The Clear and the Cream

Attacks on Barry Bonds' legacy ring hollow due to baseball's longtime lack of a steroids policy

by Bob Latham

As the 2006 baseball season gets underway, it's worth pausing for a moment to reflect upon how and why Barry Bonds has become the poster child of all that is wrong in sports. The label plastered on him most often is that of "cheat," but often lost in the debate are the specific grounds for such a characterization. Is it because he broke the rules of his sport? Is it because he broke the law? Is it because he tried to enhance his athletic performance in an artificial/chemical way? Any discussion of Bonds' legacy or his fitness for his sport's hall of fame, or any autopsy of his career, is complicated inordinately by the fact that until very recently, baseball had no anti-doping controls.

If an athlete uses substances that are (1) performance enhancing; (2) banned by the sport in which he competes; and (3) illegal, few would argue, absent extenuating circumstances, that the word "cheat" doesn't apply. However, when we start taking away elements of that trifecta, the issue becomes more cloudy.

What if an athlete is using substances that are illegal but are neither banned by a sport nor performance enhancing? The player whose home run record Bonds is about to surpass, Babe Ruth, hit many of his home runs during prohibition. Yet his intake of alcohol was legendary. Certainly many an athlete has been associated with recreational, illegal substances. Do such indiscretions automatically erase the athlete's career or any hope of getting into a hall of fame?

Bill Tilden is in the International Tennis Hall of Fame despite being convicted on morals charges. O.J. Simpson is in Canton despite being found responsible in civil court for two violent deaths. Bonds—unless his bulky frame suddenly expands in a crowded elevator and crushes the other occupants—has not quite reached that level of infamy.

And what if an athlete uses substances that are performance enhancing but are not banned by his or her sport? In a recent commercial, Keith Jackson lauds the development of Gatorade at the University of Florida in the 1960s. Did the football players at the University of Florida who were drinking Gatorade have an advantage over their opponents who were drinking merely water on the other sideline? So says Keith Jackson.

One of the legendary moments in the Tour de France is the death of Tom Simpson on Mont Ventoux in 1967 with amphetamines in the pockets of his jersey. The Tour de France did not have any anti-doping controls at the time, so Simpson was not necessarily viewed as a "cheat." And Gatorade, far from being banned by sports, has been endorsed by athletes the world over. What is the difference between Gatorade and the "clear" and the "cream" that Bonds admits to taking? In the eyes of baseball at the time, the answer, unfortunately, is "nothing." The fact that the products with which Bonds is associated are performance enhancing may be insufficient in its own right to deny him his legacy.

What if an athlete uses substances that are performance enhancing but are not banned?

What about the injection of substances that might be viewed as performance enhancing in one respect but are not taken for that purpose? I was recently called upon to draft a policy for allowing transgender athletes in competition, in the process encountering a word—"gonadectomy"—that I would have been happy to have gone the rest of my life without hearing.

In 2004, the International Olympic Committee paved the way for transgender athletes to compete in the Olympic games under a number of parameters, including the requirement that it be two years from an athlete's "gonadectomy." These transgender athletes may be taking substances that are banned by the sports in which they compete, but are using them as part of the transgendering process rather than for performance enhancement (perhaps that's what Barry was after when he dressed up as Paula Abdul for a "Giants Idol" gag during spring training).

In the context of sport, the primary reason for doping controls is not to enforce criminal statutes or morality or even to save athletes from the consequences of harmful substances. Rather, the rights holder's responsibility is to maintain a level playing field. When that doesn't happen, drawing a distinction between those who cheat and those who managed to find an "edge" is more difficult.

The National Baseball Hall of Fame itself is already populated with characters who skirted this line. Gaylord Perry is in the hall despite being strongly suspected on several occasions—and in fact being caught once—employing an illegal spitball.

But Perry's career began long after the spitball was outlawed, so perhaps a better analogy could be drawn between Bonds and those hall of famers who relied on the spitball before it was outlawed in 1920. Hall of famer Burleigh Grimes, for example, whose career started before 1920 and therefore was excepted from the "no spitball" policy, pitched for another 14 years, until 1934. Talk about an edge! Since Bonds' alleged use of performance-enhancing substances predates baseball's ban on them, the lens through which we should view his legacy is more creamy than clear. ■

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