

'ROID ALL THE RAGE?

FORMER WADA HEAD DICK POUND REJECTS CLAIMS SPORTS HAVE PURGED THEMSELVES OF STEROIDS AND OTHER PERFORMANCE-ENHANCING DRUGS.

MIKE WARKENTIN

THE DIRECTOR GENERAL OF THE WORLD ANTI-DOPING AGENCY (WADA) commended Major League Baseball in August for cracking down on doping in the wake of suspensions handed out to some of the sport's best-known players.

"The MLB has approached the matter in a professional manner throughout, and we look forward to maintaining our close relationship as we move forward in our efforts to protect clean athletes and advocate doping-free sport," David Howman said in a release.



Shortly before the statement was published, and just before the Aug. 5 announcement of suspensions of Alex Rodriguez and a dozen other players implicated in the Biogenesis scandal, Christine Brennan of *USA Today* looked forward to the sanctions as proof that the sports world is changing.

“When the news comes, we’ll mark the moment as an unprecedented turning point, as a game changer, as the time baseball finally got tough on doping after decades of avoidance and deceit,” Brennan wrote on July 31 in Brennan: Crackdown Shows Tide Has Turned on MLB Dopers.

Dick Pound, who was president of WADA from its inception in 1999 to 2007, wasn’t impressed.

“HAVE BASEBALL PLAYERS STOPPED USING STEROIDS OR HGH OR WHATEVER ELSE THEY’RE USING? OF COURSE NOT.”

—DICK POUND

Pound, 71, now a member of the Foundation Board of WADA, has heard it all before from sports commissioners who deny doping in their leagues to athletes who blame failed drug tests on testosterone levels elevated supposedly due to large amounts of beer and sex. Lance Armstrong tried to get Pound removed from WADA in 2006 and called Pound’s attacks “reprehensible and indefensible.” The International Cycling Union (UCI) sued Pound in 2008 for comments about the sport’s approach to doping, though the dispute was settled out of court.

Indeed, Pound pulls no punches. In his book *Inside Dope* (John Wiley and Sons Canada Ltd., 2006), he heaped abuse on MLB policies, calling their 2004 attempts to clean up the sport “a complete joke and an insult to the intelligence of anyone with an IQ higher than room temperature.”

He called the NHL’s policy “deliberately weak” and NFL drug penalties “woefully weak,” though he allowed that the NFL had the best policies of all major sports leagues—a winner among losers, so to speak.

Pound certainly isn’t convinced baseball is clean, even if an Oct. 4 *New York Times* headline asked if Miguel Cabrera is the hero of the “post-steroid era.”

“Have baseball players stopped using steroids or HGH or whatever else they’re using? Of course not,” Pound told the *CrossFit Journal* in an interview on Oct. 9 in Toronto, Canada.

He was similarly critical of the NFL and its players, though the football league might appear to be stepping things up with testing for human growth hormone (HGH), supposedly to happen in 2013. In truth, the league and the players association agreed in principle to HGH testing in 2011, but arguing continues and HGH testing still isn’t in place. HGH testing has been part of the Olympics since 2004.

“They’ve been talking about HGH testing now for three years. ... When they start testing and do so on an out-of-competition basis—no notice—then I’ll reappraise, but so far there’s been lots of talk and not much action,” Pound said.

With reporters saying the pro leagues are finally serious about cracking down on doping, Pound’s comments suggest high-profile sports aren’t any cleaner and aren’t even particularly interested in keeping drugs out of their athletes.

“I think they’re all at risk—every single sport,” he said.

LOOSE LAWS OF THE BIG LEAGUES

“In professional sports, I have long suspected that the owners of teams have little, if any, interest in serious sanctions for drug use by their players,” Pound wrote in *Inside Dope*.

Why? Simple dollars and cents.

Most pro sports teams make money—a lot of it—and their players are the million-dollar cogs in the machine. Salaries are incredible, with players earning tens of millions of dollars per season. No owner wants a high-paid player on the shelf for a drug violation, and winning teams make more money. The spirit of sport is one thing, but billions of dollars are another, and a few chemicals in a cup of urine are of little consequence to some when home-run races are driving up viewership, attendance and revenue.



Fans are also part of the problem: do they care more about records and wins than they do about long-term health of the athlete and the ethics of sport? Some viewers care not at all what fuels heroes who routinely rush for 100 yards a game and seem invincible in stiff-arming defenders aside.

Under the World Anti-Doping Code, WADA currently bans an athlete for two years for the first doping offense, with a lifetime ban for the second. In its November congress, WADA will be looking to double the length of the ban for a first offense. Blowing a two-year hole in an athlete’s career is one thing, but a four-year suspension is basically a forced retirement for all but the youngest cheaters. These are stiff penalties meant very much as deterrents.

Conversely, MLB suspends players for 50 games for a first offense. In the NHL it’s 20 games. In the NFL, it’s four games, and it takes three offenses to warrant a one-year suspension. In the NBA, players sit out but five of 82 games for one positive test, and it would take a total of four offenses to get a two-year suspension.

In its May 2013 Report to WADA Executive Committee on Lack of Effectiveness of Testing Programs, the WADA

Working Group, which Pound chairs, offered hosts of reasons why drugs are still in sport. Though the report stayed away from the pro leagues for the most part, one line was devoted to them: “The privately-owned professional leagues have refused to adopt the Code (although, to be fair, they have increased the number and range of tests in recent years).”

While many of the world’s national Olympic committees, international federations and government-funded organizations are signatories to the World Anti-Doping Code, the pro leagues will not put pen to paper, claiming they’ve got the situation under control.

“We had a lot of trouble when we got the World Anti-Doping Code together. We said ‘Listen, here’s a tool that might be of interest to the major leagues, the professional leagues, if they really mean what they say.’ And to a league they all said, ‘Don’t bother us. We don’t have a doping problem in name-the-sport, and even though we don’t have one, we have the gold-medal testing program. Go get your own house in order and don’t bother us,’” Pound said of getting the majors to adopt the code.



Lance Armstrong beat drug tests for years before overwhelming evidence forced him to confess to cheating. Details of doping in cycling reveal intricate schemes to beat the system.

When asked about the characteristics of a doping program that doesn't really want to catch anyone, Pound highlighted a number of ways to pay lip service to the anti-doping fight while turning a blind eye to what's really happening.

"You don't test the ones that you don't want to catch, and if you're forced to test them, you let them know in advance," Pound explained. "You bobble the security, the chain of custody or the proper sealing of the samples. And you might send them to a lab where you know that they're not likely to catch them."

Pound pointed to the MLB testing that came after 2003, when congressional pressure was brought to bear on baseball after Steve Bechler died in spring training with the Baltimore Orioles. It was determined that ephedrine—banned by the NFL in 2001—was probably a factor in his death. In response, MLB finally addressed drugs in baseball and set up testing—but only for *steroids*—and it offered players a get-out-of-jail-free card if they failed the test.

"They said, 'Remember, Moose, spring training starts, you're going to get tested for *steroids*! Write this down.' And they had a deal that if you tested positive you could come back two weeks later, get retested, and if that was not positive, then it erased the first positive. It was just mind-boggling," Pound said.

Things might have improved since then, but it's hard to tell at times.

Consider the case of Milwaukee Brewer Ryan Braun. When his 2011 urine sample revealed elevated levels of testosterone, Braun was facing a suspension. He appealed the sanctions on the grounds that his sample had not been handled properly by collector Dino Laurenzi Jr.; it had been stored for several days until shipping options were available to the collector. MLB said this procedure was fine and stood behind the sample and its collection, but a three-person appeals board voted 2-1 in favor of overturning Braun's suspension.

Fast-forward to 2013, when the Biogenesis scandal broke and several MLB players were linked to the clinic that provided performance-enhancing drugs to pro athletes. Braun was implicated, and he later accepted a 65-game suspension that ended his season, admitted he used PEDs in 2011 and actually apologized to Laurenzi.

The Braun incident is proof of two things:

1. It's easier to catch athletes by detective work that reveals their suppliers than it is to catch them via blood and urine tests in a lab. The BALCO Affair from 2003 to 2005 also linked a host of high-profile athletes with PEDs provided by the Bay Area Laboratory Co-Operative.

2. Even when an athlete is caught, many drug policies contain enough loopholes that a clever lawyer can find a way out. Athletes should be given fair trial and every chance to clear their names, but Braun's admission and apology indicate clever cheaters with good lawyers can find ways to beat the system.

BEAT 'EM AND SMILE

You can beat a drug test in a host of ways. Lance Armstrong might be the best example.

Tested a multitude of times—the exact number is a subject of debate—Armstrong avoided detection for years and famously admitted to Oprah Winfrey in 2013 that he had taken PEDs for a good chunk of his career, including

the period when he was reeling off consecutive Tour de France wins.

“How is it, knowing what you know about your sport, knowing your riders, knowing what they're doing—you've all been involved in this sport for years, you're at the highest level—how is it possible that somebody like Lance Armstrong was out there for nine years and you never caught him? How is that possible?” Pound asked.

He provided his own answer: “My view is that he was their poster boy and they didn't want to catch him.”

Another answer is that drug testing is imperfect, either by nature or by design. Pound would suggest the latter.

“I think our science is good ... so either people know they're going to be tested or they're testing at the wrong

time,” Pound said, pointing to two main issues with failed drug programs.

WADA's *Testing* document (January 2009) puts no-notice, out-of-competition testing “at the core of effective doping control” and then lays out a rigorous system whereby athletes in a registered testing pool are required to submit their whereabouts by providing a location in a 60-minute period for every single day. That gives doping-control agents the opportunity to test an athlete at any time, and there is a penalty system in place for missed tests.

Still, the penalty is less severe than that of testing positive, and it takes three missed tests to constitute an anti-doping rule violation. Athletes who are “glowing” and suspect they will test positive can simply avoid a test and take any measures available to them to clean up before a subsequent test—and there are many measures they can take.

WADA's *Lack of Effectiveness* report confirms that this is indeed a problem: “Missed tests can be used as a technique to avoid testing without consequences, rather than refusals, which are treated as positive tests.”

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WADA's system is somewhat stricter than the policies of some sport governing bodies and pro leagues, so it's probable that if its Working Group can fill 15 pages with reasons its drug testing isn't effective, the pro leagues are in the same state—or they're worse.

For instance, the United States Anti-Doping Agency's *Reasoned Decision* as part of the U.S. Postal Service Pro Cycling Team Investigation lists of a host of ways Armstrong

and his teammates avoided detection. Primarily through athlete affidavits, the USADA outlined from pages 129 to 139 a number of measures that included simple nonsense such as not answering the door when testers knocked and more complex evasion strategies involving the use of micro-dosing or masking agents. The affidavits also revealed that athletes and coaches seemed to have an excellent idea of when tests were coming and even employed surveillance techniques to track the collectors. The affidavit of Jonathan Vaughters, former pro and current team manager, said that even an hour's notice was more than enough to take measures to beat the tests.

The affidavits of the cyclists indicate glaring holes in the testing policies of other leagues.

Former NFL player Ryan Riddle pointed out a few in *An Insider's Perspective on NFL Drug Tests* on June 11, 2013.

“All the drug tests I've completed at a team facility were done without a direct witness while filling the cup with a urine sample,” he wrote.

Consider that information while viewing sites such as Quickfixurine.com and Detoxforless.com. The former offers synthetic “clean” urine, while the latter offers all manner of products including fake penises and bladders (Whizzinators), “detox drinks” and urine additives—all designed to help people beat drug tests.

In 2005, NFL running back Onterio Smith was caught with a Whizzinator and vials of dried urine but claimed they were for his cousin. In 2011, linebacker D.J. Williams, then of the Denver Broncos, managed to produce a pair of urine samples that were not of human origin, according to court documents summarized in the July 2012 article-*Broncos Linebacker D.J. Williams Flunked Second Drug Test, Court Documents Say*. A specimen collector also alleged Williams dropped a hidden bottle during the test and then kicked it into the locker room, where the collector was forbidden to enter.

The Internet is full of sites explaining hundreds of ways to beat tests, including injecting clean urine into a bladder. Former pro cyclist Jeff King, who wrote the *CrossFit Journal* article *Rider on the Storm*, said some racers would indeed go that far.

“Riders started catheterizing themselves with fake urine; i.e., pump fake urine up your penis into your bladder. No way you are going to get busted if you go that far to beat a test,” he said.

And then there are the situations where it appears tests are failed without consequence.



In the in-depth 2011 *New York Times* article *Derek Boogard: A Brain “Going Bad”*, deceased NHL enforcer Derek Boogard’s addiction to painkillers was detailed. According to the article, father Len Boogard was “surprised to hear from his son that he had been given four days’ notice for his next drug test.” At the time, Boogard was suffering from the effects of head trauma and was enrolled in a program to help him deal with substance abuse.

NHL Commissioner Gary Bettman responded by saying, “None of our teams know four days in advance when they’re being tested.”

Be that as it may, the family’s May 2013 lawsuit against the NHL documents a lengthy history of failed drug tests with no suspensions for the violations.

Boogard died in May 2011 of an accidental overdose of alcohol and painkillers. The NHL has not commented on the suit.

Despite Pound’s statements that the NFL is better than most leagues when it comes to doping, the Von Miller fiasco of 2011-2013 highlights severe flaws in the NFL’s approach to drugs.

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After failing a drug test in his rookie year of 2011, Miller was tested again and first spilled a sample, then produced a sample that was diluted, according to an *NBCSports.com* report. About a month later, *ESPN.com* and other outlets reported that Miller had actually worked with the urine collector to substitute clean urine for his own sample. His plans were foiled when a second collector realized Miller was not in the city where collection had supposedly taken place.

The result of the comedy: a six-game suspension, with Miller still able to watch film with the team, attend team meetings, hang out in the locker room and work out in team facilities. According to reports on *NBCSports.com*, Miller returned to the field on Oct. 20 with an additional “16 lb. of muscle” when the Broncos faced the Indianapolis Colts.

Overall, tests can be beaten in many, many ways, and the odds of slipping through increase with every hour of advance warning.

“The most powerful defense against a drug test is knowing what they are testing for, and when and how they are going to test. If you know those three things, you can use all you want and you should never fail a test,” King explained.

If you couple that with drug codes that are far more forgiving than WADA’s and contain a host of escape hatches, you’ve got a situation where players have many opportunities to beat the system. To make matters worse, you have an industry where the financial success of players and owners is essentially tied to winning by almost any means necessary.

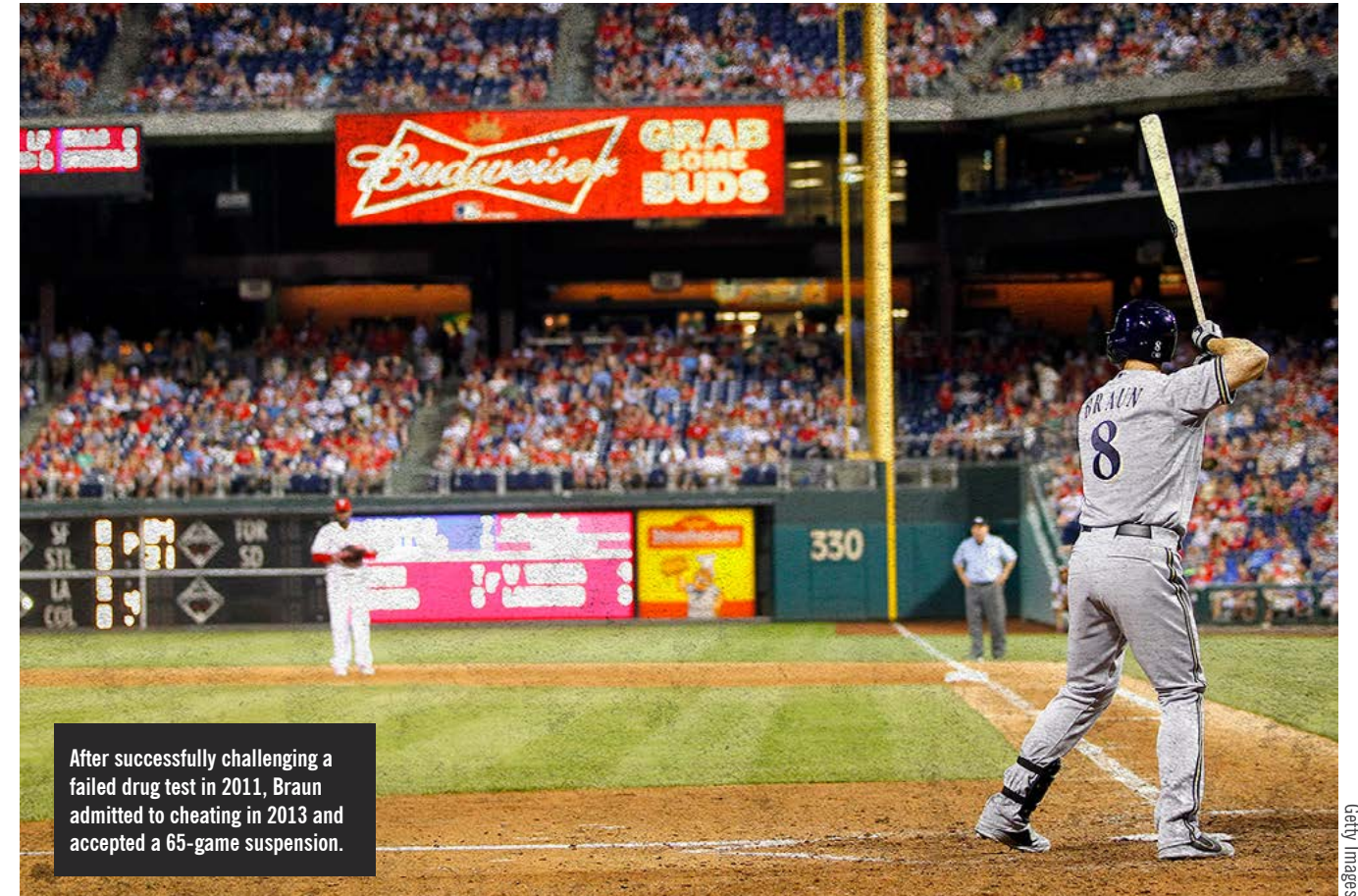
In the 2010 *North Dakota Law Review* article *American Professional Sports is a Doper’s Paradise: It’s Time We Make a Change*, Daniel Gandert and Fabian Ronisky state:

Both owners and players financially benefit from doping. Players that dope usually perform better. The better the athletes perform, the more revenue the owners make. The more revenue owners make, the more valuable players are to their owners. The more valuable players are, the higher their salaries are.

King, the former pro cyclist who’s so disillusioned with the sport that he now only bikes to and from work, agrees: “My opinion is that most sports don’t want to tear themselves apart over drugs. There is too much money at stake. European football, NFL, NBA, etc., all have too much to lose. What did cycling get for ripping itself inside out? Multiple canceled sponsorships and a public perception that the sport is a joke. Not exactly a win for cycling,” he said.

THE END OF DOPING?

It’s almost impossible to collect data on how many athletes are doping due to the nature of the problem. You simply can’t send out a questionnaire and expect honest responses from pros who are breaking the rules as part of a million-dollar gamble. Anecdotal evidence, with all its inherent flaws and potential for exaggeration, strongly suggests drugs are not out of sport at all.



And so does Dick Pound, who led the global fight against doping for almost a decade and then recently chaired a group that reported WADA “drug testing programs have been generally unsuccessful in detecting dopers/cheats.” If the world’s leader in drug-free sport determines its own testing programs aren’t working, what of the NBA and its five-game suspensions for a drug violation? What of the NHL and its lawsuit from the family of a dead enforcer who failed tests but wasn’t suspended? What of the NFL and the urine collector who apparently helped Miller not for money but because he was “star struck”?

On the other side of those questions stand the pro leagues and the fans and reporters who point to Braun, Armstrong and others as proof that their systems are working and doping isn’t an issue any more.

And maybe they’re right. Perhaps we are at the beginning of a new era in which every athlete is prepared to abide by the rules and compete free of PEDs. Perhaps pro sports are the islands of integrity the Olympics have never been

despite the best efforts of Dick Pound, WADA and the International Olympic Committee. Perhaps drug programs are working and the few who are caught are just black sheep. Perhaps sports have indeed changed and the next generation of athletes will compete on a level playing field.

Perhaps. ■

ABOUT THE AUTHOR

Mike Warkentin is the Managing Editor of the *CrossFit Journal* and the founder of CrossFit 204.