

## Can pro baseball save itself?

Jasper Rine, Stephen D. Sugarman

Friday, April 17, 2009

Among professional baseball's many woes, the anabolic steroid problem continues to capture headlines - from A-Rod in the East to Barry Bonds in the West. We offer a solution: Require all players to place a substantial share of their baseball earnings in a trust they can access at the end of their careers if they have been clean throughout.

Anabolic steroids present baseball with problems at multiple levels. The physical damage that players do to themselves may be the least of it - the just reward of those who cheat. But the damage to others is much deeper. Fans have become disgusted by performance records that owe more to organic chemistry than to talent, by psychodramas of tainted stars explaining why they are not responsible for their actions, and by the reluctance of the commissioner, owners and union to deal with this issue honestly. Most of all, we lament the message this situation sends to our youth and to unjuiced teammates competing for a place on a team.

Any solution must acknowledge the problem's source. Because top performance can earn a player millions of dollars, this outsize treasure creates an irresistible inducement to some to do the Faustian deal - trading the risk of future health consequences for performance enhancement now. With the wizards in the steroid laboratories promising they can keep their designer drugs ahead of the detectors, we can only guess at the number who find the risk too tempting.

The trick, then, is to alter today's calculus. Here's how: Require that a substantial share of baseball salaries - say two-thirds of earnings above the league minimum guaranteed by the collective bargaining agreement - go into a trust for the duration of the player's career. The trust would pay taxes and would be managed by a professional organization of the sort that administers retirement accounts.

Apart from any other ongoing drug-testing regimen, urine samples would be regularly collected from players and securely stored. Upon retiring from baseball, those samples would be analyzed by the most advanced methods available. These methods improve every year, and it would be a bad bet that tomorrow's technology will not detect yesterday's steroids.

If a player's stored samples are clean, he would get everything in his trust and remove any suspicion about his honesty. If the samples prove he cheated, after appropriate retesting and inevitable challenges, his share would be forfeited. Moreover, records set during a player's career would initially be "provisional" and "official" only upon successful completion of testing.

If cheaters were discovered, forfeited assets would be distributed equitably. A fraction could be returned to team owners to recognize that their investment was damaged by cheating, to the trusts of the cheater's teammates, and to youth baseball programs in the communities where the player served. Agents not

parties to the abuse would keep their fees.

This could be carried out through federal law, like securities regulations that allow cheated investors to recover losses from insider trading. Baseball would be better served, however, if owners, players and the commissioner put this solution into play themselves. Alas, the behavior of Major League Baseball does not inspire confidence that its current leadership will embrace our proposal.

Yet, if we are representative of many fans, maybe one team that takes the lead and adopts our plan will attract an enhanced fan base, proud of the commitment by the team and its players to restore some integrity to the sport. Such a team could save the soul of professional baseball. Who knows? A money-backed commitment to honesty might become contagious.

Jasper Rine is a UC Berkeley professor of genetics. Stephen D. Sugarman is a law professor at the UC Berkeley School of Law.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/04/17/ED4K173OSA.DTL>

This article appeared on page **A - 15** of the San Francisco Chronicle

© 2011 Hearst Communications Inc. | [Privacy Policy](#) | [Feedback](#) | [RSS Feeds](#) | [FAQ](#) | [Site Index](#) | [Contact](#)