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Obama vs. Bush on Steroids: Two Different Approaches to a Pseudo-Controversy—Or is It Really Worthy of Note in a State of the Union Address?

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Obama vs. Bush on Steroids: Two Different Approaches to a Pseudo-Controversy—Or is It Really Worthy of Note in a State of the Union Address?

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I. Introduction

We live in an era of the Gulf of Tonkin, Watergate, the Invasion of Grenada, the Iran Contra Affair, and Weapons of Mass Destruction, and yet, the Attorney General of the United States launches a multi-million dollar investigatory crusade against African-American professional athletes. The reaction to the perceived ethical miasma in professional sports during the last few years has been dumbfounding. It appears to be more smoke and mirrors, red herrings, and conspiratorial hypocrisy. September 11, 2001, was a *real* national emergency worthy of a united federal investigation. However, steroid use in professional sports does not merit the intensity of that response.

Since Sports has such a unique impact on American life, it is appropriate to use sports as a gauge to ascertain the effectiveness of each presidential administration. The difference between the Bush administration and the Obama administration is a difference of emphasis. The Bush administration used sports as a means to punish “offenders,” while at the same time, using the specter of steroid abuse as a means to de-emphasize the *real* turmoil in Iraq. The Obama administration, on the other hand, has used sports as a metaphor to educate and, also as a bully-pulpit to reinforce “good” values.

In the movie Cold Comfort Farm, a spooky old farm house is dominated by a dotty grandmother living in the attic who periodically exclaims, “I Saw Something Nasty in the Woodshed,” as a means to coerce her family to stay on the farm.¹ This recollection was a hazy

¹ COLD COMFORT FARM (B.B.C. Films 1995).

remembrance of something unspeakable that she may have seen 69 years earlier.² Similarly, the U.S. government created the theme of Weapons of Mass Destruction (W.M.D.) to justify the War in Iraq. This fruitless search for W.M.D.'s was a red herring to divert our attention. Bush refused to recognize the need for a responsible exit strategy from Iraq, but instead offered more photo ops and disingenuous claims of success.³ The U.S. Attorney General's Office then initiated a moral and legal jihad against professional athletes so that our attention is diverted from the daily toll of dead soldiers. This essay will compare and contrast the views of President Bush to views of President Obama on the pseudo-controversy of steroid use in professional sports.

II. A History of Red Herrings

A red herring is something intended to divert attention from the real problem or matter at hand.⁴ The term derives from the idea of a fugitive dragging a herring across his trail to confuse the blood hounds.⁵ The criminal investigation of athletes has been used in a similar manner so that war stories will be pushed off the front page. The Attorney General's investigations, subpoenas, indictment, deals with co-conspirators, etc., have been unprecedented—especially when these alleged criminals have committed victim-less crimes. By choosing the easier target, the government utilizes less of its limited resources to combat more serious concerns such as, terrorism, climate change, and international drug cartels.

² *Id.*

³ Editorial, *Another Iraq Photo Op*, N.Y. TIMES, Sept. 5, 2007, at A26.

⁴ William A. Bertelsman, *The Spell Checker: Other Means of Reeking Havoc*, 56 OR. ST. B. BULL. 39 (Nov.1995).

⁵ *Id.*

The government has a fiduciary relationship to its citizens and this relationship of trust demands a higher standard of behavior.⁶ A government also has an ethical duty to be candid if a matter does not affect national security.⁷ Therefore if the government purposefully manufactures alleged threats or chooses a phony target, they are in violation of their ethical obligations.

In 2002, before the Iraq War, President Bush, in both Congress and the United Nations, argued for intervention and support.⁸ Like his father, it was his intent to bomb Iraq into the Stone Age, but unlike his father who had Kuwait, Bush Junior had to invent W.M.D. to divert the people's attention from an unnecessary and illegal war. The phrase, "Weapons of Mass Destruction," has a terrorizing affect. The phrase means that these weapons kill indiscriminately and make no distinction between combatant and civilian.⁹ W.M.D. of note includes anthrax, eboli, sarin gas, and suitcase nuclear devices. However, cluster bombs, which are used exclusively by American troops and their allies, also kill civilians indiscriminately.¹⁰

In November 2005, a grand jury focused on the lengths that the Bush administration went to in 2003 to divert the public's attention from the fact that American soldiers did not find any W.M.D.¹¹ Bush, Cheney, Rumsfield, and others, built support for the war by claiming that

⁶ See generally, Kathleen Clark, *Do We Have Enough Ethics In Government Yet?: An Answer From Fiduciary Theory*, 1996 U. ILL. L. REV. 57; David M. Lawrence, *Local Government Officials as Fiduciaries: The Appropriate Standard*, 71 U. DET. MERCY L. REV. 1 (Fall 1993); and Roger C. Cramton, *Enron and the Corporate Lawyer: A Primer on Legal And Ethical Issues*, 58 BUS. LAW. 143 (Nov. 2002).

⁷ *Id.*

⁸ See David Friel, *Editorial, Bush's Iraq Diversion the Drumbeat of War Drowns out the Noise from Other Problems*, PITTS. POST GAZETTE, Oct. 3, 2002, at A15.

⁹ See generally, SOHAIL H. HASHMI & STEVEN P. LEE, *ETHICS AND WEAPONS OF MASS DESTRUCTION: RELIGIOUS AND SECULAR PERSPECTIVES* 1-15 (Haasmi & Lee, eds., Cambridge Univ. Press: 2004); National Self Defense. International Law, and Weapons of Mass Destruction, 4 CHI. J. INT'L L. 1 (2003).

¹⁰ *Id.*

Saddam Hussein was stockpiling chemical weapons, feverishly developing germ warfare devices, and racing to build a nuclear bomb.¹² Sadly, history repeats itself, Bush Junior learned from Bush Senior, and Bush Senior learned from the master web-spinner, Ronald Regan. On October 23, 1983, 241 U.S. Marines were killed when a van wired with explosives rammed their barracks in Beirut, Lebanon.¹³ On October 26, 1983, the U.S., attacked Cuban laborers and soldiers building an airfield in Grenada, presumably with beach balls, surf boards, and beach umbrellas.¹⁴

The government will go to great lengths to make sure that the public's attention is diverted from other issues. There never was any evidence that Saddam Hussein developed W.M.D.¹⁵ Bush dyed these tactics in "red, white, and blue."¹⁶ "[T]he belief of the Republican leadership [is] that if it wraps itself in the flag, and denounces critics as unpatriotic, it can get away with just about anything."¹⁷ The United States, implements anticipatory self-defense strategies to neutralize the threat of W.M.D. and other hobgoblins.¹⁸ Other diversionary tactics were the

¹¹ *Remember That Mushroom Cloud*, N.Y. TIMES, Nov. 2, 2005, at A28.

¹² *Id.*

¹³ Thomas Friedman, *Beirut Death Toll at 161 Americans*, N.Y. TIMES, Oct. 24, 1983, at A1.

¹⁴ *Invasion in Grenada*, N.Y. TIMES, Oct.27, 1983, at B1.

¹⁵ Friel, *supra* note 8; See also, Editorial, *Where Are the Weapons of Mass Destruction?*, ROANOKE TIMES, May 17, 2003, at A9.

¹⁶ Friel, *supra* note 8; See also, *Obama Slams Baseball Star for Using Steroids*; THE EVENING STANDARD (London, Eng.) Feb. 10, 2009. P. 61; Marino, Jennifer, *Baseball Blues*, Scholastic News Edition 5/6, Mar. 9. 2009, Vol. 77 Issue 17, p.6-16, 1p.

¹⁷ Paul Krugman, *House Wraps Itself in Flag to Divert Public Attention*, BIRMINGHAM POST HERALD, Apr.16, 2003, at 7.

¹⁸ See generally, Robert A. Zayac, *United States: Authority to Legally Implement the Self-Defense and Anticipatory Self-Defense and Anticipatory Self-Defense Doctrines to Eradicate the Threat Posed by Countries Harboring Terrorists and Producing Weapons of Mass Destruction*, 29 S. ILL. U.L.J. 433 (2004-2005); Paul Krugman, Editorial, *Behind Our Backs War provides Cover to the GOP's Domestic Political Agenda*, PITTS. POST-GAZETTE, Apr. 19, 2003, at A11.

proposal of a constitutional amendment to ban gay marriages,¹⁹ and Congress' witch-hunt against baseball players in the BALCO steroid scandal.²⁰

III. Steroid Use in Professional Sports as a Pseudo-Controversy

The House Government Reform Committee's televised hearing into the use of steroids in professional baseball was characterized as vindictive, hypocritical, and a witch-hunt.²¹ This hearing was sanctimoniously entitled "Restoring Faith in America's Pastime."²² The ostensible, purpose of investigating a public health crisis masqueraded the real goal of persecuting celebrity athletes.²³ This committee, using extraordinary measures, issued subpoenas to a half-dozen former and present ballplayers.²⁴ The alleged concern of the President, the White House, and Congress for steroid use by "America's youth begs the question of why they have sent tens of thousands to Iraq to be killed or mutilated in a war of colonial plunder."²⁵

The adulation of African-American professional athletes, is a double-edge sword. The average salary in baseball is almost \$3 million a year, with some players making over \$30

¹⁹ Jarret Altdorfer Ross, Editorial, *Diversionary Tactics*, PITTS. POST-GAZETTE, Jul. 4, 2003, at A18.

²⁰ David Walsh & Barry Grey, *U.S. Congress Witch-Hunt Players in Baseball Steroids Scandal*, World Socialist Web Site, Mar. 19, 2005, <http://www.wsws.org/articles/2005/mar2005/base-m19.shtml>.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* (The Article concludes with a repetition of Mark Twain's remark that in America, "There is no distinctly native criminal class, except congress.")

million, makes them easy targets.²⁶ In the movie, *Field of Dreams*, James Earl Jones, makes an impassioned speech to the ghosts of former baseball stars: “America has rolled by like an army of steam rollers; it’s been erased like a blackboard, rebuilt and erased again. But baseball has marked the time... it reminds us of all that once was good and could be again.”²⁷ Jacques Barzun, the French philosopher/historian said that “whoever wants to know the hearts and minds of America had better learn baseball.”²⁸

The sports sociologist, Harry Edwards, said that the problem in both sports and society is the establishment of a plantation system of authority with Whites commanding a monopoly on power and decision-making.²⁹ It is a simmering problem that is brought to the surface by comments such as Dodger’s executive Al Capanaris who said that African-Americans “may not have some of the necessities to be...a field manager or...a general manager.”³⁰ Or, comments by the sports commentator, Jimmy “the Greek” Snyder who said that “[t]he black is a better athlete to begin with because he’s been bred to be that way because of his thigh size, and big size.”³¹

²⁶ See generally, William C. Rhoden, *Big Fish May Be Easier Targets*, N.Y. TIMES, Nov. 19, 2007, at D8; Walsh, *supra* note 22; and Tony Lovasco, *Why is Congress Wasting Time and Money Investigating Steroid Use in Pro Sports?*, http://www.tonylovasco.com/politics/misc_politics_news/congress_steroid_use_pro_sports, (last visited Jan. 28, 2010).

²⁷ FIELD OF DREAMS (Gordon Company 1989). “The one constant through all the years, Ray, has been baseball.”

²⁸ Jacques Barzun, GOD’S COUNTRY AND MINE: A DECLARATION OF LOVE SPICED WITH A FEW HARSH WORDS 159 (1954).

²⁹ Harry Edwards, *Beyond Symptoms: Unethical Behavior in American Collegiate Sport and the Problem of the Color Line*, 9 J. SPORT & SOC. ISS. 47 (1985).

³⁰ Bill Plaschke, *Companies Embarrassment: A Call to Sports Diversity Management*, L.A. TIMES, July 23, 1995, at A1.

³¹ Jimmy ‘The Greek’ Snyder Canned for ‘Racist’ Remarks, Video Almanac 1988, Jan. 16, 1988, CNN/SI, [http://sportsillustrated.cnn.com/almanac/video/1988/\(1/18/2006\)](http://sportsillustrated.cnn.com/almanac/video/1988/(1/18/2006)).

And, of course, there is the comment made by Marge Schott, the former owner of the Cincinnati Reds, where she called her African-American ballplayers “million-dollar...trained monkey[s].”³²

In an article entitled “Big Fish May Be Easier Targets,” William C. Rhoden, the sports columnist of the New York Times opined that three of the world’s most highly visible African-American professional athletes have been targeted for wrongdoing, one in connection with dog fighting [Michael Vick, football], and two in connection with the use of performance enhancing drugs [Marion Jones, track and field; Barry Bonds, baseball].”³³ Rhoden was mostly concerned with the intensity of the investigation. “They were targets of prolonged federal investigations that led to a holy crusade to rid society of...dog fighting?; and steroid use?”³⁴ Rhoden’s saw these investigations as “an apparent double standard that has focused...on black athletes.”³⁵

In 2007 and 2008, sports ethics controversies actually pushed the Iraq War off the front page. The controversies included the Mitchell Report,³⁶ Isiah Thomas’ sexual harassment case,³⁷ the suspension of “Pacman” Jones,³⁸ “Spygate,”³⁹ and NBA referee Tim Donaghy’s gambling

³² Warren Corbett, *Marge Schott*, The Baseball Biography Project at <http://bioproj.sabr.org/bioproj.efm?a=v&v=1&bid=11978pid=18877> (Jan. 18, 2006).

³³ Rhoden, *supra* note 27.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Michael S. Schmidt, *Mitchell Report May Name Free Agents, Union Says*, N.Y. TIMES, Nov. 9, 2007, at D1.

³⁷ Richard Sandomir, *Garden Settles Sex Harassment Case*, N.Y. TIMES, Dec. 11, 2007, at D1.

³⁸ Ken Murray, *Goodell Gets Tough; Commissioner Looks To Shore Up NFL's Tarnished Image, Cracks Down On 'Pacman' Jones, Henry For Repeated Arrests; Representing NFL Called A Privilege, Not A Right*, BALTIMORE SUN, at 1E.

³⁹ Judy Batista, *For Some, Video Incident Raises Questions About Mangini*, N.Y. TIMES, Sep. 20, 2007, at D1.

scandal.⁴⁰ On March 26, 2007, NFL Commissioner Goodell announced that he expected to begin disciplining Players who were tainting the league with their misbehavior under a new Personal conduct policy.⁴¹ He threatened to punish repeat offenders with one-year suspensions and teams with fines and the loss of draft picks.⁴²

The three biggest stars that have been either indicted or sentenced were Barry Bonds, baseball player indicted for steroid abuse;⁴³ Marion Jones, track and field star sentenced for six months for steroids and perjury;⁴⁴ and Michael Vick, football player sentenced to 23 months for dog fighting.⁴⁵ These three were targets of prolonged federal investigations that had the feeling of a holy crusade.⁴⁶

IV. The Bush Approach

Congress claimed that steroid use in professional sports is vital to the American psyche because athletes are role models and children look up to them.⁴⁷ Congress' "witch-hunt" issued

⁴⁰ Alan Schwarz & William K. Rashbaum, *Referee Is the Focus of a Federal Inquiry*, N.Y. TIMES, July 27, 2007, at D4.

⁴¹ Judy Battista, *Goodell Says He'll Punish N.F.L.'s Problem Players*, N.Y. TIMES, March 27, 2007, at D4.

⁴² *Id.*

⁴³ See Duff Wilson & Michael Schmidt, *Bonds Charged with Perjury in Steroids Case*, N.Y. TIMES, Nov. 16, 2007, at A1; See also, Jon Fogg, *Baseball's Legal Steroid*, WASH. TIMES, May 30, 2009, at B02; Associated Press, *Tejada Pleads Guilty to Lying About Steroid Use in Baseball*, U.S. v. *Tejada*, Feb. 11, 2009

⁴⁴ See Lynn Zinser & Michael Schmidt, *Jones Admits to Doping and Enters Guilty Plea*, N.Y. TIMES, Oct. 6, 2007, at D1; and Zinser, *Six-Month Sentence for Jones Meant to be Message*, N.Y. TIMES, at B13.

⁴⁵ See Michael Schmidt & Judy Battista, *Plea Deal Complete, Vick Moves to Apologies*, N.Y. TIMES, Aug. 28, 2007, at D1; and William Rhoden, *It is Time for Vick's Deeds to Speak for Him*, N.Y. TIMES, Sept. 7, 2007, at D5.

⁴⁶ Rhoden, *supra* note 26.

⁴⁷ See, Juliet Macur, *Records Show More to Come in Steroid Case*, N.Y. TIMES, Apr. 29, 2007, at Sports (Sec. 8) 1; and Juliet Macur et al., *Guilty Plea Widens Baseball's Steroid Scandal*, N.Y. TIMES, Apr. 28, 2007, at A1.

six subpoenas, which is extraordinary, to former and present ball players.⁴⁸ Similarly, the Attorney General's investigation of Michael Vick's dog fighting was also unprecedented. Vick was indicted under a new statute, but it was also the first use of federal resources to charge criminals for what was historically a local crime.⁴⁹

A federal grand jury investigated whether former San Francisco slugger, Barry Bonds, committed perjury in 2003 when he told a grand jury that he never knowingly used anabolic steroids.⁵⁰ The investigation led to the convictions of others connected to the California San Francisco-based Bay Area Lab Cooperative (BALCO) laboratories and escalated into the prosecution and imprisonment of professional athletes. In February 2004, then Attorney General of the United States, John Ashcroft, arranged a press conference and announced the indictment of four men, including Barry Bonds.⁵¹ The investigation was extraordinary in size and scope and involved late night trash searches, undercover agents, extensive surveillance, a variety of subpoenas, search warrants, and untold expenditures of money and man-hours.⁵² It prompted congressional hearings at which the biggest names in baseball were scolded on national television and spurred the passage of additional federal anti-steroid legislation.”⁵³

⁴⁸ *Id.*

⁴⁹ See, Larry O' Dell, *Vick Case Informer Receives 2 Months*, SAN ANTONIO EXPRESS NEWS, Dec. 15, 2007, at 15A.

⁵⁰ Richard Collins, *Of Ballparks and Jail Yards: Pumping Up The War On Steroids*, 30 CHAMPION 22 (Nov. 2006); See also, Jonathan Littman, *Gunning for the Big Guy*, PLAYBOY, May 2004, at 67; and *Steroids in Major League Baseball*, 2005 Leg., 109th Sess. (2005) (statement of Denise A. Garibaldi, licensed psychologist), available at 2005 WL 682054.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

The Attorney General's use of plea bargaining, grants of immunity, and subpoenas in both BALCO (Barry Bonds and Marion Jones) and Michael Vick's cases were unprecedented, especially since there were no issues that involved national security. A highly motivated I.R.S. agent, Jeff Novitzky, who exercised at the same gym as Bonds, and was astonished at his seemingly unnatural size and strength, was determined to prove that Bonds was a steroid cheater.⁵⁴ Was this investigation initiated to take the heat off of Bush and the Iraq War?⁵⁵

In *U.S. v. Comprehensive Drug Testing*, the Ninth Circuit Court of Appeals allowed federal investigators to use the results of Major League Baseball's 2003 drug testing in the government's ongoing investigation.⁵⁶ The ruling allowed the government to use the drug test results to establish the source of steroids in baseball. Major League Baseball conducted confidential drug tests to determine how wide-spread the steroid problem was and to implement a stricter policy against performance-enhancing drugs. However, the government sought the test result for ten players implicated in the BALCO scandal, including Bonds.⁵⁷ Federal investigators got warrants and raided testing labs in California and Nevada.⁵⁸ However, investigators also took the results of all 1,438 MLB tests.⁵⁹ These seizures violated the players' constitutional rights.⁶⁰

V. The 2004 State of the Union Address

⁵⁴ See generally, Juliet Macur, *Records Show More to Come in Steroid Case*, N.Y. TIMES, Apr. 29, 2007, at Sports 1; and Mark Fainara-Wada & Lance Williams, *Game of Shadows* (Gotham Books, 2006).

⁵⁵ *Id.*

⁵⁶ *U.S. v. Comprehensive Drug Testing, Inc.*, 473 F.3d 915 (9th Cir. 2006).

⁵⁷ *U.S. v. Comprehensive Drug Testing, Inc.*, 579 F.3d 989 (9th Cir. 2009).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

George Bush personally planted the seeds for the red herring of prosecuting athletes for steroid abuse in his 2004 State of the Union speech. After talking about September 11th, Al Qaeda, Weapons of Mass Destruction, and the Iraq War, he turned to steroid use--“to help children make right choices.”⁶¹ According to Bush, “athletes play such an important role in our society, but, unfortunately, some in professional sports are not setting much of an example.”⁶² Bush also stated that “the use of performance-enhancing drugs...is dangerous, and sends the wrong message...”⁶³

In his speech, he mentioned that “dozens of weapons of mass destruction-related program activities and significant amounts of equipment” were concealed by Iraq.⁶⁴ He diverted America’s attention from the alleged W.M.D. by creating the hobgoblin, of steroid-using professional athletes. Bush said that steroid use is dangerous because children might use drugs in emulation of athlete role-models.⁶⁵ In Bush’s opinion, athletes should not be permitted to use steroids and steroid use by athletes is unacceptable because it sends the wrong message to impressionable children “that there are shortcuts to accomplishment, and that performance is more important than character.”⁶⁶

⁶¹ State of the Union Address, Jan. 20, 2004, available at <http://www.whitehouse.gov/news/release/2004/01/2004/01/20040120-7.html>.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.* (Bush also stated “Had we failed to act, the dictator’s weapons of mass destruction programs would continue to this day.”)

⁶⁵ *Id.*

⁶⁶ *Id.* “So tonight I called on team owners, union representatives, coaches and players to take the lead, to send the right signal, to get tough, and to get rid of steroids now.”

The hazards of anabolic steroids have been greatly exaggerated. Steroids can be used with reasonable safety by adults under medical supervision. However, legal restrictions and league bans on steroids discourage athletes from seeking medical guidance. The president said that steroid use sends the erroneous message “that there are shortcuts to accomplishment...”⁶⁷ Of course, inherited wealth is as much a “shortcut” as pills or injections. Other shortcuts are athletes who use the latest equipment, knowledge, and nutritional supplements that were unavailable 40 years ago.

VI. The Obama Approach

On October 2, 2008, then presidential candidate Barack Obama was a guest via phone on ESPN Radio’s Mike and Mike in the Morning. Obama was asked his views “[o]n the role of the federal government in sports drug scandals.”⁶⁸ His response was that, “I gotta admit seeing a lot of congressional hearings about steroid use, it is not probably the best use of congressional time. I would have my attorney general investigate possibly a college football playoff system via executive order.”⁶⁹ He further reasoned that steroid use is “a serious problem, but it is one you want to see the leagues handle in a more appropriate way.”⁷⁰ As regards athletes as role models,

⁶⁷ *Id.* See generally, Jacob Sullum, *Bush on Steroids: Why Must Sports Be Drug-Free?*, Creator’s Syndicate, Jan. 23, 2004. Pres. Bush by discussing steroid use in his State of the Union address turned it into an issue of national importance. With the support of the President, Congress went on a mission to turn stagnant anti-steroid legislation into law. On October 22, 2004, the President signed the Anabolic Steroid Control Act of 2004, 21 U.S.C. §§801-966, which significantly increased the scope of the federal government’s regulation of steroids. See Adrian Wilairat, *Faster, Higher, Stronger? Federal Efforts to Criminalize Anabolic Steroids and Steroid Precursors*, 8 J.HEALTH CARE L. & POL’Y 377 (2005).

⁶⁸ *Mike and Mike Show* (ESPN radio broadcast Oct.02, 2008).

⁶⁹ *Id.*

⁷⁰ *Id.*

he believes that “I don’t think it’s optimal. I think your dad should be your role model. Your mom should be your role model.”⁷¹

Michael Johnson, an African-American Olympic track and field star has asked what Obama’s election meant to him:

Last year, more people voted than ever before in America. And as in Society, so in sports: you have a lot of athletes who have been energized, who are very hopeful, who have got involved in politics and paid more attention than before.

I think the new presidency will have an effect Not on current sportspeople but on a lot of African-American kids who have in the past seen sports as the only vehicle out of inner-city deprivation and over barriers to their development. But not everyone can be a professional athlete, and many of those kids that hang there entire hopes on sports will fail. In the meantime, they do not take advantage of educational opportunities to be successful in other arenas, because they don’t feel that there’s a future there for them – they don’t see role models to give them hope. Now they have Obama, who is one of the most powerful people in the world. So I believe that African-American young men will now see other opportunities for them than in just sports.⁷²

Bush was a president of penalties, Obama a president of hope.

A litmus test on President Obama’s views on steroid use was his reaction to the addition of baseball superstar Alex Rodriguez to the “list of steroid cheats,” at an hour-long press conference on prime-time television.⁷³ The President was “originally booked..to speak..[on] his efforts to pull America back from the brink of financial disaster but the crises afflicting the national past time was pitched right up there somewhere between record unemployment and the economic

⁷¹ *Id.*

⁷² Michael Johnson, *What Obama Means To Me: Michael Johnson, Olympic Athlete*, OBSERVER SPORTS MAG., Feb. 1, 2009, at 39.

⁷³ Dave Hannigan, *End Zone - Strikeout for Steroid Star as Baseball Bleeds*; SUNDAY TRIB. (Ireland), Feb. 15, 2009, at S16.

stimulus plan.”⁷⁴ Rodriguez tested positive for testosterone and primobolan; he was baseball highest paid player at about \$30million per year.⁷⁵

President Obama stated that the admission of steroid use by Rodriguez blemished his career and sends a bad message to children.⁷⁶ Obama saw the news as “depressing,” but that he was pleased that baseball officials are taking the problem of steroid use among players seriously.⁷⁷ “The thing that I’m most concerned about is the message it sends for our kids...”⁷⁸ The President added that his use of performance enhancing drugs was shame, since some of players undoubtedly played it clean.⁷⁹ “[O]ur kids hopefully are watching and saying: “You know what? There are no short cuts, that when you try to take short cuts, you may end up tarnishing your entire career, and that you integrity’s not worth it. That’s the message I hope is communicated.”⁸⁰

Barack Obama’s rise to the presidency “ has led to parallels being drawn between Obama becoming the country’s first black president and the lot of the black man in American football...”⁸¹ President Obama also has a passion for basketball, which is not only thought of as a “African-American Sport,” but it is historically not the sport of choice of presidents.⁸² And as a

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Todd J. Gilman, *Washington Bureau, Obama Says A-Rod Admission Just More Bad News for MLB*, DALLAS NEWS; Feb. 10, 2009, at 2A.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Baseball player A-Rod’s Steroid Admission Depresses Obama*, XINHUA GEN. NEWS SERVICE, Feb. 10, 2009.

⁸⁰ *Obama on A-Rod Drugs: ‘It Tarnishes an Entire Era’*, STAR-LEGER, Newark, NJ, Feb. 10, 2009.

⁸¹ Paul Connolly, *Obama Inspires a Sporting Dream*, SUN HERALD SYDNEY, Australia Feb. 1, 2009 at pg 36

⁸² Mark Zeigler, *Hail to the Hoopster*, SAN DIEGO UNION-TRIB., Jan 21, 2009. at D1

bully-pulpit, President Obama has made the need for a playoff system in college football.⁸³ Bush on the other hand, used his bully-pulpit to terrorize steroid users in professional sports.⁸⁴

President Obama's major directive is hope and education. In his speech on education on September 8, 2009, he reiterated that the story of America is not about people who quit when things get tough, but it's about people who kept going who tried harder, and who loved their country too much to do anything less than their best.⁸⁵ His "back-to-school" speech urged students to work hard, stay in school and follow their dreams.⁸⁶ His speech drew both from his own experiences and those of his wife, Michelle.⁸⁷ His leitmotif is that education is the key to personal success and the nation's success.⁸⁸ "If you get a bad grade, that doesn't mean you're stupid, it just means you need to spend more time studying."⁸⁹

VII. Conclusion

The Bush administration punished alleged "wrongdoers," and used sports as a red herring to divert attention from his political fiascos. Bush's take on steroid use in professional sports was one of negative reinforcement. The Obama administration, on the other hand, sees sports as a unifying factor, whose goal is to educate the American people about concepts of fair play and sportsmanship. One pundit described President Bush's anti-steroid campaign this way: "I have

⁸³ Jon Ward, *Obama Takes on Range of Issues; Sets Sights on Overhaul Football's BCS*, WASH. TIMES, Nov. 18, 2008, at B01.

⁸⁴ *Id.*

⁸⁵ See Tom Hamburger, *Obama Speech's Age Old Message: Stay in School*, HOUS. CHRON., Sept. 8, 2009, at A1; and Sam Dillon, *Work Hard and Dream Big, Obama to Tell Students*, N.Y. TIMES, at A14 (Sept. 8, 2009).

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Sam Dillon, *Work Hard and Dream Big, Obama to Tell Students*, N.Y. TIMES, Sep.8, 2009, at A14.

never been much for riddles. But here it goes: What looks like a fire truck and smells like fish? Give up? It's that enormous red herring of a steroid investigation that just might become the legacy of the 109th Congress. Kinda of stinks, doesn't it?"⁹⁰

⁹⁰ Rob Eder, *Steroid Debates for the Bars, Not Congress*, DRUG STORE NEWS, April 11, 2005, at 16.