking them.⁵⁷

The late Ken Caminiti was the first professional baseball player to openly confess of steroid use. In 2002 he told *Sports Illustrated* that he began using steroids to finish the season after injury in 1996. He ended the season with nearly twice as many homeruns and a batting average that increased by twenty-four points; he also won the MVP award that season. Even after his injury healed, however, Caminiti continued using steroids.

He stated, "At first I felt like a cheater. But I looked around, and everybody was doing it."⁵⁸ Caminiti and Conseco were not the only players who believed numerous ballplayers used steroids. According to one minor league player, Pete, "...steroid use is discussed so openly among players that everyone knows who's using and who's not...[In 2001] Pete tested positive for steroids...So did several other players on his team. Here's what happened to them: nothing."⁵⁹ Joe Morgan, Hall of Fame second baseman and prominent broadcaster, examined the homerun numbers, believing steroids were partially responsible for the dramatic increase. Between the years 1876

⁵⁴ Ibid., 132-35.

⁵⁵ Ibid., 135, 263-65.

⁵⁶ Bryant, *Juicing the Game*, 197.

⁵⁷ Ibid., 270.

⁵⁸ Tom Verducci, "Totally Juiced: With the use of steroids and other performance enhancers rampant, according to a former MVP and other sources, baseball players and their reliance on drugs have grown to alarming proportions," *Sports Illustrated*, 3 June 2002, (96), 34.

⁵⁹ Ibid., 34.

and 1994, a period of 118 years, only eighteen times did players reach fifty homeruns in a season. However, between the years of 1995 and 2002, a period of only eight years, fifty homerun seasons were reached by players eighteen more times.⁶⁰ In 1996 Atlanta pitcher John Smoltz stated, "I hate to stereotype people because they're big and strong, to say the only reason they got big was through steroids. But I'm not naïve, either."⁶¹

Some people believe baseball must be naïve. For example, while baseball commissioner Bud Selig and other officials claimed they were unaware of the use of steroids among the players, many players stated the drug use was obvious. Gary Walker, a scientist employed with the USADA, or anti-doping agency, also believed differently. He was convinced that the wide-spread drug use within baseball existed because baseball had refused to confront it for years, "...embracing the steroid culture for profit."⁶² Bryant believed that too much information existed about the dangers of steroids from the NFL, the Olympics, and research for baseball to be unaware of its use.⁶³ In 2005 FBI agent Greg Stejskal told the *Daily News* he alerted baseball in 1994 of steroid use within the sport. His information was based on a steroid investigation called Operation Equine through which significant baseball names, like Conseco and McGwire, surfaced. He commented on baseball's response. "Major League Baseball in effect, they didn't sanction it, but they certainly looked the other way."⁶⁴ Baseball officials were not the only ones to look the other way, however. Curt Schilling spoke to the press who were criticizing players suspected of drug use during a March 2005 press conference, pointing out that they hid the truth the same as everyone else. He said

For seventeen years there has been this elephant in the room that has been danced around by the lot of you guys as well as by us...The same players you guys are vilifying and crushing now are the same guys you taunted to the world for the last fifteen to twenty years, with the same suspicions that we had.⁶⁵

The Juiced Era issues, like the Black Sox scandal, have been slow in obtaining the necessary attention and actions to fix the drug problem within baseball. Commissioner Selig began a steroid-testing program in the minor leagues in 2001, and the results revealed that baseball was plagued with a steroid epidemic. Eleven percent of the two thousand minor league players that took part in the program tested positive for steroids even with prior knowledge of the tests. However, Selig only released the results when Congress pressured him three years later. To Congress, it was proof that baseball did not intend to be honest about its steroid problem, but Bud Selig blamed it on the union. They told Selig that releasing the numbers would make major league drug policy implementation more difficult.⁶⁶

USA Today's 2002 poll of major league players illustrated that seventy-nine percent of players approved steroid testing; yet it was not until nearly a decade after the Juiced Era began in 2003, that baseball finally tested the major league for steroids.

⁶⁰ Bryant, *Juicing the Game*, 150-51.

⁶¹ *Ibid.*, 91-92.

⁶² *Ibid.*, 158.

⁶³ *Ibid.*, 175.

⁶⁴ Christian Red, "Jose's Book Proves Juicy Pumps Up Steroid Scam," *Daily News* (New York), 29 December 2005, 70.

⁶⁵ Bryant, *Juicing the Game*, 393.

⁶⁶ *Ibid.*, 256-57.

Even then the testing was for “informational basis only.” Selig decided if five percent of the major league players tested positive for steroids, then baseball would move to a punitive stage in 2004. However, the consequences for testing positive were relatively lenient, and amphetamines, which had become widely used within baseball, were omitted from the test. Despite the leniency, the results of the testing revealed that of 1200 players tested, 5%-7% were using steroids. While many people thought that was a low number of players, Howard Bryant pointed out those percentages equal sixty to eighty players, which would be both entire teams of the Yankees and the Mets. Also to take into consideration was the fact that many steroids are now undetectable by urine tests. Selig, however, abided by his plan and confirmed that in 2004 the next step, the punitive stage, would be implemented once baseball agreed upon penalties. Just like in the Black Sox scandal, however, it took the involvement of a government authority for that decision to be reached; in the case of steroids that authority was Congress.⁶⁷ Yet the severity of baseball’s drug problem did not reach the public until two topics reached the spotlight: the release of Jose Conseco’s book and the FBI raid on the Bay Area Laboratory Co-operative (BALCO).

While Jose Conseco’s book drew public attention to drug use in baseball, the issue became even more controversial during the BALCO raid and the following grand-jury investigation. Baseball’s inaction for so many years now exploded into a full-blown scandal that needed immediate attention. On September 3, 2003 the FBI raided BALCO, a laboratory that made supplements and was believed to be a source for the new steroid tetrahydrogestrinone (THG).⁶⁸ Major athletes names appeared connected to the company, including Barry Bonds, Gary Sheffield, and Jason Giambi. According to grand jury testimony, on December 4, 2003 Barry Bonds testified at the hearing that he had used “...a clear substance and a cream supplied by... [BALCO]...but he said he never thought they were steroids.”⁶⁹ To the prosecutors, the substances Bonds said he was using sounded like the “cream” and the “clear,” two undetectable steroids marketed by Victor Conte, founder of BALCO; the prosecutors believed Greg Anderson, Bonds’ personal trainer was Conte’s middleman. Bonds believed the substances were flaxseed oil and arthritis rubbing balm.

During the three-hour proceeding, two prosecutors presented Bonds with documents that allegedly detailed his use of a long list of drugs: human growth hormone, Depo-Testosterone...”the cream” and “the clear,” insulin and Clomid...The documents, many with Bonds’ name on them, are dated from 2001 through 2003. They include a laboratory test result that could reflect steroid use and what appeared to be schedules of drug use with billing information...But Bonds said he had no knowledge of the doping calendars and other records that indicated he had used banned drugs. He said he had never paid Anderson for steroids and had never knowingly used them.⁷⁰

Faced with the same questions, five other players admitted to using performance-enhancing drugs provided by Anderson. These players were former Giants Armando Rios, Benito Santiago, and Bobby Estalella and New York Yankees Jason Giambi and his brother Jeremy, all of whom had come in contact with Anderson

⁶⁷ Ibid., 270-280.

⁶⁸ Ibid., 303.

⁶⁹ Lance Williams and Mark Fainaru-Wada, “What Bonds Told BALCO Grand Jury,” *San Francisco Chronicle*, 3 December 2004, A1.

⁷⁰ Ibid., A1.

through Barry Bonds.⁷¹ Jason Giambi, 2000 American League Most Valuable Player, testified he had used several different steroids obtained from Greg Anderson. The grand jury testimony related

Did Mr. Anderson provide you with actual injectable testosterone?...Yes...And he [Anderson] started talking about that it [“the cream” and “the clear”] would raise your testosterone levels, you know, which would basically make it a steroid...or maybe he said it’s an alternative of taking an injectable steroid, Giambi said. That might be a better way to put it.⁷²

In February 2006 Victor Conte, owner of BALCO, was sentenced to four months in federal prison and four months of home confinement. Greg Anderson, Bonds’ trainer, was sentenced to three months in federal prison and three months of home confinement. Both James Valente, vice president of Burlingame-based BALCO, and Castro Valley track coach Remi Korchemny were sentenced to one year probation. All four individuals pleaded guilty of steroid distribution.⁷³ On March 30, 2006 Baseball commissioner Selig announced he was beginning an investigation into baseball’s steroid involvement. He named George J. Mitchell, former Senate majority leader, as its lead. While Selig believed him to be the best-qualified, many individuals expressed concern with this choice. “Mitchell has deep connections to baseball that could call into question his ability to act in a fully independent manner. Mitchell is on the board of the Boston Red Sox and is chairman of the Walt Disney Company, which owns ESPN, a broadcast partner of Major League Baseball that is televising a reality series starring Bonds.”⁷⁴ After denying the steroid problem for over a decade, was this appointment another way to protect baseball and its investments, a return to the cover-ups of 1919 and unjust rulings of Landis? The possibility exists, however, that Selig chose the best person for the investigation, someone who will act honestly and judiciously. After all, particularly beginning with Congressional involvement, Bud Selig’s actions in the past few years have reflected a man determined to rid baseball of drugs.

Throughout 2005 Congress met with various individuals in the Major Leagues, including commissioner Selig and well-known players in an attempt to push through a strong drug policy. On March 17, 2005 Congress met with José Conseco, Sammy Sosa, Curt Schilling, Frank Thomas, Mark McGwire, and Rafael Palmeiro. At this time, baseball’s drug policy was in its early stages, and Congress was unsatisfied with it. The Congressmen asked each player basically the same question, and they had an opportunity to respond. Mark McGwire’s responses mirrored themselves. With tears in his eyes, he answered, “I’m not here to discuss the past. I’m here to be positive about this subject,” “I have accepted, by my attorney’s advice not to comment on this

⁷¹ *Ibid.*, A1

⁷² Mark Fainaru-Wada and Lance Williams, “Giambi Admitted Taking Steroids,” *San Francisco Chronicle*, 2 December 2004, A1

⁷³ Mark Fainaru-Wada and Lance Williams, “Castro Valley; Coach Gets 1 Year Probation in BALCO Case; Adviser to Track Star Kelli White is Last of 4 Sentenced,” *San Francisco Chronicle*, 25 February 2006, B8.

⁷⁴ Jack Curry, “Steroid Investigation Begins, But Not Without Some Concerns,” *New York Times*, 31 March 2006, D:1.

issue,” or “Not up to me to determine that.”⁷⁵ However, some of the players’ responses illustrated their desire to rid baseball of steroids as the 2002 poll discovered.

Mr. Lantos: Obviously, the Olympics are internationally recognized as it has been referred to as the gold standard. If, in fact, that is the gold standard, would you be in favor of applying it to baseball?

Mr. Palmeiro: I would play under any type of deal that would clean our sport and make it level playing field for everyone...

Mr. Sosa: Yes, I am definitely in favor of it...⁷⁶

Mr. Lantos also asked the players if, within a reasonable period of time, baseball does not improve, would they be in favor of Federal legislation; all players present agreed.⁷⁷

In September 2005 Congress met again, this time speaking primarily to Bud Selig and Donald Fehr, executive director for the major league baseball players association. Selig was still negotiating with the players’ union at this point, and Congress spoke with finality. Selig informed the committee about the delays, almost as if seeking their support and authority. “At the Major League level, my staff has diligently pressed the Players Association and in recent weeks has negotiated...to effectuate the goals I articulated in my letter to Mr. Fehr. Unfortunately, the Players Association has yet to agree with the proposal I made to them five months ago.”⁷⁸ Selig appeared to receive his support when Senator Dorgan addressed Fehr.

But, Mr. Fehr, you still speak as if this is negotiable. I submit that if you listen carefully to Senator McCain’s opening statement and other statements from the House and the Senate, I think this is non-negotiable at this point. I think you waited too long. And by that I simply mean that we’ve gone way past the point of no return. It’s quite clear Congress is simply going to slap on a routine here or an approach to testing and penalties unless the commissioner and you do it first...I submit I think it’s non-negotiable at this point.⁷⁹

In November 2005 baseball agreed upon the “three strikes and your out” policy. Scheduled to begin in 2006, the policy stated a first positive test for steroids would mean a fifty game suspension, a second positive test would mean a one hundred game suspension, and a third positive test would lead to a lifetime ban from baseball.⁸⁰

Throughout its history baseball has not addressed its problems until outside influences placed pressure on them. For example

⁷⁵ “Restoring Faith in America’s Pastime: Evaluating Major League Baseball’s Efforts to Eradicate Steroid Use,” Hearing before the Committee on Government Reform, 17 March 2005, Serial No. 109-8, <http://www.gpo.gov/congress/house>, (accessed March 11, 2006), 78-9.

⁷⁶ *Ibid.*, 82. Under the Olympic program the first violation results in a two year suspension and the second would bring a lifetime ban. *Ibid.*, 77.

⁷⁷ *Ibid.*, 82.

⁷⁸ “Hearing of the Senate Commerce, Science and Transportation Committee Subject: The Clean Sports Act and the Professional Sports Integrity and Accountability Act,” *Federal News Service*, 28 September 2005, 13.

⁷⁹ *Ibid.*, 26.

⁸⁰ Tom Haudricourt, “Steroid penalties fortified,” *Press Enterprise*, 16 November 2005, A1.

[w]hen baseball tried to retain the renewal clause in its player contracts against legal challenges, a federal arbitrator, Peter Seitz, declared Andy Messersmith and Dave McNally free agents in 1975, thereby opening the gates of the multimillion-dollar fee-agent era. When a Pittsburgh grand jury implicated 27 players in the 1985 trial of a drug trafficker, baseball finally acknowledged that cocaine might be a problem. When the owners ignored several star players, notably the National League batting champion Tim Lincecum, early in 1987 before signing them to contracts well under market value, they were ruled to have conspired in collusion, a decision that cost the owners millions in damages.⁸¹

Like these controversies, baseball gambling and drug use at first received little attention. The industry only addressed the two problems when the government threatened to take charge of the sport's management, which would diminish the sport's image and hinder the investment potential for baseball officials. When the Black Sox scandal became public knowledge, Americans were horrified. They had trusted the sport to be a teacher of morals to young men, but were instead faced with the spread of dishonesty. In modern times the sport faced another moral dilemma as many baseball heroes' negative influence on teen athletes was revealed. Perhaps this time, however, the urgency intertwined in baseball's honesty, the players' health, and teenagers' lives will ensure a legitimate end to the steroid problem. Rangers' pitcher Kenny Rogers told *Sports Illustrated* he has a nightmare about how it might end, giving a reason why he does not always throw his fastball as hard as he can.

It is the thought of some beast pumped up on steroids whacking a line drive off his head. "We're the closest ones to the hitter...I don't want the ball coming back at me any faster. It's a wonder it hasn't happened already. When one of us is down there dead on the field, then something might happen. Maybe. And if it's me, I've already given very clear instructions to my wife: Sue every one of...[them]. Because everybody in baseball knows what's been going on."⁸²

In the 1920s when baseball entered the era of Judge Landis, America was hopeful in an end to dishonesty and gambling and a restored purity to its pastime. In the twenty-first century as the sport entered a new era with the implementation of the "three strikes" drug policy and prepared to leave the Juiced Era in the past, Selig and officials also appeared hopeful, this time for a future drug-free baseball. However, the policy's effectiveness and the investigation into the BALCO accusations have not been evaluated. While examining these issues, baseball needs to glance into its past at one of its other major scandals: the Black Sox. Remembering the ending of that chapter in baseball's history, owners and officials need to ensure that they, unlike Judge Landis, are addressing the entire problem and not merely sacrificing players for the game's reputation and profits. Baseball remains America's pastime. Yet, its image has been

⁸¹ Dave Anderson, "When It Comes to Crisis, Baseball Ignores the Signs," *New York Times*, 19 March 2005, 1:5.

⁸² Verducci, "Totally Juiced," 34.

tarnished; a simple coat of paint will only hide the flaws, not prevent the rust that could eventually erode the entire industry.