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A GOVERNMENT REFORM AGENDA ON THE
FRONTLINES WITH EXECUTIVE, LEGISLATIVE
AND JUDICIAL REFORM INITIATIVES**

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THE MITCHELL REPORT AND HORSE RACING

FEBRUARY 20, 2008

THANK YOU FOR INVITING ME TO SPEAK TO YOU THIS MORNING. IT IS ALWAYS AN HONOR TO BE HERE. WHEN I FIRST STARTED SPEAKING HERE AS A RACING COMMISSIONER, I USED TO SAY THAT BEING A RACING COMMISSIONER AT A HORSE RACING CONVENTION WAS LIKE BEING THE BODY AT AN IRISH WAKE. WE WERE NEEDED TO HAVE A RACING CONVENTION, BUT WE WEREN'T EXPECTED TO DO ANYTHING.

I'VE ALWAYS THOUGHT THAT WAS A CHEAP JOKE, AND AFTER YEARS OF WORKING AT A LAW SCHOOL, I'VE FOUND A BETTER ANALOGY. RACING COMMISSIONERS ARE THE CARETAKERS AT A CEMETERY. THEY'RE ON TOP OF EVERYONE ELSE, BUT NOBODY WILL LISTEN TO THEM. AND THAT'S ESPECIALLY TRUE FOR A LAW PROFESSOR WHO IS A FORMER RACING COMMISSIONER. YOU GET INVITED, BUT NOBODY IS SERIOUSLY LISTENING TO YOU.

I'VE BEEN INVITED TO SPEAK ON THE IMPLICATIONS OF THE MITCHELL REPORT ON HORSE RACING. HERE ARE A FEW CAVEATS. LAWYERS AND CERTAINLY LAW PROFESSORS HAVE NO GREATER ABILITY AT DETERMINING CREDIBILITY THAN REAL PEOPLE. I DON'T KNOW IF ROGER CLEMENS OR BRIAN MCNAMEE IS TELLING THE TRUTH. MY EXPERTISE – TO THE EXTENT THAT IT EXISTS AT ALL – IS IN THE LAW AND NOT IN PHARMACEUTICALS. I CAN'T TELL YOU THE EFFECT OF STEROIDS OR HUMAN GROWTH HORMONE ON HORSES OR PITCHERS. I CAN'T EVEN TELL YOU HOW TO EFFECTUATE A NATIONAL POLICY ON STEROIDS.

WE DO HOWEVER AT THE GOVERNMENT LAW CENTER, AS PART OUR WORK FOR THE POLICE REVIEW BOARD FOR THE CITY OF ALBANY, PROVIDE FOR MEDIATION OF DISPUTES BETWEEN THE PUBLIC AND POLICE OFFICERS. SO IF YOU'RE LOOKING FOR A MEDIATION PROCEEDING BETWEEN JOE FARALDO AND JEFF GURAL, JOE FARALDO AND EVERYONE, JEFF GURAL AND EVERYONE, THE TRA AND ARCI, HTA AND THE THA, THE HBPA AND THE RMTTC, OR ANY OTHER ALPHABET ORGANIZATIONS, WE MAY BE THE PLACE TO GO.

THE MITCHELL REPORT WAS ISSUED TWO MONTHS AGO BY FORMER UNITED STATE SENATOR GEORGE MITCHELL WHO CONDUCTED AN INVESTIGATION FOR THE COMMISSIONER OF BASEBALL INTO THE ILLEGAL USE OF STEROIDS AND OTHER PERFORMANCE ENHANCING DRUGS.

THE FINDINGS BY SENATOR MITCHELL WERE AS FOLLOWS:

- USE OF STEROIDS IN MLB WAS WIDESPREAD.
- RESPONSE BY MLB WAS INITIALLY SLOW AND INEFFECTIVE.

- EVERYONE INVOLVED IN MAJOR LEAGUE BASEBALL SHOULD JOIN IN A WELL-PLANNED, SUSTAINED EFFORT TO BRING THE ERA OF STEROIDS TO AN END.
- NAMED 86 NAMES FROM PUBLIC RECORD AND EXISTING INVESTIGATIONS.
- NAMES INCLUDED 7 MVP'S AND 31 ALL STARS. CLEMENS, BONDS, PETTITTE, TEJADA, SHEFFIELD, GAGNE, PALMIERO, BROWN.
- MAKE A FRESH START.

THE REMEDIES IN TERMS OF ACTURAL TESTING WERE:

AN INDEPENDENT, TRANSPARENT, WELL-FUNDED, FLEXIBLE PROGRAM THAT PROTECTED THE LEGITIMATE RIGHTS OF PLAYERS BUT ALLOWED FOR YEAR ROUND UNANNOUNCED DRUG TESTING.

THE MITCHELL REPORT HAS BEEN SUBJECT TO CONSIDERABLE SCRUTINY AND QUITE A BIT OF CRITICISM. I THINK THE GENERAL CRITICISM HAS BEEN SOMEWHAT UNFOCUSED, AND THE REPORT – FOR WHAT IT WAS WORTH - DELIVERED A SOLID BILL OF GOODS.

MY OWN CRITICISM WOULD BE THAT DESPITE THE PROFESSIONALISM OF THE REPORT OTHER THAN DETAILS ON THE INDIVIDUAL PLAYERS, THE REPORT READS LIKE IT COULD HAVE BEEN WRITTEN BEFORE THE INVESTIGATION. IT'S NEARLY A CASE OF EHAT WE IN POLITICS CALLED WRITING THE REPORT BEFORE YOU APPOINT THE COMMISSION. GIVEN THE REALITIES, THE REPORT IS THE BEST SCENARIO FOR MLB. EVERYONE IS TO BLAME, BUT THE PLAYERS ARE MORE GUILTY THAN THE OWNERS. WE KNOW FROM POLITICS THAT WHEN EVERYBODY IS DEEMED RESPONSIBLE, NOBODY IS HELD RESPONSIBLE. WHEN YOU SAY MISTAKES WERE MADE, LET'S LOOK TO THE FUTURE, EVERYONE WALKS. THINK OF THE 9/11 COMMISSION, THE IRAN-CONTRA INVESTIGATIONS, THE EARLY IRAQ WAR EFFORTS. WHEN YOU START SAYING THAT MISTAKES WERE MADE – AS IN BASEBALL – YOU END UP WITH A NEAR- ORWELLIAN EFFORT TO AVOID RESPONSIBILITY.

SO WHERE DOES THAT LEAVE US IN COMPARING BASEBALL AND HORSE RACING? NARROWLY SPEAKING, HORSE RACING ISN'T MENTIONED IN THE REPORT. FORMER ALL STAR CATCHER PAUL LO DUCA, WHO IS A THOROUGHBRED HORSE OWNER, IS FEATURED PROMINENTLY IN THE REPORT NOT ONLY AS A CLIENT OF DRUG DEALER KIRK RADOMSKI BUT AS A REFERENCE FOR RADOMSKI IN OBTAINING FUTURE STEROID CLIENTS.

ALSO, THERE IS A REFERENCE IN THE REPORT TO OPERATION EQUINE – THE FBI'S NATIONWIDE INVESTIGATION IN THE EARLY 1990'S INTO THE ILLEGAL DISTRIBUTION OF STEROIDS. IT IS MENTIONED IN THE MITCHELL REPORT AS

PART OF A MISSED EARLY WARNING UNDER WHICH AN FBI AGENT TOLD MLB REPS IN 1995 ABOUT JOSE CANSECO. OPERATION EQUINE WAS JUST A CODE NAME WITH NO CONNECTION TO RACING.

BUT REALLY THERE'S NO MANIFEST MENTION OF HORSE RACING IN THE MITCHELL REPORT. DELVE SLIGHTLY BENEATH THE SURFACE, AND A DIFFERENT PICTURE EMERGES. IT'S NOT TOO OBSCURE. CHANGE ONLY A FEW OF THE CIRCUMSTANCES, AND HORSE RACING IS BASEBALL.

JUST LIKE BASEBALL, STEROID USE IN HORSE RACING IS RAMPANT. THERE'S NO QUESTION THAT IT IS. WE WOULDN'T BE TALKING ABOUT IT IF STEROID USE WAS NOT RAMPANT. IT'S BEEN RAMPANT FOR YEARS, AND RACING'S RESPONSE MUCH LIKE BASEBALL HAS BEEN SLOW AND INITIALLY INEFFECTIVE.

LET ME GO OVER THE PUBLIC RECORD. FROM ABOUT 1975-1990, THERE WERE THREE MAJOR BEAT WRITERS COVERING RACING FOR PROBABLY OUR THREE MOST IMPORTANT PAPERS. THERE WAS STEVEN CRIST WRITING FOR THE NEW YORK TIMES WRITING ABOUT HOW THE KENTUCKY DERBY WINNER IN 1983 WAS TRAINING ON STEROIDS AND THE BELIEF THAT IN 1990 80% OF FILLIES GOING TO BREEDING FARMS WERE ON STEROIDS.

THERE'S BILL CHRISTINE WRITING IN THE LOS ANGELES TIMES THAT BEFORE THE 1985 BREEDERS' CUP, THE LACK OF RACE DAY BUTE AND LASIX IN NEW YORK WOULD BE FORCING TRAINERS TO USE STEROIDS ON THEIR HORSES. HE HAS SHUG MCGAUGHEY IN 1988 COMPLAINING ABOUT OVERUSE OF STEROIDS.

THEN THERE'S ANDY BEYER WRITING FOR THE WASHINGTON POST AS FAR BACK AS 1978 TELLING US ABOUT THE REGULAR USE OF STEROIDS WHICH AT THE TIME HE JUDGED TO BE RELATIVELY BENIGN.

PLUS THERE'S A TON OF OTHER ARTICLES DATING FROM 1990 AND BEFORE ON THE REGULAR PRESENCE OF STEROIDS. HERE'S THE TORONTO STAR TELLING US THAT WITHOUT STEROIDS, GELDINGS WILL BE TOO WIMPISH TO COMPETE.

THERE'S CALIFORNIA TRAINER ROGER STEIN ON THE POSITIVE EFFECTS OF STEROIDS. THERE'S RICK ARTHUR ON THE USE OF EQUIPOISE. MY PERSONAL FAVORITE IS THE MARYLAND STATE VETERINARIAN SAYING 20 YEARS AGO, "THEY'RE USED QUITE A BIT -- WE HAVE NOT SEEN ANY ILL EFFECTS IN HORSES... IT'S ALMOST USED . . . AS A VITAMIN, AS A SUPPLEMENT TO THEIR NORMAL REGIMEN OF NUTRITION. IT'S NOT THOUGHT OF AS A STIMULANT OR SOMETHING EXTRAORDINARY."

I CAN TELL YOU THAT WHEN I WAS A COMMISSIONER, I MAY HAVE BEEN ASKED ABOUT STEROIDS ON LESS THAN A HANDFUL OF OCCASIONS. THE FIRST TIME I WAS ASKED ABOUT WAS IN THE EARLY 1990'S, AND I WENT TO DR. GEORGE MAYLIN, THE SOURCE OF MUCH OF MY EQUINE KNOWLEDGE. WHILE I DON'T REMEMBER WHAT GEORGE SAID EXACTLY, I GOT A LECTURE THAT APPROXIMATED JACK NICHOLSON SCOLDING TOM CRUISE IN "A FEW GOOD MEN." "YOU WANT THE TRUTH ABOUT STEROIDS- YOU CAN'T HANDLE THE TRUTH." AND THE TRUTH PER DOCTOR MAYLIN WAS THAT THERE WAS WIDESPREAD USE OF STEROIDS, LITTLE INTEREST IN THE AREA, AND THE ABSENCE OF AN EFFECTIVE WAY TO TEST FOR STEROID THRESHOLD LEVELS WHEN THERE WERE NATURAL INNATE STEROIDS PRESENT EVEN IN FILLIES. THIS MADE THE STEROID AREA AN INCREDIBLE MINEFIELD.

BUT YOU SAY, THE FDA ALLOWS FOUR STEROIDS FOR EQUINE USE. THAT'S WHAT MAKES HORSE RACING DIFFERENT THAN BASEBALL.

NOT NECESSARILY, WE'VE GOTTEN USED TO THE NOTION THAT STEROIDS ARE BASICALLY LEGAL IN RACING. AND MANY PEOPLE SAID THAT THEY WERE NOT ILLEGAL IN BASEBALL UNTIL 2001. THE MITCHELL REPORT DEMONSTRATED EMPHATICALLY THAT STEROIDS WERE ALWAYS ILLEGAL IN BASEBALL. TECHNICALLY IN MOST STATES, THEY'RE NOT LEGAL IN RACING. MOST STATES HAVE TENDED TO HAVE A RULE BANNING ALL FOREIGN SUBSTANCES IN RACE HORSES AND ANABOLIC STEROIDS HAVE TRADITIONALLY BEEN REGARDED AS ILLEGAL DRUGS UNDER THE UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES. IN NEW YORK, STEROIDS LIKE OTHER DRUG NOT NAMED IN THE RULES COULD NOT AND CANNOT BE ADMINISTERED WITHIN A WEEK OF RACE DAY. IN FACT AS FAR BACK AS 1985, THERE WERE 51 STEROID POSITIVES CALLED IN NEW YORK, MUCH OF THEM CALLED IN HARNESS RACING.

SO MUCH LIKE BASEBALL, WE HAVE RAMPANT USE OF ANABOLIC STEROIDS WHOSE PRESENCE IN A RACE HORSE IS UNAUTHORIZED PLUS A RESPONSE HAS BEEN SLOW AND INITIALLY INEFFECTIVE. AGAIN MUCH LIKE BASEBALL, THIS SPORT IS A SITTING DUCK FOR ANY LEVEL OF GOVERNMENT THAT CARES TO INVESTIGATE US. AS USUAL, IN RACING - TO GO BACK TO THE LINE FROM THE OLD CARTOON STRIP POGO - WE HAVE MET THE ENEMY AND HE IS US.

SO IF THE DISEASE AND THE PROBLEMS ARE THE SAME AS IN BASEBALL, SHOULDN'T WE BE LOOKING AT THE MITCHELL PRESCRIPTION AS OUR REMEDY FOR STEROID WOES? THAT'S WHERE WE START TO DIFFER.

AGAIN, MITCHELL HAD THE GENERIC PRESCRIPTION. AN INDEPENDENT, TRANSPARENT, FAIR PROGRAM THAT PRESERVES DUE PROCESS RIGHTS THAT USES BEST PRACTICES HAS ADEQUATE FUNDING AND ALLOWS FOR NON-COMPETITION TESTING.

NICE WORDS – WHO CAN OBJECT TO THIS? THESE ARE MARVELOUS PLATITUDES. THEY'RE MOTHERHOOD AND CHICKEN SOUP. IT'S LIKE FIRST TIME LASIX ON A HORSE. IT CAN'T HURT, AND IT MIGHT HELP A LOT. OBVIOUSLY NO ONE CAN OBJECT, BUT THE MITCHELL PERSCRIPTIONS ARE RACING.

WELL, IN ONE WAY THINGS SHOULD BE EASIER THAN BASEBALL. YOU REALLY DON'T NEED AN AGREEMENT BETWEEN THE TEAMS AND THE PLAYERS. ALL YOU NEED IS FOR THE RACING COMMISSIONERS – THOSE CARETAKERS AT THE CEMETERY - TO SET THE POLICY. ALAN FOREMAN OF THE THA CANNOT AND MUCH TO HIS CREDIT DOES NOT ACT LIKE DONALD FEHR.

WE ALSO DON'T HAVE AN ISSUE WITH THE DUE PROCESS RIGHTS SINCE THE FACT THAT HORSEMEN HAVE A CONSTITUTIONAL RIGHT TO A HEARING BEFORE ANYTHING CAN HAPPEN TO THEIR LICENSES – ALBEIT WITH THE MINIMAL PROTECTIONS THEY ENJOY UNDER THE TRAINER RESPONSIBILITY RULE.

BUT BEYOND THAT, THE STATE REGULATORY SYSTEM GIVES US NOTHING BUT TSURIS – THE TECHNICAL YIDDISH WORD FOR TROUBLE. HOW DO WE INSURE THE INDEPENDENCE OF AND THE QUALITY OF CONTROL OVER LABORATORIES WHERE STATE STATUES EITHER DIRECT YOU TO CERTAIN LABS OR DIRECT YOU TO THE LOWEST BIDDER? LOOK SOMETIMES IN RACING; WE'RE LIKE THE OLD GENERAL ELECTRIC SLOGAN. GE USED TO SAY THAT PROGRESS WAS OUR MOST IMPORTANT PRODUCT; IN RACING RUMORS ARE OUR MOST IMPORTANT PRODUCT – SOMETIMES OUR ONLY PRODUCT. AND THE RUMORS WERE ALWAYS THAT CERTAIN LABS DIDN'T TEST FOR CERTAIN DRUGS; AND/OR THAT CERTAIN LABS DIDN'T CALL POSITIVES UNLESS THERE WAS A 110% CERTAINTY OF A POSITIVE.

ON THE TRANSPARENCY SIDE, WHERE ARE WE? CAN WE TEST SUFFICIENTLY FOR THE FOUR FDA-APPROVED STEROIDS? CAN WE TEST FOR OTHER STEROIDS? ARE THE THRESHOLD LEVELS REALISTIC? ARE THE WITHDRAWAL TIMES LEGITIMATE? WHATEVER THE TRUTH IS, WE'VE GOT TO BE TELLING PEOPLE.

IF WE WANT A TRANSPARENT AND CREDIBLE PROGRAM, WE CAN'T BE BLUFFING PEOPLE. IF WE HAVE RULES, THEY'RE GOING TO HAVE TO BE

ENFORCED. THEY CAN'T BE THERE FOR WINDOW DRESSING SO WE CAN TELL BEMUSED LEGISLATORS THAT WE'RE ADDRESSING THE PROBLEM.

THAT ALL LEADS TO THE ISSUE OF ADEQUATE FUNDING FOR A DRUG TESTING PROGRAM. THERE THE ANSWER IS SIMPLE. WE DON'T HAVE IT. WE PROBABLY WILL NEVER HAVE IT. RACING IS AT THE MERCY OF STATE LEGISLATIVE BUDGET PROCESS, WHERE RACING IS LIKELY – OUTSIDE OF KENTUCKY – TO BE THE BOTTOM PRIORITY. AN ADEQUATELY FUNDED TESTING SYSTEM IS BEYOND OUR CONTROL. FRANKLY, IT SEEMS THE ULTIMATE HYPOCRISY – A GOVERNMENT THAT DECRIES RACING FOR PERMITTING STEROIDS AND PERFORMANCE ENHANCING SUBSTANCES- DENIES RACING THE FUNDS NEEDED TO TEST FOR THESE SUBSTANCES. I'VE HEARD A VARIETY OF NUMBERS GIVEN FOR WHAT IT WOULD COST TO EFFECTUATE A DECENT STEROID TESTING PROGRAM. DR. MAYLIN USED TO TELL ME IT WOULD COST HIM A MILLION DOLLARS. OTHERS SAY FAR LESS, BUT WITH INCREASED LABOR COSTS. WHATEVER THE COSTS, CAN THE DOLLARS BE THERE IN THIS TIME OF NATIONWIDE BUDGET SHORTFALLS? EVEN IN GOOD TIMES, CAN WE EVER COUNT ON THE MONEY FOR DRUG TESTING BEING THERE? AND WE CERTAINLY CANNOT GUARANTEE THAT THE NEW TESTS FOR THE NEXT GENERATION OF DRUGS WILL BE AVAILABLE. SHORT OF GETTING STATES TO COMMIT GAMING REVENUES TO DRUG TESTING, WHAT DO WE DO?

I DON'T THINK THE SKY WILL NECESSARILY FALL ON RACING BECAUSE OF QUESTIONABLE FUNDING FOR ENHANCED DRUG TESTING. BESIDES THE NEED FOR A TRUTHFUL AND TRANSPARENT SYSTEM, THERE ARE STEPS WE CAN TAKE TO LIMIT THE FUNDING ISSUE. WE CAN START TO DEVELOP PROGRAMS FOR TESTING OFF-COURSE MUCH LIKE THE WAY THAT WE'D LIKE TO TEST FOR BLOOD DOPING AGENTS.

WE NEED TO CONCENTRATE ON USING NON-ANALYTICAL TESTS FOR DRUGS. PEOPLE IN RACING USED TO HAVE A MENTALITY THAT IF THE URINE SHOWS ZIP, YOU'VE GOT TO ACQUIT. BUT WE KNOW THAT THERE ARE DRUGS WE CAN'T TEST FOR, AND WHERE THERE IS PROOF FROM OTHER SOURCES OF DRUG USE, WE HAVE TO MOVE FORWARD. OTHER SPORTS ORGANIZATIONS UTILIZE THE NON-ANALYTIC APPROACH MORE AND MORE FREQUENTLY. WE'VE GOT TO DO IT FOR HORSE RACING.

WHILE IT'S BEEN TALKED ABOUT FOR AGES, WE TRULY NEED A SYSTEM FOR FREEZING SAMPLES. THE USE OF FROZEN SAMPLES CAN ACTUALLY SERVE AS A DETERRENT FOR THOSE DRUGS FOR WHICH WE HAVE NO CURRENT TESTING PROCEDURES. IT'S CREDIBLE TO TELL CHEATERS THAT WE MAY NOT HAVE A

TEST NOW FOR HGH, BUT WE'LL HAVE A TEST SOON, AND YOU WILL PAY THE PRICE.

WE CAN GO BEYOND WHAT BASEBALL DOES AND PUT IN PLACE RULES THAT ACTUALLY END THE CODE OF SILENCE IN RACING. WHAT MAY BE THE MOST DISTRESSING PART OF THE MITCHELL REPORT ARE THE TALES ABOUT BASEBALL EXECUTIVES SITTING BACK AND TALKING AND EVALUATING WHETHER TO TRADE FOR PLAYERS WITH STEROID PROPENSITIES LIKE ERIC GAGNE, OR MIGUEL TEJADA, OR BOBBIE ESTALELLA WHO IS DESCRIBED AS A POSTER BOY FOR STEROIDS BY DODGER SCOUTS. SIMPLY PUT, RACING NEEDS TO PUT IN PLACE A RULE REQUIRING LICENSEES TO COME FORWARD ON DRUG USE. WE SORT OF HAVE THAT ON JOCKEYS. THEY'RE SUPPOSED TO REPORT BRIBES. MANY OF YOU MAY REMEMBER THAT THE LATE JOCKEY MIKE VENEZIA RECEIVED A SIX MONTH SUSPENSION IN THE EARLY 1980'S FOR FAILING TO REPORT A BRIBE. LAWYERS ARE SUPPOSED TO REPORT UNETHICAL CONDUCT; WHY SHOULDN'T AN OBLIGATION BE PUT ON LICENSED PROFESSIONALS IN RACING TO REPORT DRUG USE?

WE WILL ALSO NEED TO ESTABLISH A RATIONALE FOR ANY USE OF STEROIDS. IT'S NOT ENOUGH TO SAY THAT THE FDA ALLOWS IT. IF WE CAN'T ESTABLISH THAT STEROIDS ARE THE BEST VEHICLE TO TREAT CERTAIN EQUINE CONDITIONS AND THAT ALTERNATIVE METHODS OF TREATMENT DON'T WORK AS WELL, WE'RE SIMPLY ASKING FOR TROUBLE FROM EVERYONE – FROM CONGRESS, ANIMAL RIGHTS ACTIVISTS, AND FROM RACING FANS. RACING'S RULES WILL LOOK AS BAD AS HGH DOES IN THE MITCHELL REPORT WHERE YOU CAN SEE THE WRITERS OF THE REPORT SIMPLY SCOFFING AT THE NOTION THAT HGH IS SIMPLY A THERAPEUTIC DRUG THAT ALLOWS ATHLETES TO RECOVER FASTER FROM INJURIES OR ALLOWS THEM TO TRAIN HARDER.

AND THIS SAME ANALYSIS APPLIES TO CLENBUTEROL WHICH IS MENTIONED SEVERAL TIMES IN THE MITCHELL REPORT AS A "VETERINARY MEDICATION THAT SOME ATHLETES ABUSE IN AN EFFORT TO BECOME LEANER."

KIRK RADOMSKI ADMITTED TO CLENBUTEROL DISTRIBUTION ALONG WITH DISTRIBUTING ANABOLIC STEROIDS AND HUMAN GROWTH HORMONE. CLENBUTEROL WAS DISCOVERED ON A 2001 FLIGHT BY THE CLEVELAND INDIANS INTO TORONTO. ROSS GRIMSLEY USED CLENBUTEROL, AS DID ADAM RIGGS. RADOMSKI WAS QUOTED AS SAYING THAT "THE PLAYERS INCREASINGLY REQUESTED WATER-BASED ANABOLIC STEROIDS, SUCH AS WINSTROL, AND OTHER DRUGS SUCH AS CLENBUTEROL... THAT CLEARED THE BODY FASTER AND WERE LESS LIKELY TO BE DETECTED."

WE KNOW THAT CLENBUTEROL IS IN GENERAL USE FOR HORSES, AND GIVEN THE EFFECTS OF THE DRUG AND ITS REPUTATION AS THE WEIGHT LOSS AND FAT REDUCING DRUG OF THE MOMENT, WE'RE GOING TO HAVE TO DEMONSTRATE WHY IT'S NEEDED AND WHY OTHER ALTERNATIVES ARE NOT AS EFFECTIVE.

LOOK I BECAME A RACING COMMISSIONER TWO DECADES AGO. I TOLD MY FRIENDS BACK THEN THAT AT LEAST I'D FIND OUT WHAT THOROUGHBRED TRAINER OSCAR BARRERA WAS USING TO IMPROVE HIS HORSES. IF YOU DON'T REMEMBER OSCAR, FOR A NUMBER OF YEARS ON THE NYRA CIRCUIT, HE PERFORMED MIRACLES ON THE HORSES HE CLAIMED. FOR ABOUT A MONTH OR TWO, THEY WERE ABSOLUTE WORLDBEATERS. THEN THEY STOPPED WINNING. IT'S TWENTY YEARS LATER, AND WE STILL DON'T KNOW WHAT OSCAR WAS DOING TO MOVE UP HIS HORSES. THIS IS AN INTOLERABLE SITUATION. WE NEED TO MAKE SURE THAT OUR TESTING IS TRANSPARENT AND CREDIBLE. WE NEED TO KEEP FAITH WITH OUR FANS, AND WE NEED TO BE ACTIVELY PURSUING INVESTIGATIONS BOTH ON AND OFF THE TRACK AND NOT SITTING BACK AWAITING THE RESULTS OF DRUG TESTING.

LORD KNOWS YOU DON'T NEED ANOTHER SPEECH FROM A MIDDLE AGED GUY BITCHING ABOUT HORSE RACING. I'VE BEEN ATTENDING RACING CONVENTIONS FOR NEARLY TWO DECADES. I HATE THE "LET'S BASH RACING" SPEECHES. I HATE LISTENING TO THEM, AND I DON'T WANT TO BE IN THE POSITION OF DELIVERING ONE TODAY.

BUT ED MARTIN OF THE ASSOCIATION OF RACING COMMISSIONERS LAST MONTH WROTE IN A DIFFERENT CONTEXT THAT "SOMETIMES IT'S GOOD THAT RACING DOES NOT COMMAND THE FRONT PAGE OF USA TODAY'S SPORTS SECTION AS OFTEN AS IT SHOULD."

AND THAT CERTAINLY APPLIES TO THE DRUG SITUATION DESCRIBED IN THE MITCHELL REPORT. WE CAN RISE ABOVE IT. WE CAN PUT OUR HOUSE IN ORDER. WE HAVE SCOT WATERMAN. IT'S NOT ALL DOOM AND GLOOM, AND I DON'T WANT TO BE SEEN IN THE POSITION OF COMPLAINING ABOUT MY HOSTS IN RACING WHILE I'M HERE PARTAKING OF THEIR HOSPITALITY. BUT RIGHT NOW WE IN RACING ARE BASEBALL.

THANK YOU FOR LISTENING TO ME THIS MORNING.