



TheElite Training Group track club

Expanding the area of what is possible

In Track & Field Distance Running & Competent Self-Care in medicine and psychology

www.theetgtrackclub.com

Drug use & drug testing are a sham & a scam

TheETG Training Packets

Mission: Expand the area of what is possible for human performance in distance running. TheETG's primary method of achieving that is to proliferate applied science based information by way of \$free packets containing plain language info for anyone seeking to move themselves or others forward in these areas.

As you continue to acquire and apply more information you continue to expand the area of what is possible.

The functioning of brain cells, muscle cells, blood cells, -all cells- are governed by the laws of nature, -not- your chosen belief system.

Data-less conclusions founded upon faulty assumptions are the mother of all screw-ups. They lead to human belief systems that quickly get set in stone.

Put data ahead of dogma. Follow the data -not- the crowd.

".....cellular development must be governed by a variety of factors outside the scope of genetic inheritance. "

B.L.Stauffer -- Epigenetics: An Emerging Player In Health And Disease
Journal Of Applied Physiology.....Volume 109 #1.....July 2010.....page 230 -231

"...elite athletes are still made and not born, though perhaps some may be made elite in one discipline more easily than others."

A. Jones, et al -- Human Performance: A Role For The ACE Genotype?
Exercise & Sport Sciences Reviews -- Volume 30 #4 -- October 2002 -- page 184

"Scientifically speaking, altitude training has no effect."

Dr. Nikolai Nordsborg -- University of Copenhagen

"...called EPO...a new systemic review of existing research reveals that there is no scientific evidence that it does enhance performance, but there is evidence that using it in sport could place a user's health and life at risk."
EPO [erythropoietin] doping in elite cycling: No evidence of benefit, but risk of harm -- Science Daily -- December 5, 2012

"Many of these compounds in a highly-trained individual do absolutely nothing from the point of view of enhancing performance....."

"...Athletes think if it's on a list, it works."

S.Devi -- Overhaul of global anti-doping system needed -- Lancet — Volume 387 #10034 — May 28, 2016 — page 2188

"...investigate the effects of supposedly enhancing drugs in sport. If, as is expected, many substances in current use are found to be ineffective it will help keep our athletes safe and improve confidence in sporting results."

Adam Cohen -- Centre for Human Drug Research in Leiden -- The Netherlands

You may copy any and all contents of this packet, with exception and exclusion of using such copies for purposes of producing revenue, profit, or any direct or indirect compensation.

[Pitsiladis] “Many of these compounds in a highly-trained individual **do absolutely nothing** from the point of view of enhancing performance.....”

“...Athletes think if it’s on a list, it works.”

[Roger Pielke Jr, director of the Sports Governance Centre at the University of Colorado-Boulder, CO, USA].....“WADA’s expansion of banned substances has created a conflict of interest because “a bigger list implies a need for more tests and more testing, which **both imply an expansion of the anti-doping industry**.....”

S.Devi
Overhaul of global anti-doping system needed
Lancet — Volume 387 #10034 — May 28, 2016 — page 2188

Trillion Dollar Drug Testing Industry



"I believe there is a clear need for high-quality research to investigate the **effects of supposedly enhancing drugs in sport. If, as is expected, many substances in current use are found to be ineffective** it will help keep our athletes safe and improve confidence in sporting results...."

Adam Cohen
Centre for Human Drug Research
Leiden, The Netherlands

"With each glamorous athlete who tests positive, we **perpetuate two myths: that these drugs actually work, and that you have to take them.**"

R. Dawson
Bell Lap by Jim Ferstle
Runner's World Daily....October 14, 2003

The magic pill theory is driven by a belief in the existence and effectiveness of magic pills that can turn Clark Kent into superman.

Marshall Burt
TheElite Training Group track club

So called "performance enhancing drugs" are prescription drugs.

Some examples of the effectiveness of prescription drugs in sport.....

"The drug erythropoietin, often called EPO.....a new systemic review of existing research reveals that **there is no scientific evidence that it does enhance performance**, but there is evidence that using it in sport could place a user's health and life at risk."
EPO [erythropoietin] doping in elite cycling: No evidence of benefit, but risk of harm
Science Daily.....December 5, 2012.

"...**there is no scientific basis from which to conclude that rHuEPO has performance-enhancing properties** in elite cyclists." "The use of rHuEPO in cycling is rife but scientifically unsupported by evidence, and its use in sports is medical malpractice."
J.A.Heuberger, et al
Erythropoietin doping in cycling: lack of evidence for efficacy and a negative risk-benefit.
British Journal Of Clinical Pharmacology.....Volume 75 #6.....June 2013...page 1406

"The **over-exaggeration of the effects of growth hormone** in muscle building is effectively promoting its abuse...."
"....there is the question of disinformation on rhGH....Part of this problem may, paradoxically, derive from the anti-doping authorities themselves. By ignoring the evidence the **rhGH does not work** in normal healthy subjects, the athletic establishment could be accused of effectively promoting its use."
"**We must tell athletes the truth: growth hormone does not 'work'** or at least not as they think it does and that its is associated with all kinds of immediate and long term hazards-----everything from decreased performance to cancer."
"....none of us scientists, doctors, coaches, or sports bodies should continue to suggest that this dangerous doping practice works."
M.J. Rennie
British Journal Of Sports Medicine.....Volume 37 #2....April 2003....pages 100-103

"**Testosterone prohormones** such as androstenedione, androstenediol, and dehydroepiandrosterone (DHEA) have been heavily marketed as testosterone-enhancing and muscle-building nutritional supplements for the past decade."
"Contrary to marketing claims, research to date indicates that the use of prohormone nutritional supplements (DHEA, androstenedione, androstenediol, and other steroid hormone supplements) **does not produce either anabolic or ergogenic** effects in men. Moreover, the use of prohormone nutritional supplements may raise the risk for negative health consequences."
G.A.Brown, et al
Testosterone Prohormone Supplements.
Medicine & Science in Sports & Exercise.....Volume 38 #8....August 2006.....pg 1367-1537

So called "performance enhancing drugs" are prescription drugs.

Some examples of the effectiveness of prescription drugs in American medicine & health care.....

"Most drugs are only effective **for a small percentage** of people who take them."
Michael Leavitt [U.S. Secretary of Health & Human Services 2005 - 2009]

".....the benefits that US health care currently deliver **may not outweigh the aggregate health harm** it imparts."
Journal Of The American Medical Association...Volume 302 #1..July 1, 2009...page 89 - 91

"It is estimated that more than 700,000 individuals are seen in hospital emergency departments for adverse drug events each year in the United States."
[Centers For Disease Control.....2015]

"106,000 deaths/year **from non-error**, adverse effects of medications"
B. Starfield
Is US Health Really the Best in the World
Journal of The American Medical Association.....Volume 284 #4....July 26, 2000....page 483 - 485

".....1.5 million U.S. residents are harmed or killed each year because of medication errors, according to an Institute of Medicine report."
Nature Medicine....Volume 12 #9.....September 2006.....pg 984 - 985.....News In Brief

Question the drugs you believe in.....

U.S. Department of Justice [November 4, 2013]

"Johnson & Johnson will pay more than \$2.2 billion to resolve criminal and civil liability.....payment of kickbacks to physicians and to the nation's largest long-term care pharmacy provider."

U.S. Department of Justice [May 7, 2012]

"Abbott Laboratories Inc. has pleaded guilty and agreed to pay \$1.5 billion to resolve its criminal and civil liability arising from the company's unlawful promotion of the prescription drug.....even after its clinical trials failed....."

U.S. Department of Justice [April 20, 2012]

".....pharmaceutical company Merck was sentenced by U.S. District Court Judge Patti B. Saris to pay a criminal fine in the amount of \$321,636,000 in connection with its guilty plea related to its promotion and marketing of the painkiller.....Merck entered into a civil settlement agreement under which it will pay \$628,364,000 to resolve additional allegations regarding off-label marketing of Vioxx and false statements about the drug's cardiovascular safety."

Marcia Angell [Harvard Medical School...former Editor In Chief of the New England Journal Of Medicine]

"And one of the worst forms of bias is that the drug companies will not permit researchers to publish negative results. If the drug doesn't look good, it's not published. It's buried.....the FDA will look through all of these trials, and if two are positive--then they'll usually approve that drug....for these two studies, there may be an additional 10 studies or 15 studies that are negative....But they will not release the negative trials. The FDA will not release the negative trials--because they say it's proprietary. They only release the trials that the company agrees to release. In lots of cases the negative results are hidden; the positive results are published; and the negative results are hidden within the agency that is supposed to be insuring the safety and effectiveness of drugs."

C.Seife [Research Misconduct Identified by the US Food and Drug Administration....JAMA Internal Medicine....February 9, 2015]

"When the FDA finds significant departures from good clinical practice, those findings are seldom reflected in the peer-reviewed literature, even when there is evidence of data fabrication or other forms of research misconduct."

Charles Seife [Are Your Medications Safe....Slate, February 9, 2015]

"The FDA has repeatedly hidden evidence of scientific fraud not just from the public, but also from its most trusted scientific advisers, even as they were deciding whether or not a new drug should be allowed on the market."

from The New England Journal Of Medicine.

"In our analysis of the Open Payments data.....industry payments to physicians in the last 5 months of 2013 and during 2014 totaled approximately \$1.9 billion."

"This money paid for more than 400,000 lectures and close to 13 million drinks and meals."

".....it is troubling that we leave much of the continuing education of practicing physicians to an army of medically less-educated salespeople and to industry-sponsored lecturers delivering industry-written talks."
W.Fleischman, D.H. Newman [Conflicts of Interest....New England Journal Of Medicine.....Volume 373 #8August 2015.....page 778]

Michael Leavitt [U.S. Secretary of Health & Human Services 2005 - 2009]

"Most drugs are only effective for a small percentage of people who take them."

[Journal Of The American Medical Association...Volume 302 #1..July 1, 2009...page 89 - 91]

".....the benefits that US health care currently deliver may not outweigh the aggregate health harm it imparts."

For several decades in the United States our medical community has proliferated a culture surrounding prescription drugs and over-the-counter drugs. That culture has to some degree, bled into sport. The ETG would like to contribute to the bursting of the bubble people have about the effectiveness of drug use both inside and outside of sport.

"Most drugs are only effective for a small percentage of people who take them."

Michael Leavitt [U.S. Secretary of Health & Human Services 2005 - 2009]

"For every dollar we spend on prescription drugs, we spend a dollar to fix the complication."

Dr. Mehmet Oz [Professor of Surgery, Columbia University]

"All the good things....they don't teach us in medical school, because the drug companies pay for our education."

Dr. John Sessions M.D.

".....the benefits that US health care currently deliver may not outweigh the aggregate health harm it imparts."

Journal Of The American Medical Association...Volume 302 #1...July 1, 2009...page 89 - 91

".....1.5 million U.S. residents are harmed or killed each year because of medication errors, according to an Institute of Medicine report."

Nature Medicine....Volume 12 #9....September 2006....pg 984 - 985....News In Brief

"....most doctors don't read or understand medical research..."

Richard Smith [editor, British Medical Journal].....Volume 326 #14.....June 2003]

"The doctors do not always know best and often fail to provide the appropriate care."

[Consumer Reports On Health&&April 2002 -- When Doctors Don't Know Best]

"Less than 1 percent of our health care spending goes to examining what treatments are most effective. Less than 1 percent.....As a result too many doctors and patients are making decisions without the benefit of latest research.....A recent study for example, found that only half of all cardiac guidelines are based on scientific evidence."

President Barack Obama...Speech to the American Medical Association [June 15, 2009]

The sports media types [print and television]. They spend a lot of time railing against pro athletes who "are lazy", who show up to training camp out of shape, "take plays off", and those that are out of shape during their regular season.

But when the subject is drugs in sport or some other performance related issue they suddenly claim that all pro athletes seek to maximize performance. Suddenly all drugs are performance enhancing, not because they are, but because pro athletes supposedly wouldn't take them if they didn't work.

Which is it people???

They may benefit from doing some homework in the area of human psychology. I suggest they stare in areas of research like self-image psychology, Achievement motivation, success avoidance, and self-sabotage related issues.

The outcome may yield a more accurate view of reality.

micro-dosing.....

"Sometimes people are a bit too smug."

".....did it have any affect? It may have a placebo affect and they thought it was doing good."

[June 2015]
Professor Dr David Cowan
UK's accredited drug-testing lab
King's College, London

WADA lab errors falsely accused athletes of doping

[ESPN June 23, 2011].....

"But for the initiatives of the athletes.....the errors would not have been unmasked and the athletes' careers interrupted, if not terminated."

Drug use and drug testing are a sham and an scam.
Just one more piece of proof of same.

Athletes continue to get accused as this story is solely about a lucky few that somehow managed to get the help necessary to prove the test results were bogus, and then lucked out and got a CAS panel that was willing to go with the data rather than turn a blind eye.

But obviously they weren't lucky enough to get more than a blurb about their innocence compared to the standard hoopla media typically will engage in about an athlete's supposedly "positive" test accusing them of doping. A bell that's very difficult to un-ring.

Meanwhile, the labs get paid, the lab directors get paid, and the people designing these "fool proof" tests get paid.

Follow the money. Drug use and drug testing are a sham and an scam.

Newsweek, October 12, 2016
[by Roger Pielke]

"The Norwegian researchers ask: "Does WADA have any tests for uncovering false positives? At the moment, clean athletes have reason to be concerned." Being wrongly accused can end an athlete's career."

".....raises questions about whether the anti-doping system is biased against the rights of athletes."

"The work of the independent researchers in Norway is to be commended for raising important, substantive questions about the fairness of several recent anti-doping judgments. But if anti-doping regulations are to improve, elite athletes need to rely on much more than just the kindness of strangers with expertise."

"It seems likely that his conviction was illegitimate."

"More generally, to the long list of improvements needed in anti-doping, we should add....improving integrity standards in anti-doping science."

July 28, 2018 | TheETG Press & Media Communications

A re-post from TheETG Classroom page of this website due to how many athletes have had their name dragged through the mud by the “World Anti-doping Agency” [WADA] related to this drug. Most notably pro tennis player Maria Sharapova.

Put data ahead of dogma, as to follow the data -not- the crowd.

For those that don't know, WADA was created by drug testing lab directors who initially were a part of the IOC, They created WADA to continue protecting and growing their cash cow, also known as drug testing in sport. They prey and leach on the public's [and athletes/coaches] blind faith in prescription drugs both in and outside of sport.....

[ESPN July 4, 2018]

“.....the 2016 meldonium debacle in which World Anti-Doping Agency [WADA] had to walk back its standards twice because it put the substance on its prohibited list without bothering to study the variations in how people metabolize the medication.”

“So much time, effort and money were invested after the fact when there is little to no proof meldonium aids performance.”

Bonnie D. Ford, ESPN Senior Writer

Chris Froome freed to race, but it's time to take deep breath and reassess anti-doping

ESPN July 4, 2018

[The Guardian, March 6, 2016]

“Maria Sharapova has been provisionally **banned from tennis** after she revealed on Monday she tested positive at the Australian Open for a recently banned drug that she has been taking for 10 years for health reasons.”

“The drug is called meldonium, though Sharapova said she had been using it under the name of mildronate and was unaware of both the different name and the fact it is on the World Anti-Doping Agency's banned list until she received a letter notifying her of the positive test 10 days ago.”

reasons to keep up with Sport Law journals.....

from the Marquette Journal Of Sports Law:

"It also creates the risk that athletes will have their reputations, careers and livelihood ruined over drug test results that may not be based on the most accurate and reliable science."

"....even if a player is exonerated because the testing method is invalid, the damage to their career and reputation would have already been done. Although many in the doping control field would have athletes, and the public, believe that testing is accurate, reliable, and unchallengeable, there are some in their own arena that disagree and are critical of the entire anti-doping system."

"Donald A. Berry, a biostatistician.....Texas's MD Anderson Cancer Center argues that the anti-doping sciences are weak and something [he] regards not to be science."

"Berry dismisses financial and other objections by putting it bluntly: If we cannot as a society afford to fund that sort of effort, then we ought not to be trying to makes these measurements and ruin people's lives...."

"Doing it in a half-assed way is not serving anybody."

G.F.E. Birren, J.C. Fransen *The Body And The Law: How Physiological And Legal Obstacles Combine To Create Barriers To Accurate Drug Testing* Marquette Journal Of Sports Law.....Volume 19 #1.....Fall 2008.....page 287 -288

"With each glamorous athlete who tests positive, we perpetuate two myths: that these drugs actually work, and that you have to take them."

R. Dawson Bell Lap....Runner's World Daily...by Jim Ferstle October 14, 2003

USADA February 2, 2017

"Fernando Cabada, 34, tested positive for trace amounts of clenbuterol as the result of an out-of-competition urine sample....."

"USADA concluded that it was highly unlikely that the presence of clenbuterol in the athlete's sample resulted from a source other than clenbuterol contaminated meat consumed in Mexico."

March 30, 2017 | TheETG Press & Media Communications

More stuff in the media recently accusing Alberto Salazar of drug use. Summer 2015 on the press communications page of TheETG website I put an email back-and-forth that I had engaged in with David Epstein, author of the Propublica article that got global attention and hoopla emanating from a BBC "documentary" about Alberto Salazar and Nike Oregon Project. To accept the things stated in his article, logically one had to first accept his not so passive assertion that no doctor in America would prescribe testosterone to a heart failure patient. Mr Salazar being that patient.

That seemed pretty foolish to me. So I confronted him via email with data. He was displeased.

My facebook post.....June 26, 2015

The last couple days I've been engaged an email exchange with David Epstein, author of the Propublica article. He is defending the portion of his article about coach Alberto Salazar using testosterone for treatment of heart failure.

Most of the innuendo about Salazar and Nike Oregon Project athletes communicated in the article depends on readers accepting this portion of the article, implying that he may be giving it to the athletes as well in microdoses.

David Epstein has been defending this portion of his article by dismissing the study I sent him showing that testosterone is used effectively in heart failure patients in the United States.....such as Alberto Salazar who had a massive heart attack several years ago in front of his athletes near the track at Nike headquarters.

That study is on my facebook page [posted Friday June 26] and TheETG website on the Press & Media Communications page. He dismissed the study as being a decade old and having too few subjects, and that there are larger studies showing harm in testosterone use for heart patients.

Below is the response I sent him this afternoon.....

Ya, however the point is your characterization in your article. You asked cardiologists....."whether testosterone would ever be prescribed to treat a heart condition."

The study I provided you obviously says yes. You clearly left the reader with the suggestion that the answer was no. You didn't do proper fact checking or you disregarded the truth.

The problems with the study cited to you by the cardiologists in relation to your implied assertion in your article that no doctor would prescribe testosterone for fear of heart related downside.....

— "Men with a history of MI prior to the first prescription for TT or PDE5I were excluded from the post-prescription analyses."

— "Taken together, the evidence supports an association between testosterone therapy and risk of serious, adverse cardiovascular-related events—including non-fatal myocardial infarction—in men. However, there is some evidence that low endogenous testosterone levels may also be positively associated with cardiovascular events."

— "our study has limitations related to use of a health-care database that did not include information on the serologic or diagnostic indications for treatment. It also identified only subjects with non-fatal MIs, typically representing about 75% of the total incidence, and was based on the diagnosis of an attending physician, rather than a structured evaluation as might occur in a randomized trial."

— "Among older men, the two-fold increased risk was associated with TT prescription regardless of cardiovascular disease history, although this analysis was based on relatively small numbers of MI cases in each subgroup."

The information below provides sufficient contradictory information about....."whether testosterone would ever be prescribed to treat a heart condition.".....suggesting that you should -not- have suggested in your article that no doctor would prescribe testosterone for Alberto Salazar. You didn't do proper fact checking or you disregarded the truth.

WebMD News [Wednesday July 2, 2014]

Study: No Link Between Testosterone, Heart Attack

Finding runs counter to some prior reports; much larger trials are needed, experts say

By Mary Elizabeth Dallas

"Although recent research has linked testosterone therapy with a higher risk for heart attack and stroke, a new study involving more than 25,000 older men suggests otherwise." [Jacques Baillargeon, an associate professor of epidemiology at the University of Texas Medical Branch at Galveston]—.....there is a large body of evidence that is consistent with our finding of no increased risk of heart attack associated with testosterone use."

"In fact, men at greater risk for heart problems who used testosterone actually had a lower rate of heart attacks than similar men who did not receive this treatment, the researchers said."

The information below provides sufficient contradictory information about....."whether testosterone would ever be prescribed to treat a heart condition.".....suggesting that you should -not- have suggested in your article that no doctor would prescribe testosterone for Alberto Salazar. You didn't do proper fact checking or you disregarded the truth.

Mayo Clinic.....

What are the heart risks associated with testosterone therapy?

by Todd B. Nippoldt, M.D.

"...two recent studies have also reported a lower risk of death in men who were receiving testosterone than in those who were not."

The information below provides sufficient contradictory information about....."whether testosterone would ever be prescribed to treat a heart condition.".....suggesting that you should -not- have suggested in your article that no doctor would prescribe testosterone for Alberto Salazar. You didn't do proper fact checking or you disregarded the truth.

U.S. Food & Drug Administration

January 31, 2014

"At this time, FDA has not concluded that FDA-approved testosterone treatment increases the risk of stroke, heart attack, or death. Patients should not stop taking prescribed testosterone products without first discussing any questions or concerns with their health care professionals. Health care professionals should consider whether the benefits of FDA-approved testosterone treatment is likely to exceed the potential risks of treatment."

The information below provides sufficient contradictory information about....."whether testosterone would ever be prescribed to treat a heart condition.".....suggesting that you should -not- have suggested in your article that no doctor would prescribe testosterone for Alberto Salazar. You didn't do proper fact checking or you disregarded the truth.

M.Stout, et al

Testosterone Therapy During Exercise Rehabilitation in Male Patients With Chronic Heart Failure Who Have Low Testosterone Status

American Heart Journal....Volume 164 #6...2012.....page 893

"This study assessed the feasibility of a 12-week program of exercise, with and without intramuscular testosterone supplementation, in male patients with chronic heart failure and low testosterone status and collected preliminary data for key health outcomes."

"This study shows for the first time that testosterone supplementation during a program of exercise rehabilitation is feasible and can positively impact on a range of key health outcomes in elderly male patients with CHF who have a low testosterone status."

The original purpose of drug testing was to protect the health of athletes. So how did that morph into policing for performance retarding [more commonly referred to as "performance enhancing"] drugs?

Some history. Here is how that happened.....

1 --- Directors of drug labs got themselves on the International Olympic Committee's medical commission in then 1970's and 80's. They setup their own labs as the only ones that could be used for drug testing athletes. They placed their arms elbow-deep into the financial cookie jar of sport governing bodies world wide.

2 --- They jumped on the bandwagon for adding the term "performance enhancing" in front of the word "drugs" -not- because of the effects of drugs but due to why athletes were trying them. Obviously zero humans on the planet earth do things that harm their endeavors therefore drugs must be performance enhancing otherwise athletes wouldn't take them. Based on this they gradually started promoting their work as "leveling the playing field" and claiming that they are protecting "clean athletes" from the unfair advantages gained by dastardly "drug cheats".

3 --- Athletes started suing sport governing bodies for lab mistakes and bogus tests. These lab directors saw that as a direct threat to their cash cow. They did what any good capitalist would do. They created a trade organization to do their bidding and guarantee the long term viability of the cash cow. That drug lab trade union is called World Anti-Doping Agency [WADA]. It's. Local rep is United States Anti-Doping Agency [USADA]. That trade organization has done well. It now has its arm elbow-deep in the financial cookie jar of governments world wide. They've positioned themselves such that tax payers are securing their financial future with a relatively endless supply of mo money, mo money, mo money!

4 --- They took advantage of the media. A media that was more than willing to report that big name Athlete X tested positive. That big name Athlete X is a "drug cheat". More than willing to report these things blindly, asking zero questions about the test, the testing, or the testers. More than willing to -not- know whether or not big name Athlete X really tested positive for anything. A media that includes a plethora of lay person commentators, more than willing to repeatedly recite the mantra that drugs are performance enhancing and are thus the scourge of sport.

The belief in the efficacy of magic pills and potions a.k.a performance retarding drugs has empowered all manner of non-sense in sport over the past several decades.

WADA-USADA's existence is dependent upon maintaining the illusion that they are invaluable, invulnerable, and infallible. That they are "leveling the playing field" and protecting "clean athletes", that no one can sue them, that courts don't have jurisdiction over anything related to them, and that they're accountable to no one. They have come to believe their own bravado oriented chest thumping rhetoric of being all powerful.

But as the saying goes.....Absolute power corrupts absolutely.

Years of bravado oriented chest thumping by WADA-USADA has been highly successful in creating an image. An image that says that.....

--- zero athletes are falsely accused of doping

--- zero athletes innocent of intentional or unintentional drug consumption produce a positive test

--- their testing kits have been legitimately validated for efficacy and that a positive test means an athlete consumed a drug

--- they have the power of a Federal Court

--- their declarations of guilt carry the weight of a jury verdict in a criminal trial

WADA-USADA's image is just an image. They created it. If you buy into it, that's on you.

.

The belief system perpetuated and proliferated the most.....

media and most hardcore sport fans;

- all top athletes are using drugs
- to be among the top athletes you must use drugs
- drugs turn Clark Kent into Superman
- there are zero performance downsides to using drugs

most athletes;

- I want to be among the top athletes
- I need to be willing to do what it takes to be among the top athletes
- media and fans tell me that all top athletes are using drugs
- media and fans tell me that I must use drugs in order to be among the top athletes
- media and fans tell me that drugs turn Clark Kent into Superman
- media and fans tell me that there are zero performance downsides to using drugs
- I now believe that all top athletes are using drugs
- I now believe that I must use drugs to achieve my goal of being among the top athletes
- to be a top athlete I must use drugs

buyer beware.....

"Physical training has been shown to reduce mortality in normal subjects, and athletes have a healthier lifestyle after their active career as compared with normal subjects.

"The aim of the present study was to investigate mortality, including causes of death, in former Swedish male elite athletes, active 1960–1979, in wrestling, powerlifting, Olympic lifting, and the throwing events in track and field when the suspicion of former **anabolic androgenic steroids use was high.**"

"Results indicate that, during the age period of 20–50 years, **there was an excess mortality of around 45%.**"

"**Mortality from suicide was increased 2 - 4 times** among the former athletes during the period of 30 - 50 years of age **compared with the general population** of men."

A.S.Lindqvist, et al

Increased mortality rate and suicide in Swedish former elite male athletes in power sports

Scandinavian Journal of Medicine & Science in Sports.....Volume 24 #6.....December 2014.....page 1000 - 1005

The brain and nervous system are the end all and be all of sport performance in Track & Field.

"Previous studies have shown that strength exercise improves memory and increases expression of a myriad of proteins involved on neuronal survival and synaptic plasticity in the hippocampus. **Conversely, chronic exposure to supraphysiological levels of anabolic androgenic steroids** can induce psychiatric abnormalities, cognitive deficits, impair neurotransmission, **alter the levels of neurotrophic factors, decrease cell proliferation and neurogenesis, and enhance neuronal cell death.**"

"In the present study, we investigated the effects of the anabolic androgenic steroid **nandrolone** decanoate administration during a strength exercise program on cell proliferation, apoptotic status and brain-derived neurotrophic factor expression....."

".....the present findings suggest that the beneficial effects of strength exercise on hippocampal cell proliferation and apoptotic signaling **are impaired by nandrolone** decanoate."

F.Guimarães, et al

The beneficial effects of strength exercise on hippocampal cell proliferation and apoptotic signaling is impaired by anabolic androgenic steroids

Psychoneuroendocrinology.....Volume 50.....December 2014

"The evidence that supraphysiological doses of anabolic androgenic steroids cause neurotrophic unbalance.....**anabolic androgenic steroids abuse in humans may affect mechanisms that lie at the core of neuronal plasticity.**"

S.Pieretti, et al

Brain Nerve Growth Factor Unbalance Induced by Anabolic Androgenic Steroids in Rat

Medicine & Science In Sports & Exercise.....Volume 45 #1.....January 2013...page 29 - 35

drug use and drug testing are a sham and a scam

terms...apoptosis, apoptotic = cell death

In sport performance, the brain and nervous system are everything.
Don't screw with them.....

"Testosterone plays a crucial role in neuronal function, but elevated concentrations can have deleterious effects."

"Here we show that supraphysiological levels of testosterone initiate the apoptotic cascade."

"Elevated testosterone concentrations increase cell death.....These effects of testosterone on neurons will have long term effects on brain function."

M. Estradal, et al

Elevated Testosterone Induces Apoptosis in Neuronal Cells

Journal Of Biological Chemistry.....Volume 281...September 1, 2006...page 25492 - 25501

Placebo Effect

----- CBS tv show "60 Minutes".....segment called The placebo phenomenon

Irving Kirsch [Associate Director Placebo Studies, Harvard Medical School]

<http://www.youtube.com/watch?v=7fG4AXXMPXc>

----- 60 Minutes segment....Treating Depression: Is there a placebo effect?

<http://www.youtube.com/watch?v=Zihdr36WVi4>

----- placebo surgery

<http://www.youtube.com/watch?v=zwXokKJ7hss>

"The difference between the effect of a placebo and the effect of an anti-depressant is minimal for most people."

"People get better when they take the drug, but its not the chemical ingredients in the drug that are making them better, its largely the placebo effect."

Irving Kirsch [Associate Director Placebo Studies, Harvard Medical School]

Placebo Effect

"The placebo effect--- a change attributable only to an individual's belief in the efficacy of a treatment--- might provide a worthwhile improvement in physical performance."

"The present study explored the placebo effect in laboratory cycling performance...."

"Six well-trained male cyclists undertook two baseline and three experimental 10-km time trials. Subjects were informed that in the experimental trials they would each receive a placebo, 4.5 mg caffeine, and 9.0 mg caffeine, randomly assigned. However, placebos were administered in all experimental conditions. Semi-structured interviews were also conducted to explore subjects' experience of the effects of the capsules before and after revealing the deception."

"...a likely beneficial 2.2% increase in power associated with experimental trials in which subjects believed they had ingested caffeine. A dose-response relationship was evident in experimental trials, with subjects producing 1.4% less power than at baseline when they believed they had ingested a placebo, 1.3% more power than at baseline when they believed they had ingested 4.5 mg caffeine, and 3.1% more power than at baseline when they believed they had ingested 9.0 mg caffeine."

"All subjects reported caffeine-related symptoms."

"Quantitative and qualitative data suggest that placebo effects are associated with the administration of caffeine and that these effects may directly or indirectly enhance performance in well-trained cyclists."

C.J.Beedie, et al

Medicine & Science in Sports & Exercise....Volume 38 #12....December 2006....page 2159-2164

"...the present studies tested the hypothesis that visual exposure to a sports drink would increase endurance by influencing perceptions of a physically demanding task."

"An experimental design was used, such that participants performed a physically demanding task both before and after exposure to either a popular sports drink, or a spring water control condition."

"Across three experiments, visual exposure to a sports drink, relative to a spring water control condition, led to greater persistence on physical tasks, consistent with the well-known association between sports drinks and endurance. Participants exhibited no awareness of the effect that viewing the sports drink had on their subsequent behavior."

"Findings provide support for the notion that physical objects can alter athletic performance outside of conscious awareness. Results are discussed in terms of the subtle influence of environmental cues on behavior."

R.Friedmana, A.J. Elliottb

Exploring the influence of sports drink exposure on physical endurance

Psychology of Sport and Exercise....Volume 9 #6.....November 2008....pages 749 – 759

the placebo effect of "performance enhancing" drugs.....

Over the past 25 years that I have been following sport sciences research and medical research I've seen results similar to the study below, only difference being that several of those studies were looking at the actual performance effects of the drugs, and had athletes in the placebo group that did as well or better than the drug group.

Doesn't matter what the drug is.

Testosterone, growth hormone, EPO, nandralone, etc, etc.

Blind faith in drugs obviously contributes to drug use.

Sport Ethics has several sides to it, not just one. The intent to ...cheat exists, yes. Banning people's intent can be challenging.

In football, offensive linemen hold defensive players. That doesn't draw a 2 year ban from sport, nor does the mere allegation destroy one's reputation and livelihood. In basketball the refs call phantom fouls on defenders when the most popular players try to shoot. No federal investigations. Michael Jordan routinely shoved defenders out of his way to get a shot off.

Examples of a breach of ethics that directly affect the outcome of games.

The status drugs have outside of sport, in culture and medicine, elevates drug use in sport to a different level than even direct in-game real time cheating.

"The placebo effect--- a change attributable only to an individual's belief in the efficacy of a treatment--- might provide a worthwhile improvement in physical performance."

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"Six well-trained male cyclists undertook two baseline and three experimental 10-km time trials. Subjects were informed that in the experimental trials they would each receive a placebo, 4.5 mg caffeine, and 9.0 mg caffeine, randomly assigned. However, placebos were administered in all experimental conditions. Semistructured interviews were also conducted to explore subjects' experience of the effects of the capsules before and after revealing the deception."

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Medicine & Science in Sports & Exercise....Volume 38 #12....December 2006....page 2159-2164

**"As long as people will accept crap, it will be financially profitable to dispense it."
[Dick Cavett]**

Placebo EPO in distance running.....

"This study aims to quantify the magnitude of the placebo effect of an injected placebo purporting to have effects similar to those of recombinant human erythropoietin on endurance running performance in "real-world" field-based head-to-head competition settings."

15 endurance-trained club-level men.....completed a randomized cross-over study of 3-km races before and after 7-d "control" and "placebo" phases."

"During the placebo phase, participants self-administered subcutaneous saline injections daily, believing it to be OxyRBX, with no intervention during the control phase. At the start and end of each 7-d phase, 3-km running performance was assessed. Qualitative assessments of participants' perceptions and experiences were recorded throughout and during semistructured interviews on completion."

"Race time improved significantly more in response to placebo intervention (9.73 seconds faster) than in response to control (1.82 seconds faster). In response to placebo, participants reported reductions in physical effort, increased potential motivation, and improved recovery. Beliefs and congruence between positive expectations of the effects of placebo and perceptions of physical change during training also appeared to impact on competitive performance."

"Compared to control, the injected placebo improved 3-km race time by 1.2%.
"This change is of clear sporting relevance...."

"Qualitative data suggest that placebo may have improved performance by both reducing perception of effort and increasing potential motivation, in accord with the psychobiological model for exercise performance, and that cognitive and noncognitive processes appear to have influenced placebo response."

“In controlled exercise settings the placebo response.....Wright et al. (2009) found that runners' performance increased by 6.5%, and that slower runners showed a stronger placebo effect after ingesting purported nutritional ergogenic aids.”

“.....the placebo effect of caffeine on resistance exercise to failure was studied with 12 men (Duncan, Lyons, & Hankey, 2009). Performance was better when participants expected that they have ingested caffeine.”

“Another study of 12 men, drinking either plain water (control), or a labeled performance enhancer drink (placebo), or fatigue inducing (nocebo) drink, showed a modest placebo effect in peak minute power incremental arm crank exercise (Bottoms, Buscombe, & Nicholettos, 2014).”

A.Szabo, et al

Laboratory Investigation of Specific and Placebo Effects of a Magnetic Bracelet on a Short Bout of Aerobic Exercise
Journal Of Sport Behavior – December 2017

brain, placebo, & perception of fatigue.....

"Despite the available literature addressing the placebo effect's role in mediating human performance, there is a paucity of research addressing the possibility of a placebo effect both within and between bouts of repeated sprint performance on consecutive days."

"Therefore, the purpose of this study was to determine whether the administration of a placebo influences recovery during sessions of intermittent sprinting."

"Ten subjects performed 4 repeated sprint tests under 2 different conditions; 2 while being administered a control beverage separated by 24 hours of recovery and the other 2 with a placebo beverage separated by 24 hours of recovery."

"The placebo trial produced significantly higher peak and mean power vs. the control in later sprints absent of any other significant difference in metabolic or perceptual strain. In conclusion, it seems that the administration of a placebo can attenuate the decline in performance as fatigue increases during repeated sprinting bouts."

D.V.Tolusso, et al
Placebo effect: influence on repeated intermittent sprint performance on consecutive days.
Journal Of Strength & Conditioning Research.....Volume 29 #7.....July 2015.....page 1915

"...effect of carbohydrate mouth rinse on maximal voluntary contraction and neuromuscular output in a fatigued state."

"In a double-blind.....12 competitive male athletes (9 rowers, 1 cyclist, 1 runner and 1 volleyball player)..."

"8% carbohydrate maltodextrin, or noncaloric artificial sweetener was mouth rinsed for 10 seconds...."

"...fatigue related decline in torque was not noticed for carbohydrate maltodextrin.....compared with noncaloric artificial sweetener."

"...attenuation of torque post fatigue was less for carbohydrate mouth rinse than a placebo."

M.Jensen, et al
Carbohydrate Mouth Rinse Counters Fatigue Related Strength Reduction
International Journal Of Sport Nutrition & Exercise Metabolism.....Volume 25 #3.....June2015.....page 252

4

We know the specific, physiological effects that drugs have. These drugs are no longer a mystery, and thus it is too late in the game to still attempt to imply that athlete X **would not have run just as fast or faster** without drug Y.

70.

Many aspects of “anti-doping” involve greed in a few individuals who have found an easy meal ticket, by preying on the ignorance of some, and the stupidity of others.

[Marshall Burt]

“With each glamorous athlete who tests positive, we perpetuate two myths: that these drugs actually work, and that you have to take them.”

R.Dawson
Bell Lap....."If You're Not Part Of The Solution".....by Jim Ferstle
October 14, 2003.....Runners World Daily News [runnersworld.com]

Any discussion about drug use in our sport should attempt to reconcile some major contradictions.

The technology necessary to look at the effects of drugs on the body does exist. The prevailing belief system of the majority of fans, coaches, and athletes in our sport, are in contradiction to the information produced by this technology. The prevailing belief system generally tends to be that anything you inject or ingest that can be called a "drug", is performance enhancing, and that any and all improvements in performance are due to the effects of the drugs.....regardless of what those effects may be. The belief is that once you put the drug in your body, **it only has one effect, and always goes in a performance enhancing direction.** If someone with an M.D. or Ph.D degree says that a drug is performance enhancing in track and field events, then it is.....especially if your muscles get bigger.

People believe that you can **increase fitness while decreasing health.** Drugs are as “performance enhancing” to a Track & Field athlete, as alcohol is to a Formula-1 driver.

" combined effects of clenbuterol administration and exercise have shown a decrease in exercise performance and a high incidence of sudden cardiac failure. This suggests that clenbuterol administration may be antagonistic to the muscular and/or cardiovascular adaptation to exercise....."

"clenbuterol may induce cell death and necrosis in the heart."

"clenbuterol administration may induce myocyte damage in the heart as well as the soleus. This may then provide a possible mechanism from the adverse effects of clenbuterol on the adaptation to exercise....."

"These data show significant myocyte-specific necrosis in the heart and skeletal muscle....."

"Such irreversible damage in the heart suggests that clenbuterol may be damaging to long-term health."

J.G.Burniston, et al.
Myotoxic effects of Clenbuterol In The Rat Heart And Soleus Muscle

Journal Of Applied Physiology.....Volume 93..... 2002.....page 1824

Contradiction #1 -----

--- Conduction of nerve impulses to muscle is a major part of performance in all track sprinting and running events. The popular track and field steroids such as Nandrolone, cause a decrease in the things in nerve and muscle responsible for this [sodium/potassium pumps]. Track and Field running events are about....power.....not just strength. Plenty of football players can produce high levels of strength, and yet they can't run a competitive time for 100 meters, nor can they throw a Shot Put any respectable distance.

--- Steroids such as Nandrolone, are said to be used in low doses for the purpose of "enhancing recovery" from training. **Immune system cells are responsible for "workout recovery"**. The more you have and the better they function, the faster will be your recovery. Aside from cleaning up debris from tissue damage caused by a workout, they produce growth promoting substances such as growth hormone. Steroids such as **Nandrolone reduce immune cell number and function**. Doctors in the U.S. prescribe nandrolone to arthritis patients to relieve their pain by suppressing their immune system.

--- Over-training causes chronic increases in the stress hormone called Cortisol. Cortisol competes with testosterone and other tissue growth factors for binding sites on tissues, and has the ability to reduce production of these growth factors. The only logical mechanism by which steroids [testosterone, and/or derivatives of testosterone] such as nandrolone can do anything close to being productive in the body of a track athlete, is by competing with cortisol. **The only Track & Field athlete who can potentially benefit from these drugs are those who are over-trained.....and the only effect would be to get them to where they would be had they not over-trained.**

--- Over-training is –not– “performance enhancing”. There is –no- logic in spending several hundred dollars per month on steroids when you could add some “Off” days to your training program for “free”? And there is also –no- logic in spending millions of dollars per year for drug testing for these steroids.

Typical Track & Field Psychology on the issue on Drug use;

“Can't explain Athlete X's performance level or amount of improvement...therefore.....it's due to drug use.”

[unless.....of course, Athlete X is my favorite.....in which case....."It's Genetic"]

Contradiction #2 -----

--- There are many forms of human growth hormone in the body. Some cause an increase in Insulin-Like Growth Factor-1 [IGF-1], the hormone that actually does all the work that growth hormone [in sport] has been given all the credit for doing. Some forms of growth hormone do not cause an increase in IGF-1. Which form are athletes injecting/ingesting.....spending \$1500 per month.

--- Why not pay \$20 per month for membership to a health club. At the health club, one can simply sit in a sauna or Jacuzzi bath for 10 – 15 minutes and see a similar elevation of growth hormone levels compared to what one can safely inject into the body. And unlike the growth hormone an athlete might buy, they can be relatively certain that their natural growth hormone will cause an increase in IGF-1, and they can be sure that it won't cause a problematic suppression of their natural growth hormone production capability over a prolonged period of time.....which obviously, isn't "performance enhancing".

"**The over-exaggeration of the effects of growth hormone** in muscle building is effectively promoting its abuse and thereby encouraging athletes and elderly men to expose themselves to increased risk of disease for little benefit."

".....there is the question of **disinformation** on rhGH..... Part of this problem may, paradoxically, derive from the anti-doping authorities themselves. By ignoring the evidence that rhGH does not work in normal healthy subjects, the athletic establishment could be accused of effectively promoting its use."

"We must tell athletes the truth: **growth hormone does not "work"** or at least not as they think it does and that it is associated with all kinds of immediate and long term hazards-----everything from **decreased performance** to cancer."

".....none of us scientists, doctors, coaches, or sports bodies, should connive to suggest that this dangerous doping practice works."

M.J.Rennie
Claims For The Anabolic Effects OF Growth Hormone: A Case Of The Emperor's New Clothes

British Journal Of Sports Medicine..... Volume 37 #2April 2003..... page 100 - 103

Contradiction #3 -----

--- Only runners who are at least marginally anemic (deficient in red blood cells) due to over training and/or low iron intake.....benefit substantially from "blood doping", EPO. There is -no- logic in spending \$1000 per month on EPO to achieve the same performance results one can achieve by ingesting a \$10 ferritin [iron] supplement.

--- In highly trained distance runners, there are only so many red blood cells one can have. Which do you want.....an **optimal** number, or a **maximal** number. One can achieve an optimal number without EPO or other forms of "blood doping".

--- In blood, there are cells and there is plasma [plasma= mainly water]. EPO causes an increase in red blood cells. Increasing plasma in the blood, results in an increase in the output of blood by the heart, thus an increase in oxygen delivery. Increasing plasma in the blood can be accomplished with high velocity training and post workout intake of fluids containing sodium. A 300ml (a little more than a 1 measuring cup) increase in plasma in the real world can be as performance enhancing as "blood doping" and EPO use in a laboratory. Thus, there is -no- logic in spending \$1000 per month on EPO to achieve the same performance results one can achieve by ingesting a \$1 bottle of Gatorade.

".....human erythropoietin administration....."

".....paradoxically, its effects are the opposite of those of endurance training, namely a change in red cell mass without an increase in the total blood volume. Thus, the use of.....erythropoietin as a performance enhancing agent is dangerous, particularly in the less fit athlete, and **probably of little benefit in the highly conditioned one.**"

J.L Spivak
Erythropoietin Use And Abuse: When Physiology And Pharmacology Collide

Advances In Experimental Medicine & Biology.....Volume 502.....2001.....page 207 - 224

"It has been shown that, in elite athletes, **hematocrit does not correlate with performance.**"

A.Legaz, J.J.Gonzales, et. al
Hematocrit > 50%: An Accurate Index For Prevention and Control Of Doping In Athletes?

University Of Zaragoza
Spanish Olympic Committee

EPO.....erythropoietin

"The drug erythropoietin, often called EPO.....a new systemic review of existing research reveals that there is no scientific evidence that it does enhance performance, but there is evidence that using it in sport could place a user's health and life at risk."

EPO [erythropoietin] doping in elite cycling: No evidence of benefit, but risk of harm
Science Daily.....December 5, 2012

"....there is no scientific basis from which to conclude that rHuEPO has performance-enhancing properties in elite cyclists."

"The use of rHuEPO in cycling is rife but scientifically unsupported by evidence, and its use in sports is medical malpractice."

J.A.Heuberger, et al
Erythropoietin doping in cycling: lack of evidence for efficacy and a negative risk-benefit.
British Journal Of Clinical Pharmacology.....Volume 75 #6....June 2013...page 1406

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"Scientifically speaking, altitude training has no effect,"
"Neither the ability to cycle far or the ability to sprint is improved on average."
[Dr. Nikolai Nordsborg, University of Copenhagen]

"In spite of accumulating evidence that altitude training affords no advantage over sea level training, many coaches and athletes believe that it can enhance sea level performance for any athlete, whether endurance or power is the focus in their particular sport."

L.A. Wolski, et al
Altitude Training For Improvements In Sea Level Performance
Sports Medicine.....Volume 22 #4....October 1996...page 251

".....based off of a study using elite cyclists to assess Live High Train Low at a training center in the Jura mountains of France."
"Unlike the vast majority of researchers who had investigated Live High Train Low , this team used a double-blind design, which is the gold standard for scientific research. It had been difficult to use a double-blind design in studies using natural altitude: athletes knew whether they were living in the mountains or at sea level, and so did researchers."
"Only the lead researcher knew which athletes were assigned where; even the on-the-ground staff did not know, eliminating bias at another level."
"The cyclists lived in the treatments for four weeks, during which time they were told to train normally, outside, at the natural 1,135 meters of elevation."
".....athletes living the Live High Train Low lifestyle did not increase their red blood cell mass or the erythropoietin levels....and that group did not see greater improvement in the tests and time trials.....than their control group counterparts."

Dr. Christoph Siebenmann, Carsten Lundby of the University of Zurich
Dr. Nikolai Nordsborg of the University of Copenhagen

"Evidently, the inconclusive research findings as well as our own observations **oppose popular beliefs** as well as opinions of the **anti-doping agencies about the ergogenic effects of Hb doping aids for cyclists**. This disparity made us insecure. What if aforementioned arguments and observations are valid **and those of the antidoping authorities are not?**"

"We summarized the main statistical findings of our study....The analyses offered **no support** for the outlier hypothesis, since none of the victors in the 1990 - 2008 periods demonstrated abnormal peaks in their time performances compared to the performances of their counterparts in foregoing periods."

[H.Lodewijkx, B.Brouwer
Epo Epidemic in Professional Cycling
Research Quarterly for Exercise and Sport.....Volume 82 #4.....2011.....page 740 - 754]

Optimizing endurance performance is about a lotta stuff, but it ain't about red blood cells, hemoglobin, blood doping, or EPO doping.

Time to stop all the nonsense of altitude training, Live High Train Low, EPO use, etc, etc.

News flash, this stuff [just as with muscle] got all the attention in physiology research in the 1980's and 90's because it was the easiest stuff to study. You didn't have to cut open anybody's brain or nerve fibers.

People in sport, both coaches and athletes need to get over it and enter the current century.

[effects of EPO/blood doping in the Tour de France].....

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"In spite of accumulating evidence that altitude training affords no advantage over sea level training, many coaches and athletes believe that it can enhance sea level performance for any athlete, whether endurance or power is the focus in their particular sport."

"The issue of whether altitude training enhances sea level performance remains a controversial subject."

L.A. Wolski, et al

Altitude Training For Improvements In Sea Level Performance

Sports Medicine.....Volume 22 #4....October 1996...page 251

".....based off of a study using elite cyclists to assess Live High Train Low at a training center in the Jura mountains of France."

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[Dr. Christoph Siebenmann, Carsten Lundby of the University of Zurich]

[Dr. Nikolai Nordsborg of the University of Copenhagen].....

EPO, aside from increasing red blood cells can also help increase other blood delivery related things to cells other than the good ones. Giving EPO to cancer patients is asking for nearly as much trouble as giving an anabolic steroid.....

"Erythropoiesis-stimulating agents reduce anemia in patients with cancer and could improve their quality of life."

"Erythropoiesis-stimulating agents increased mortality during the active study period....and worsened overall survival...."

J.Bohlius, et al

Recombinant human erythropoiesis-stimulating agents and mortality in patients with cancer: a meta-analysis of randomized trials
Lancet.....Volume 373 #9674.....May 2 - 7, 2009.....page1532

The brain and nervous system [not the cardiovascular system] is the holy grail of sport performance. In spite of the word autonomic, or the term baroreceptors, there is a point in races where the brain and nervous system drive stroke volume, and thus cardiac output.

The brain and nervous system would be the location of the main area of any positive effects of EPO in sport.

Brain and nerve cells have receptors for EPO, and EPO has known trophic effects in the brain and nervous system both in neuroglobin production helping oxygen storage and transport across brain cell membranes and a long list of beneficial trophic things unrelated to oxygen delivery.

But like any other anabolic hormone, when given to overtrained athletes that by definition have suppressed anabolic functions, the injected anabolic substance brings their otherwise suppressed anabolic functions back toward normal levels.

Thus their fitness level moves forward as if they weren't overtrained. Thus their performance level moves forward.

No more so than it would had they not suppressed their anabolic functions via overtraining.

Calling this cheating, glamorizing it, mystifying it, is what proliferates the practice with this another potentially Performance Retarding Drug.

Beneficial outcomes via similar mechanisms [overcoming anabolic suppressive effects of overtraining] can be achieved via nutrition medicine practices and other modalities. Phosphatidylserine [a fat] suppresses cortisol in overtraining athletes preventing or reducing the effects of overtraining.

One can sit in a sauna or jacuzzi and not only jack up the growth hormone levels, but get the right isofoms of it that aid recovery rather than the dice rolling of people that inject it at \$1500 per month to no effect.

One should not think magic pills or potions exist. One should not believe there yet exists any substance that can turn Clark Kent into Superman.

EPO: Lighting the Fires of Cancer

By Peter Laird, MD [December 07, 2011]

"Studies over the last decade evaluated the effects of EPO in diverse populations at risk of anemia outside of the renal dialysis patients, especially in patients undergoing chemotherapy for a variety of cancers."

"Unfortunately, these studies revealed adverse survival with more rapidly progressive cancers and shortened survival."

"In addition, in the CKD population, patients were more likely to experience cardiovascular events and death bringing the CHOIR study to an early close as well. The TREAT trial followed shortly with a higher risk of stroke for patients treated with EPO for CKD related anemia."

"...a new study....sheds light on the role of EPO not only in promoting cancer, but it is actually involved in the development of cancers as well...."

“Oral contraceptive use reduces peak aerobic capacity....”

This study aimed to examine the influence of oral contraceptive use on peak performance (peak power output) and physiological adaptations after sprint interval training in recreationally active women.”

“....oral contraceptive use dampened $\dot{V}O_2$ peak and \dot{Q} peak adaptation.”

“Therefore, oral contraceptive use should be verified, controlled for, and considered when interpreting physiological adaptations to exercise training in women.”

M.A.Schaumberg, et al

Oral Contraceptive Use Dampens Physiological Adaptations to Sprint Interval Training
Medicine & Science in Sports & Exercise — Volume 49 #4 — April 2017 — page 717

Blog Post: Drugs, Defeatism, And The Culture Of Sport by Allan Besselink [February 4, 2013]...allanbesselink.com

The world of sport is filled with more assumptions than we care to consider. And we all know that when you build a house on the quicksand of faulty assumptions, the second and third stories topple over pretty easily.

So it goes with "performance-enhancing" drugs. The Lance Armstrong saga has reminded us yet again that the culture of sports continues to need to believe - deeply - that high level athletic performances require doping. Our sporting culture assumes that human performance is at a crossroads, that stellar world-record performances require something illicit.

But with that said, I would suggest that it is the belief systems in sports - not the drugs - that are the bane of our athletic existence.

The concept of "performance enhancing drugs" is built upon a number of rather significant, yet faulty, assumptions:

1. The human body has preset limiters to performance. The thought is that in order to go beyond those preset limits (typically blamed on genetics), you have to use performance-enhancing drugs. However, we know that the human body will adapt to the demands imposed upon it, a function of training adaptation and recovery - not drugs.
2. Current training regimens are optimal. This, combined with #1, creates a scenario in which the underlying belief is that training strategies are already as good as they can be. If so, the next step in thinking is that in order to enhance performance, you must use drugs. Current training techniques are far from optimal - plain and simple.
3. Performance-enhancing drugs actually improve performance. First and foremost, there is one significant rule of pharmacology to remember: for every positive effect of a drug, there will be a laundry list of adverse effects. So it's not like there is one golden pill that has all the magical positive effects and no side effects.

As we all know, EPO has become the poster child for performance-enhancing drugs in endurance sports. But consider this...a little thing called "research".....

"The results of this literature search show there is no scientific basis to conclude rHuEPO (recombinant human EPO) has performance enhancing properties in elite cyclists. The reported studies have many shortcomings regarding translation of the results to professional cycling endurance performance. Additionally, the possibly harmful side-effects have not been adequately researched for this population but appear to be worrying at least." (1)

Oh, and those extra red blood cells make the blood thicker and harder to pump. A benefit to the endurance athlete?
How about human growth hormone (HGH)?

"... although no scientific study has shown that it is an effective performance-enhancing drug" (2)

"Human growth hormone may also be used for an anabolic effect, but data on this effect are lacking." (3)

And then we have steroids. For all the perceived positive effects, they also serve to shut down your immune system - a primary factor in training recovery and adaptation. That's a problem.

We are now at the point in our sport culture in which athletes are using deer antler spray - yes, deer antler spray - for "performance enhancement". Really? Perhaps some pixie dust next? Sugar pills? Snake oil?

The cultural problem extends to the athletes that truly believe that the only way they can compete at the highest level, "on a level playing field", is to use drugs. Of course, you also have the athletes that proclaim to be clean, complaining that they are the victims because they can't compete with the "dirty" athletes. Victims, victims everywhere.

There is a simple answer to doping and its defeatist mentality: change your beliefs. The human body is an amazing machine that will adapt to optimal training demands if given an environment in which it can do so. That being the case, why not modify and optimize training and recovery first?

Case in point: the running community. As I have mentioned countless times, if the key to winning an Olympic gold medal in the marathon was simply logging more and more training miles (as many coaches would have you believe), then the US should own the Olympic marathon. Seriously though - there are more runners in this country logging 100+ miles per week than any nation in the world. The last men's Olympic marathon gold medal? 1972. Last women's Olympic marathon gold medal? 1984. If your beliefs won't allow you to blame the training, then what's next to blame? The good old standbys: drugs and genetics. Never fails.

Doping is not required to excel. Doping does not make a difference that optimal training couldn't make on its own.

But that would require a cultural shift in training. And frankly, in this day and age, it is far easier for most to just chalk it up to the defeatism of drugs or genetics than it is to wage a battle against the culture of training methods. Sadly, with a rationale like that, nobody wins.

References:

1. Heuberger JA et al (2012). Erythropoietin doping in cycling: lack of evidence for efficacy and a negative risk-benefit. Br J Clin Pharmacol, December [Epub ahead of print]
2. Tokish JM et al (2004). Ergogenic aids: a review of basic science, performance, side effects, and status in sports. Am J Sports Med, 32(6): 1543-53.
3. Wagner JC (1991). Enhancement of athletic performance with drugs. An overview. Sports Med 12(4): 250-65.

Drug Testing -----

One cannot have a discussion about drugs in our sport without talking about drug testing. Labs that test urine samples from track athletes make hundreds of thousands of dollars each year. The directors of these labs are on the medical commissions for governing bodies that decide which labs are accredited, and therefore, **which labs get the money**. They develop the tests. No one seems to be concerned about conflicts of interest in these situations.

--- Plenty of people with M.D. or Ph.D degrees who "Do Not" work within the drug testing system keep producing and publishing research that contradicts the people with M.D. or Ph.D degrees who work within the drug testing system. Their work contradicts the usefulness and accuracy of tests being used **by the people who are making hundreds of thousands of dollars per year** to perform these tests on Track & Field athletes.

"The aim of this review is to analyse the studies on nandrolone metabolism with the overall goal of determining whether it is indeed possible for an athlete to test positive for nandrolone without having either ingested or injected nandrolone."

"In 1996, the IOC declared that the presence of a small amount of NA in the urine was not considered to constitute a doping offence."

".....endogenous NA urine excretion in a male athlete varied by 680% over a three month period....."

"....it is feasible that zinc supplementation, combined with exercise, may increase nandrolone metabolites in the urine."

"It would be beneficial for the International Olympic Committee data to be made public to support reasoning behind the calculation of cut off concentrations for NA in the urine of men and women."

".....should NA in the urine exceed a certain threshold concentration, the interpretation is that nandrolone has been ingested or injected. There is strong scientific evidence to show that NA can appear in the urine of people free of exogenous nandrolone."

"threshold concentrations for men (2 ng/ml) and women (5 ng/ml) as defined by the IOC are still open to debate because conclusive scientific evidence showing how these values may be altered by various physiological stimuli is lacking."

".....multicentre studies need to answer further specific questions on the current urine threshold concentrations for nandrolone metabolites and whether physiological stressors and permitted supplement interventions can alter NA excretion."

R.M.N.Kohler, M.I.Lambert

Urine Nandrolone Metabolites: False Positive Doping Test?

British Journal Of Sports Medicine.....Volume 36 #5.....October 2002.....page 325 - 328

--- Plenty of people with M.D. or Ph.D degrees who work within the drug testing system used to say that an elevated T/E ratio is indicative of testosterone use by the athlete, and that no other explanation for the elevated ratio is possible. But then some urine sample couriers left Diane Modhal's sample in a box on a loading dock. The bacteria in the sample converted a substance in the urine into the metabolite that is measured as being that of testosterone. The cut off for a positive test is a ratio of 6 to 1. The test on her sample produced a 42 to 1 ratio, and she was labeled as a "drug cheat".

Drug Testing -----

--- Plenty of people with M.D. or Ph.D degrees who work within the drug testing system used to say that a "positive" test is indicative of an athlete using a banned substance. Butch Reynolds produced a urine sample. That sample was labeled H5. The lab tech told the lab director that the fifth sample he tested, was positive for nandrolone. That sample was H6. He circled H6 on all forms showing that H6 was positive for nandrolone. At a hearing, the lab tech stated "I was unlucky with numbers that day". The chairperson for the IAAF "arbitration" panel basically said that if they say that one test is no good, they would have to say that all were no good. ThereforeButch Reynolds must be guilty as charged.

--- The typical response has been to **blame lawyers and courts for.....getting the athletes off on a "technicality"**. People stated that in the Butch Reynolds case.

The "technicality" in his case was that the urine that tested positive for nandrolone.....did --not-- belong to him. The lawyers and courts do nothing but use publicly published studies that damage the credibility, usefulness, and accuracy of the drug tests. **The tests haven't been tested** to any significant degree. Little or no background work has been done. These tests look for substances in your urine that your liver/kidney produced when it was filtering a drug out of the blood, and placing it into the urine. The substances these tests are looking for are supposedly broken down versions of the banned drugs. **The problem is that non-banned substances**, may account for a broken down substance in the urine that the people with M.D. or Ph.D degrees who work within the drug testing system will say is **indicative of drug use**. These tests are being used in the drug testing system, by the people who are making hundreds of thousands of dollars per year to perform these tests on Track & Field athletes.....**without spending any of this money on the background work necessary** to establish the accuracy of the test. The IAAF has even taken the extraordinary step of framing the wording of their rules as to require the athlete to produce the evidence of his/her innocence (ie. T/E ratio). How does one do that without getting a lawyer, going to court, producing expert witnesses, producing published studies, resulting in a lawyer **getting the athlete off on a "technicality"**. What gets demonstrated is that the problem is in the tests, not the lawyers or the courts.

--- Drugs are made by some company, somewhere. In the U.S., companies must produce studies to present to the FDA, before they can be sold. The people who administer drug testing programs have no one other than themselves to answer to when it comes to creating tests for various drugs. Drug testing doesn't "level the playing field" in Track & Field, since drugs don't make it un-level. Drug testing does not "protect the health of athletes" because there are too many people in the sport who believe in magic pills. Thus, the continued use of untested drug tests.....**will always result in scandal**, rather than anything productive. As you sow, so shall you reap. As long as there are athletes/coaches who believe in the existence of magic pills that can do something for/to their bodies that something legitimate cannot do, then there will always be consumers of these products. As long as there are people with M.D. or Ph.D degrees **who gain enormous financial benefits** from drug testing, **there will always be people who attempt to convince everyone of the existence of magic pills that can do something for/to an athlete's body that something legitimate cannot do**. As long as there are sport governing bodies being run by people who don't know who or what to believe, **there will always be plenty of money being spent on drug tests** for magic pills that can supposedly do something for/to an athlete's body that something legitimate cannot do.

"You either get out of the sport or you train smarter and harder,"

"That's what you've got to get across to coaches and to athletes.....you do not need them [drugs]."

Sebastian Coe....former world record holder for the mile

Beat drug cheats, Coe urges.....By MARGIE McDONALD.....07sep01.....News Interactive [news.com.au]

http://sport.news.com.au/common/story_page/0_4057_2788787%255E9757,00.html

70.

Many aspects of “anti-doping” involve greed in a few individuals who have found an easy meal ticket, by preying on the ignorance of some, and the stupidity of others.

[Marshall Burt]

Drug use and drug -testing- are a sham and a scam.....

Given the LaShawn Merritt [400-meter Olympic gold medalist] situation with DHEA in a male enhancement product, I'd like to call attention to more research based evidence that Drug use and drug testing are a sham and a scam.

"Testosterone prohormones such as androstenedione, androstenediol, and dehydroepiandrosterone (DHEA) have been heavily marketed as testosterone-enhancing and muscle-building nutritional supplements for the past decade."

"Contrary to marketing claims, research to date indicates that the use of prohormone nutritional supplements (DHEA, androstenedione, androstenediol, and other steroid hormone supplements) **does not produce either anabolic or ergogenic effects in men.** Moreover, the use of prohormone nutritional supplements may raise the risk for negative health consequences."

G.A.Brown, et al

Testosterone Prohormone Supplements.

Medicine & Science in Sports & Exercise.....Volume 38 #8....August 2006.....pg 1367-1537

"As long as people will accept crap, it will be financially profitable to dispense it."

[Dick Cavett]

Drug use and drug -testing- are a sham and a scam.....

Track & Field websites are buzzing this week. Growth hormone study funded by World Anti-Doping Agency [WADA] published in the Annals of Internal Medicine.

Ken Ho a co-author of the study;

“We found the enhancement in sprint capacity would correlate to a 0.4 second improvement over 10 seconds in a 100- meter dash.....This improvement could turn the last-place finisher in the Olympic finals into a gold medal winner.”

Unless you work for a drug testing lab and want to see this cause a stir to drive more funding, that statement may sound suspect.

One may see why that statement may sound suspect when looking at the subject pool that was used in the study [ie. weekend warriors in their mid 20's to late 30's]. The year being 2010, not 1910, we know what training does to growth hormone production and testosterone production. As important, we know what a lack of training does to growth hormone production and testosterone production.

Thus, this study isn't much different than saying...."we injected growth hormone into some people who didn't have much, and oh my God, they improved."

Why is it that the drug testing crowd are the ones constantly driving the dumbing-down of our sport.

abstract of the study

www.bloomberg.com/apps/news?pid=20601202&sid=ap6Xej1RV.dw

Bloomberg article **linked to from Track & Field News magazine**

www.bloomberg.com/apps/news?pid=20601202&sid=ap6Xej1RV.dw

Business Week article **linked to from Letsrun.com**

www.businessweek.com/news/2010-05-03/gro...t-athlete-study.html

One of my favorite research quotes-----

"The over-exaggeration of the effects of growth hormone in muscle building is effectively promoting its abuse...."

"....there is the question of disinformation on rhGH....Part of this problem may, paradoxically, derive from the anti-doping authorities themselves. By ignoring the evidence the rhGH does not work in normal healthy subjects, the athletic establishment could be accused of effectively promoting its use."

"We must tell athletes the truth: growth hormone does not 'work' or at least not as they think it does and that its is associated with all kinds of immediate and long term hazards-----everything from decreased performance to cancer."

"....none of us scientists, doctors, coaches, or sports bodies should continue to suggest that this dangerous doping practice works."

British Journal Of Sports Medicine [Volume 37 #2....April 2003, pages 100-103, lead author M.J. Rennie].

"As long as people will accept crap, it will be financially profitable to dispense it."

[Dick Cavett]

from the ETG website.....

[November 12, 2008] ----- ETG Press & Media Communication

Earlier this year here in Texas, a program was started to drug test quite a few high school athletes. Texas is a large state, so that's a lot of money going to somebody.

Obviously, given the ETG position and mantra that "Drug use & drug testing are a sham and a scam", it was expected that this drug testing program would be consistent with that mantra. Below is an article from the USA TODAY newspaper that reports on how things were going. The ETG hopes that the 2 out of 10,000 high school athletes that supposedly tested positive, did in fact actually take something.

The ETG agrees with Republican, Texas state Senator Dan Patrick's comment.... "It's turned out to be a colossal waste of taxpayer money"

We would add to that, the Nixon era suggestion of.....Follow the money!!!

USA Today, July 2008 [excerpts].....

"The nation's largest steroids testing program caught only two Texas high school athletes taking unauthorized substances out of more than 10,000 students who were tested, according to results issued by the state Wednesday.

The results renewed criticism about the two-year \$6 million program approved by lawmakers last year.

Documents obtained by The Associated Press showed that a senior tested positive for the anabolic steroid boldenone, and a 10th grader was found using a steroid called methylandrostandiol.

A critic, Republican state Sen. Dan Patrick, said the initiative is a "feel good" program that is not acting as a deterrent and should be abolished. "It's turned out to be a colossal waste of taxpayer money," said Patrick. He said he would rather spend the money battling alcohol abuse among teens, arguing that it is a much bigger problem.

The contract was awarded to the National Center for Drug Free Sport, which also handles testing for the NCAA.

In submitting its results to the UIL, the company wrote that "we must steer clear of the temptation to use the number of positive cases generated by this short period of testing to draw any conclusions about the success, or lack thereof, of this testing initiative."

Random testing resumes in the fall, and state officials say 40,000 to 50,000 student athletes will be screened during the school year.

"As long as people will accept crap, it will be financially profitable to dispense it."

[Dick Cavett]

".....asked questions about the reliability of urine testing for recombinant human Epo (rHuEpo).

"The Epo test that has been adopted in World Anti-Doping Agency (WADA)-accredited laboratories is based on isoelectric focusing."

"Several problems were already identified in a WADA-commissioned report in 2003.

"Epo test results are clearly not always interpreted identically. The use of the software processing has been criticized."

"The American WADA-accredited laboratory has performed the direct Epo test on more than 2,600 samples, only nine of them were found to be positive. The low numbers of athletes caught by the test are somewhat contradictory to the overall increase of mean hematocrit values since rHuEpo became available."

"....the high number of false-negative results imply a risk that athletes doping with Epo will avoid detection....."

J.R. Delanghe¹, M.J. Joyner

Testing for recombinant human erythropoietin

Journal Of Applied Physiology....Volume 105 #2.....August 2008.....page 395 - 396

Letters to the editor Journal Of Applied Physiology

Comments on Delanghe and Joyner's Editorial "Testing for recombinant human erythropoietin"

G. Lippi

In their recent editorial on the disappointing disagreement between two World Anti-Doping Agency (WADA)-accredited laboratories evaluating samples for detecting recombinant human erythropoietin (Epo) in urine, Delanghe and Joyner concluded that blood-based indirect Epo tests offer an interesting alternative."

"This is ideally true, considering that the urine test is proven unreliable. However, indirect testing.....is a hard task to accomplish."

"Under ideal conditions laboratory tests are still intrinsically biased by a certain degree of preanalytical and analytical variability."

"In the athletic field, such biases are enormously amplified and hardly governable. Strenuous physical exercise, temperature, and humidity all have substantial influences on several hematological parameters."

"When left uncontrolled and unstandardized, all these variables would dramatically affect the reliability of indirect hematological testing to detect cheating."

Venke Skibeli

"Delanghe and Joyner claim that an improved regimen in anti-doping testing would be to introduce indirect testing of blood parameters known to be affected by EPO, and to establish blood profiles related to personalized acceptance limits. Indirect testing has previously been struggling with great inherent variations and has not proved more efficient in detecting EPO abuse than the direct analysis."

The nandrolone situation in Europe is apparently similar to the situation in northern California with the "designer steroid" [THG].

"Some dietary supplements contain compounds similar to nandrolone or its metabolic precursors, which produce the same metabolites as does nandrolone. Users of inadequately or incorrectly labeled products are at risk of unknowingly ingesting a banned substance."

".....14.8% contained prohibited anabolic-androgenic steroids.....not listed on any label."

"The Austrian Federal Ministry for Social Security and Public Welfare, Vienna, has carried out a similar investigation of 54 supplements.....22% were found to contain anabolic steroids which were not declared on the packaging."

R. Callicott [UK Sport Chief Executive]
Nandrolone Progress Report To The UK Sports Council From The Expert Committee On Nandrolone: February 2003

International Journal Of Sports Medicine.....Volume 24.....2003.....page 620 - 626

"634 non-hormonal nutritional supplements were purchased in 13 countries from 215 different suppliers....."

"Out of the 634 samples.....94 contained anabolic adrogenic steroids not declared on the label."

".....all positive supplements were from companies located in only five countries: the USA [18.8%], the Netherlands, the UK, Italy and Germany.

"Testosterone was found in 10.6% of the positive nutritional supplements."

The sports community should be aware of the danger of nutritional supplements containing prohibited anabolic androgenic steroids not declared on the supplement label. The present study shows that this is an international problem. The consumption of such nutritional supplements can lead to positive results in doping tests."

H.Geyer
Analysis of Non-Hormonal Nutritional Supplements For Anabolic-Androgenic Steroids—Results of An International Study

International Journal Of Sports Medicine
Volume 25 #2.....2004.....page 124 - 129

The Associated Press [May 13, 2005]

"Banned swimmer wins judgment against supplement maker"

By Ben Fox

excerpts.....

A swimmer who claimed a contaminated vitamin caused him to test positive for steroids, costing him a shot at the 2004 Olympics, has won a lawsuit against a dietary supplement company in a case that may give hope to athletes in similar circumstances.

An Orange County Superior Court jury ruled unanimously that a **multivitamin** taken by Kicker Vencill was contaminated with steroid precursors and was responsible for his positive test.

Jurors awarded damages of \$578,635 against the manufacturer, Ultimate Nutrition of Farmington, Connecticut.

The **U.S. Anti-Doping Agency imposed a four-year suspension** from national and international competition.

Vencill appealed to the Swiss-based **Court of Arbitration for Sport, which cut the suspension to two years.**

Among other things, the suspension prevented him from competing in the 2003 Pan-American Games and cost him a shot at the 2004 Olympics.

Travis T. Tygart, general counsel for the **U.S. Anti-Doping Agency, said Vencill shares some blame** with the industry because the swimmer "completely disregarded" warnings about the potential dangers of nutritional supplements.

Doping Control Laboratory, Ghent University, Belgium.

"A sensitive and selective method for the screening of 28 different compounds including testosterone.....nandrolone.....stanozolol.....in solid nutritional supplements is described and validated."

"The different substances are -----**extracted from** the solid **nutritional supplements....**"

A total of 28 different anabolizing agents are screened for, including testosterone.....nandrolone.....stanozolol.....in **aqueous nutritional supplements** is described and validated."

"The different analytes are -----**extracted from** the aqueous **nutritional supplements....**"

Independent News [March 4, 2000]
“FIFA Escape Route For Nandrolone Suspects”
by Mike Rowbottom

excerpts.....

Strenuous exercise is enough to produce natural levels of nandrolone in sportsmen sufficient for them to fail doping tests, according to a research project commissioned by football’s world governing body, FIFA.

“It was found that the body did produce nandrolone in quantities that would put players above the threshold for a positive test”, the FIFA spokesman said. “This value was attained through normal physical stress.”

Starting from the beginning, with the "limit" being set at 6 to 1. In this study in Stanford, California, published in 1966, 2 of the 12 people classified as "normal males" (over 15%) of subject pool, had T/E ratios of 13 to 1, and 6 to 1 respectively...using the method that is now known to underestimate T/E ratios by 30% or more. [see.....Steroids...Volume 7 1966....pages 351 – 366]

The methods used to establish the limit, under-estimated the T/E ratios of his pilot test subjects by.....at least.....30%. People should consider that the limit should –not- be at 6 to 1.

".....contrary to present day practice, calibration curves for T/E ratio should be based on T/E added to blank urine taken through the extraction procedure. Otherwise, the T/E ratio of urine sample is systematically easily underestimated by 30% or more."

K. Linnet
Biological Mass Spectrometry....Volume 22 1993....pages 412 - 418

The finding of a "positive" test for testosterone use is predicated on the belief that T/E ratios in follow-up tests should not be different than the initial test above 6 to 1. An innocent athlete cannot count on the follow-up tests exonerating them. Why?
-- because a different lab may be used, allowing the possibility of a lower T/E than then the original test, thus creating the impression that testosterone was used.....and requiring the athlete to prove that it wasn't.

".....T/E may be high in one laboratory relative to the others on one sample, but low relative to the others on another sample."

Catln, Donike, et al.
Journal Of Mass Spectrometry.....Volume 31 1996....pages 397 - 402

"However, results from several anti-doping laboratories, including our own, indicated that.....environmental, or dietary factors may affect this ratio and may even cause falsely positive results....."

K.Calrstrom et. Al
Clinical Chemistry...Volume 38 #9 1992.....pages 1779 - 1784

We know that urinary testosterone and epi-testosterone levels can move up and down independently of one another. To continue to stubbornly claim that they don't, based on drug tests taken 1 week to 1 year apart, without doing any hour to hour, day to day studies, is an error.

An innocent athlete cannot count on the follow-up tests exonerating them. Why?
-- because T/E ratios can change in the short term due to blood "testosterone bursts" that are not explained by testosterone use. One would be in error to attempt to argue that active people who have a relatively high turnover of proteins and cholesterol, that blood testosterone increases won't at some point create an increase in urinary excretion. Isn't it the responsibility of a drug testing organization to research that "before" relying on a test that ignores it.

"Moreover, their occurrence in the placebo-treated group do not support a role for DHT in these circulating events". No solid explanation can be brought forward to explain these serum testosterone bursts.

Data reported here clearly demonstrate the occurrence of unforeseeable serum testosterone peaks, and these variations undoubtedly reflect actual bursts in plasma testosterone concentration....."
Canadian Journal Of Applied Physiology.....Volume 22 #1 1997....pages 58 – 65

An athlete can have an "anomalous day" for one T/E test, and fail to produce it in follow-up tests. That fact that the reasons for these bursts doesn't appear to be known, should be reason enough to stop using this test, since unexplained false positives are inevitable.

Please see Journal of Endocrinology 1994....pages 353 – 360. These people where able to find 12 normal male subjects [recreational athletes] who had T/E ratios greater than 4. These subjects had T/E ratios that ranging from 4 to 12.5. The average was 6. In these 12 subjects, training in the morning decreased their epi-testosterone in their afternoon urine tests.

....."T/E ratios of individuals with low epi-testosterone levels will easily exceed the IOC limit of 6" [International Journal of Sports Medicine....Volume 12 #1 1991...pages 46 – 51

We know that a morning workout, will lead to a decrease in afternoon urinary epi-testosterone levels. We know that hypo-gonadism is a marker of over-training. We know that people with hypo-gonadism excrete.....“very small amounts of epi-testosterone in urine” [Clinical Chemistry....Volume 34 #7 1988.....pages 1462 – 1464]. We know that.....”T/E ratios of individuals with low epi-testosterone levels will easily exceed the IOC limit of 6” [International Journal of Sports Medicine....Volume 12 #1 1991...pages 46 – 51

The urine sample does not need to be left out in hot weather to produce a “positive” test for testosterone use. Simply leaving the urine sample out.....at room temperature.....allows bacteria to artificially elevate the T/E ratio. [please see.....Lancet. Volume 345 1995.....pages 1187 – 1188].

Obviously, no one in the drug testing world has published any peer reviewed studies to map out the time course necessary to cause the stepwise increase in T/E. The responsibility is placed on the athlete to do this to prove their innocence, even though we know this conversion takes place. People in the Diane Modhal case simply waited multiple hours, and got multiply varying results. Drug testing organizations have not done the necessary tracking studies, hour by hour, under the conditions required in the chain of custody, up to the time of testing.

 “An increased ratio between testosterone and epitestosterone in urine was observed occasionally, and all these increases were found to have been preceded by intake of ethanol.”

O.Falk et al

Clinical Chemistry...Volume 34 #7 1988.....pages 1462 – 1464

“Moreover, the ingestion of ethanol previous to a doping control can increase the T/E ratio.”

D.de Boer et. al.

International Journal Of Sports Medicine....Volume 12 1991....pages 46 - 51

Sport governing bodies and drug testing agencies are negligent in their use of the T/E ratio test.

This test can result in the publicly announced suspension of innocent professional athletes ability to earn a living, and as well as result in the defamation of reputation and loss of any and all financial means related to, or based on, reputation and public image.

The banned drug list has been morphed into something it was not originally intended to be. The list started off as a paternalistic effort by some doctors working with the International Olympic Committee's Medical Commission, to protect athletes from use of substances that were harmful to health. It was just a list. It was short. No drug testing. No penalties. It served a purpose. Then some people decided they could get rich by designing and conducting drug tests. They labeled the banned list...."performance enhancing drugs".....off they went, and here we are.

The wisest course of action is to pursue the inevitable course, that --will-- be the status of things 20 years from now, which is to stop testing, stop claiming drugs don't retard performance in our sport, stop acting as though a placebo effect is a drug effect, and stop pretending that we handout medals to those with the biggest water filled muscles, or the most red blood cells, rather than the people who run the fastest, jump or throw the farthest, or jump the highest.

50 years from now, history will judge our ignorance with great unkindness and with much dismay given the published research that has been done, the technology we have available to do it, and the ability to widely disseminate such information.

**Drug use and
Drug Testing are a
sham and a scam!**

**Drug use and
Drug Testing are a
sham and a scam!**

"Doping is an important and controversial issue in swimming."

"There is a tendency for most "experts" to assume that any drug or substance is performance enhancing in swimming. However, not all of them are even though they may have been shown to be "performance-enhancing" in other sports."

"It is likely that human Growth Hormone would have little effect on swimming performance even if used for recovery enhancement."

"On the basis of verified knowledge, it is incorrect to assert that hGH will provide ergogenic benefits for competitive swimming performances."

"It is likely that no benefits will be derived from EPO use....."

"When a nation embraces the use of drugs (e.g., China, Russia, and the former East Germany), honest evaluations of drug use are not possible."

B.S.Rushall,
Hgh, EPO, anabolic steroids, and testosterone in swimming.
Australian Swimming and Fitness, . May-June...1998...42-4

"IOC's System Is Plagued By False Positives In Addition To Cheating"

".....triathlete Karen Smyers learned she flunked a drug test. A top official of triathlon's national governing body telephoned to inform her she had tested positive for a banned substance-the painkiller morphine - and faced a two-year competition ban."

"She was also guilty--she later learned--of nothing more than eating poppy seed bread on the day of competition. Poppy seeds, it turns out, contain traces of the drug. At the time, Smyers could offer no explanation for the positive test."

"Many athletes who compete in Olympic sports that adhere closely to the International Olympic Committee's banned-drug list have similar stories to tell."

"USOC spends approximately \$12 millionon drug control."

"The USOC drug control education guide notes: "Ignorance is never an excuse. . . . Even when used for medical treatment, the detected presence of a prohibited substance constitutes doping."

"Several athletes have suggested that drug testing should simply be abolished, thereby erasing what they say is a facade that cheaters are being filtered out of competitions and innocent athletes are being protected from false positive results."

Most drug experts and doctors, however, argue that even faulty testing is better than no testing."

DRUG TESTS, TROUBLING RESULTS
Washington Post
Thursday, September 23, 1999

"Why across-the-board drug testing wouldn't work"

- Drug testing is inconsistent, and false positives are prevalent. A career could be damaged by a faulty test.
- What is classified as "performance enhancing" in one sport might not provide an advantage in another.

One-size-fits-all testing does not take into consideration the actual effects of the substance on athletic performance.

Pros, cons to drug testing argument
Thursday September 9, 2004
USAToday.com

"While the specificity of drug testing (low false-positive rates) is good when performed properly, low efficiency of such testing may occur when the prevalence of drug abuse is also low."

"Whenever the prevalence of a test condition (ie., drugs being present) approaches the specificity of a test, the number of false-positives tests relative to the number of true-positives may be quite high."

"Clearly, random testing should not be applied to types of drugs with very low prevalence."

"This raises the question of which drugs should be tested."

"....programs that focus on drugs abused in very low prevalence may also be misguided because false-positives may outnumber true-positives....."

J.D.Osterloh
Chemical Dependency and Drug Testing in the Workplace
Journal of Psychoactive Drugs Volume 22 #4.....October – December..... 1990.....page 407-417

"After trying to cut corners, the most common mistake employers and service providers make in regulated drug testing is not paying enough attention to rules related to the collection process, said Ken Edgell, former acting director of the Department of Transportation Office of Drug and Alcohol Control Policy."

"When you treat the collection process lightly, you're bound to have problems,"

".....attitude is, 'So what if the collector makes mistakes?'"

".....they get a positive and have to acknowledge that a mistake has been made. That's when I'd get the call asking, 'What do we do now?'"

Workplace Substance Abuse Advisor Vol. 18, No. 6
February 20, 2004
Collection process seen as weak link in federally mandated drug testing

"Testing will be a two-step process "100 percent guaranteed against false positives," according to Matt Franz, a representative of Sport Safe Testing Ser the company that will test Seneca Valley's samples."

Seneca Valley OKs drug tests for athletes, drivers
Thursday, July 18, 2002
By Scott Deacle, Post-Gazette Staff Writer

"Beginning next week, student athletes.....will come to the school to provide a urine sample to workers from Sport Safe Testing Service Inc. of Powel Ohio, which received a contract from the school district."

"Matthew Franz, director of operations for Sport Safe."

"There are no false positives," he said."

Seneca Valley likely to expand drug testing
By Maureen O. Byko
THE TRIBUNE-REVIEW
Thursday, August 1, 2002

"Then the three children of Tara and Quinn Kelly III.....were taken into a courtroom to be reunited with their parents, six days after they were remove their home on a court order."

"Our policies and procedures on drug testing of newborns are in accordance with state law," Paula Commers, director of marketing for Methodist, said in statement.

"We stand behind our testing protocols and the accuracy of our testing procedures."

"Joseph Hrvol, a Council Bluffs attorney representing the family....."

".....a mistake apparently was made at some level. "This is kind of a radical mistake, and we'll be looking into that over the course of the next several da said."

Omaha World Herald
July 19, 2003, Saturday
By Julie Anderson

"Failing a drug test can devastate an athlete's career but the controversy over nandrolone has seriously brought into question the reliability of the tests."

"The International Olympic Committee have set a limit of two nanograms per millilitre."

"But expert Dr Mike Wheeler, at St Thomas' Hospital, London, told BBC News Online that this is "awfully close" to the level at which an unacceptable number (usually more than 0.01%) of innocent athletes might produce positive tests."

"These false positives might be explained in a number of ways."

"Firstly, the stresses athletes place on their bodies in training and competing could raise the natural levels of banned substances."

"There is some evidence that after an event, an athlete's testosterone goes up," said Dr Wheeler."

"Therefore if nandrolone is produced from testosterone, it could be that the nandrolone goes over the detection limit."

"We have to remember that the nandrolone studies used very few individuals and, crucially, not athletes."

Drugs In Sport
BBC Sport
Monday July 31, 2000

"Even antidoping officials concede Hamilton's case is likely to generate questions about the new test used to flag his samples."

"Don Catlin, director of a large athletic-testing lab at the University of California at Los Angeles that is affiliated with Olympic organizers, said he didn't want to comment yet on whether the new test is valid."

"But he's also not ready to spend the thousands of dollars on new screening gear."

"I've been around a long time and seen a lot of expensive equipment. I tend to wait until a test is very accepted, and passes the test of time, before I get one," Catlin said."

The Boston Globe
September 23, 2004, Thursday
By Ross Kerber Globe Staff

"The test has been used for a decade in hospitals to detect fetomaternal haemorrhage -- if they get it wrong it is a life or death situation," Ashenden said yesterday.

"They don't get it wrong; the test works.

"If the sample shows positive then that person has someone else's blood in their circulation, there is no question, there is no doubt, there is no grey area."

By Jenny McAsey
The Australian
September 23, 2004 Thursday

"The Betke-Kleihauer test can differentiate fetal from maternal erythrocytes by the relative resistance of hemoglobin F-containing cells to acid elution, and.....it is the most popular method of diagnosing and assessing.....the severity of fetal-maternal hemorrhage.

The reliability of this test has been questioned, however, because numerous sources of error are associated with it .

These sources of error possibly contribute to the wide variation in the reported incidence of fetal-maternal hemorrhage; a more accurate method of assessing fetal-maternal hemorrhage is therefore required in the clinical setting....."

O. Samura, et. al
Cell-free Fetal DNA in Maternal Circulation after Amniocentesis
Clinical Chemistry.....Volume 49...2003.....page 1193 - 1195.

"Dick Pound, chairman of the World Anti-Doping Agency, said the confusion in Athens was not a reflection on the new test itself."

".....by telephone from his office in Montreal, adding that his group's committee of Olympic observers will investigate the mistake by the Athens laboratory as well as apparent delays by the I.O.C. in releasing the test results."

By IAN AUSTEN
The New York Times
September 24, 2004 Friday

"It is Heid's opinion that **the A sample was a "false positive"** and that the B sample differed from the A because of degradation of the sample...."

"All experts present agreed that **the urine of Mr. Bernard Lagat did not contain recombinant erythropoietin [rhEpo]...."**

"Heid suggests that as the sample was transported in a car in high heat for 28 hours that there might have been degradation beginning with the A sample. The sample was stored in a refrigerator at the lab for six days prior to being frozen, Heid says, thus may have been subject to even further degradation or alteration."

A Year Later, Confusion Continues On Bernard Lagat 2003 EPO Test
By Jim Ferstle
Runnersworld.com...August 24, 2004

"..... useful tool to identify athletes who are currently **injecting erythropoietin** to enhance performance....."

"Our results reinforce the notion that **caution should be exercised when interpreting blood results** from athletes who have recently been exposed to either terrestrial or simulated altitude, and appropriate allowance should be made for the effect of altitude on blood model scores."

M.J.Ashenden, et.al
Effect of altitude on second-generation blood tests to detect erythropoietin abuse by athletes.
Haematologica....Volume 88 #9.....September 2003.....page 1053 - 1062

Follow the money.....

“..... SF Chronicle Sunday magazine.....also took an in-depth look at burgeoning drug testing industry, which it claims now generates six billion dol year.

And sadly, testing is becoming norm for athletes of all types-- from footballers to chess players.
Sun, 12 Aug 2001.....San Francisco Chronicle

“Delegates at the U.S. Chess Federations have agreed to begin drug testing at tournaments under pressure from the game's international governing body.”

“The tests cost \$300-\$500 each”
Mon, 13 Aug 2001.....Los Angeles Times
“Cycling officials say a major roadblock to better testing is money.”

“Last year, the U.S. Anti-Drug Agency spent \$4.3 million on drug testing and \$2.3 million on drug-testing research, the most of any national anti-doping body.”

““They've never put in enough money that would catch my attention as to demonstrate their sincerity,” Yesalis said. “I said five years ago all these sports federations should pool \$100 million and not \$3 million.”
Sunday, July 04, 2004.....DenverPost.com

“The government also revealed it would spend \$347,000 on drug testing for Australian and overseas competitors before the Commonwealth Games in Melbourne.”

“The Australian Sports Drug Agency will carry out blood and urine tests on athletes in the three months before the Games start in a major crackdown on doping.”
AAP Newsfeed.....May 11, 2004, Tuesday
Fed: Commonwealth Games wins \$273mln funding package

“Unaware of the Australian Government's directive some four weeks earlier, WADA ... granted our research team \$710,000.”

“In December 1999.....the IOC and Australian Government went half-shares in upping the ante to \$3.2million. The IOC had diverted funds to the Canberra research from a British program to find a test for human growth hormone use.”
Canberra Times (Australia).....December 27, 2003 Saturday
Blood doping research bungled, says scientist

“Drug Testing Industry running scared calls on Congress to prohibit legal hemp products”
Portland NORML News
Thursday, March 19, 1998

“Opponents of Bush's proposal to make \$25 million available to schools next year for drug testing -- announced in his State of the Union speech last week have seized on the study's findings to argue the plan is a waste of money.”
Fredreka Schouten; Gannett News Service
January 26, 2004, Monday

“If drug testing in sport is a guide, the possibility of ‘false positives’ exposes schools to the risk of pro-tracted, expensive and emotionally draining legal :

“The emotional effect on the student, their family and school staff may be extremely damaging.”

Drug testing in schools -- A second chance or two strikes and you're out?
Centre for Youth Drug Studies
Australian Drug Foundation.....Volume 6 Issue 1.....June 2000..

“Since The Canberra Times exposed on December 27 the discontent of sports scientists at the Australian Institute of Sport over the withdrawal of funds f drug-testing research, the matter has become the subject of heated questioning at a Senate estimates hearing.....”

“‘I was absolutely floored,’ says one scientist when describing how his group was banned from further research. ‘Bureaucratic perversity,’ says another, an suspicions that the blood-doping project had been sabotaged.” According to the scientists, Australia has now thrown away the opportunity to be the global centre of blood-doping research, with the backing of the international pharmaceutical industry.”
March 22, 2004 Monday.....Canberra Times (Australia)
Dope-testing ban unexplained

Follow the money.....

“The latest countries to fulfill their financial contributions to WADA include the United States, which has paid \$795,280. “

“...one week into the new year, WADA has received almost 10 percent of its budget for 2004.”

“The Agency has received to date \$1,085,083 in funds.”

“...any government that has not paid its dues would be considered for sanctions....”

“The International Olympic Committee is expected next week to advance WADA \$3.7 million on behalf of the Olympic Movement.”

“WADA Budget Summary 2004....total budgeted Income\$21,438,000”

World Anti-Doping Agency [WADA] website
July 18, 2004

“excerpts from reports Facius made as an EAA official.....details what he sees as widespread violations of doping.....procedures.”

“the doping control carried out at a number of competitions is not handled in accordance with IAAF regulations and guidelines.”

“.....many examples of doping tests being carried out wrongly. These include: the use of outdated sampling bottles;...officials not being familiar with the sampling kit;.....doping stewards not being instructed about their duties; and failure to ensure samples were sent to the laboratory.”

“An awful lot needs to be done, and nothing is being done now.”

Horrifying Drug Failures.....By Mihir Bose
February 9, 2004
Telegraph.co.uk

“A Michigan congressman Thursday called for an investigation.....”

“In a move that could signal the beginning of an examination of the U.S. Anti-Doping Agency, Democrat John Conyers asked a federal officer to investigate "possible violations of the Fourth Amendment," according to a letter dated Sept. 16.”

"In his letter, Conyers asked the inspector general to:"

“---Determine if the Justice Department sought a government lab for analysis to confirm UCLA's findings that THG is an anabolic steroid.

And if not, why?”

“An anti-doping agency spokesman declined to comment.”

By Elliott Almond.....San Jose Mercury News.....September 17, 2004, Friday

**Drug use and
Drug Testing are a
sham and a scam!**

**Drug use and
Drug Testing are a
sham and a scam!**

Sport Law: U.S. Courts & The IAAF

In the article, *Governing Body Injures Athlete, Can Athlete Sue* (ETG Newsletter, Vol.3 #3 June 1994) we presented an initial look at the "Butch Reynolds" case. As you recall, Butch Reynolds had produced a urine sample at a meet in Monaco in 1990. A few months after the meet, the IAAF announced to the media that his sample from the Monaco meet tested positive for nandralone, a steroid derivative of testosterone. Tests a few days before the meet and a few days after the meet were negative. This steroid stays in the body for some time, thus his other tests should have been positive also if the Monaco sample result was accurate.

Mixing-up Samples

After some time and much difficulty, Butch's lawyers were able to uncover that Butch's Monaco sample was marked H5. The lab technician circled sample H6 on two forms as having been positive for nandralone. However, H6 was the 5th sample he tested. The lab director recalled being told by the technician that sample H5 had tested positive for nandralone, and so he reported to the IAAF that sample H5 was positive.

Arbitrator's Decision

After hearings with an arbitrator of the American Arbitration Association (AAA), and The Athletics Congress (TAC) [now called USA Track & Field (USATF), TAC and USATF are used interchangeably throughout this article], he was exonerated by both, but the IAAF refused to honor those decisions. The arbitrator of the AAA found that "the A sample and the B sample did not emanate from the same person, the B sample did not confirm the A sample, and neither the A or the B sample came from the claimant".

IAAF Arbitration Panel

The IAAF conducted their own arbitration hearing and issued their finding of there being "no doubt as to Reynold's guilt". The chairman of the panel stated that "To say one that one test was unreliable would have been to say that all were". This, inspite of IAAF rule 59(5) which states, "Where a hearing takes place, the IAAF or the member (ie. USATF) shall have the burden of proving, beyond reasonable doubt, that a doping offence has been committed."

U.S. Circuit Court Of Appeals

In 1994, the Sixth Circuit Court of Appeals set aside the \$27 million judgement that the U.S. District Court of the Southern District of Ohio awarded to Butch Reynolds. The three justices in their decision, said that the District Court judge made an error in determining that the court had jurisdiction over the IAAF which was based in London, England. The District Court judge determined that he had jurisdiction, but the Circuit Court justices disagreed with each of the facts the judge used to determine jurisdiction. The burden is on the plaintiff to show that the court should have jurisdiction.

Court Jurisdiction

The Federal Rules of Civil Procedure allow one to file suit against a foreign defendant, but the plaintiff must show that jurisdiction is in line with the Due Process Clause of the 14th amendment of the U.S. Constitution, and in line with the "long arm statute" of the state in which the suit has been filed (the "forum" state).

The Due Process Clause of the 14th Amendment

This clause in the U.S. Constitution requires that the defendant or an agent of the defendant, must have had "minimal contacts" within the state where court is located. This is a way of insuring that courts only have jurisdiction over people/businesses that engage in some minimal level of activity within the state where the court is located. The burden is on the plaintiff to show that the defendant had "minimal contacts" with the state.

The "Long Arm" Statute

Most states have "long arm" statutes. The long arm statute in Ohio (where Butch filed suit) provides that a court may exercise jurisdiction over a person who acts directly or by an agent in a manner that gives a plaintiff a cause of action (reason to file suit) that arises out of the defendant's business transactions in the state of Ohio, tortious injury in the state of Ohio, or by tortious injury in the state of Ohio by an act occurring outside the state of Ohio committed with the purpose of injuring persons when one might reasonably have expected that some person would be injured in the state of Ohio.

Acting As An Agent

If a defendant uses an in-state organization to carry out it's actions within the state, that organization is said to be an "agent" of the defendant. Thus, USATF could be shown to be acting as an agent of the IAAF.

Waiver of Objection to Jurisdiction

If the defendant or it's agent shows up to court, but fails to object (in a timely manner) to the court exercising jurisdiction over them, the defendant waives the right to object to the court exercising jurisdiction over them. "A party waives the right to contest the court having jurisdiction by failing to raise the issue when making a responsive pleading or general appearance in court "(Federal Rules of Civil Procedure). "Failure to make a timely objection to personal jurisdiction can result in waiver of objection" (U.S. Supreme Court 1982).

The Decision of the Circuit Court of Appeals

There were two main areas where the case was lost. (1) After losing the IAAF Arbitration and having his suspension upheld, Butch attempted to get a preliminary injunction to enjoin the IAAF from preventing him from competing in the 1992 Olympic Trials. The IAAF did not show up, but USATF intervened as the defendant. USATF never contested jurisdiction. The Justices of the Circuit Court Of Appeals agreed with the District Court

that USATF was generally, an agent of the IAAF. However they contradicted this in finding that USATF was not acting as an agent of the IAAF when they intervened. The Court found that USATF intervened solely as the national governing body of the sport.

Circumstantial Evidence Of Agency

In the case *Behagen v. Amateur Basketball Association*, the Tenth Circuit Court of Appeals opinioned, "an international organization which acts through its members may be subject to the jurisdiction of a particular court based upon a member's (ie.USATF) contacts with, and activity in, the forum". IAAF rule 61(2) required USATF to go by the IAAF ruling of suspension of Butch Reynolds. USATF arguably came to court because of this rule and due to threatening communications from the IAAF. The Circuit Court, in finding that USATF was acting on its own behalf, not as an agent of the IAAF, failed to consider that USATF's own hearing panel had exonerated Butch nearly one year earlier. Moreover, given that Butch was exonerated by both USATF and the arbitrator of the American Arbitration Association, USATF was duty bound, by the Amateur Sports Act, to honor Butch's eligibility to compete in the Olympic Trials. The Amateur Sports Act specifically states that the ruling of the Arbitrator is binding and can be enforced by the courts. IAAF rules guided their actions moreso than did Federal law. Indeed, USATF postponed the 400 meter event at the Olympic Trials to give themselves time to appeal for a hearing before the full Supreme Court to vacate Supreme Court Justice Stevens's decision to reinstate the injunction allowing Butch to compete. USATF was seeking to keep from competing, an athlete they themselves had deemed eligible to compete. They showed-up in court on the side of the defendant, rather than that of the plaintiff. Thus, for the Circuit Court to find that USATF was not acting as an agent of the IAAF, is logically in error.

The Circuit Court justices opinioned, "There is no indication that IAAF authorized or even requested TAC to appear". Keeping in mind that the drug test was done at an IAAF meet, and therefore was under their direct jurisdiction, IAAF Rule 61(2) required USATF to enforce IAAF suspension of Butch. The rule states, "Where doping control has been carried out by the IAAF, every Member (ie. USATF) shall recognize the results of such doping control and shall take all necessary action to render such decision effective". Moreover, the IAAF President had sent a letter to the President of USATF prior to USATF showing up in court, stating "...regardless of any complication due to national law....I am confident you will do everything possible in order to conclude this case within the framework of the IAAF Constitution...". And it was clear that after the Supreme Court held that Butch could compete, the IAAF told USATF, "take all necessary steps to ensure that Mr. Reynolds does not so compete". These facts can collectively be interpreted as the principal's(IAAF) instructions to it's agent(USATF). Thus the IAAF arguably waived their right to object to jurisdiction, thus

the Circuit Court should have upheld the District Court's award of \$27 million.

Needed More Evidence For The Circuit Justices

(2) The second area where the case was lost was where the Justices were unsatisfied with the evidence of the existence of a contract between Butch and either USATF and/or IAAF that involved some type of execution of the contract within the state of Ohio. They also wanted to see more evidence that IAAF had minimal contacts with Ohio. The Justices stated their belief that the cause of action (reason for filing suit in court) must arise from the defendant's activities in the forum state. The Justices opinioned that the things that Butch's lawyers presented as minimal contacts were insufficient, and that even if they were sufficient, that the cause of action did not arise out of the defendant's activities in Ohio. This is inconsistent with *Behagen v. Amateur Basketball Association* (Tenth Circuit Court Of Appeals 1984). This Court found that Constitutional law allows, "if the cause of action does not arise out of or relate to foreign defendant's activities in the forum state, due process is not offended by state's subjecting foreign defendant to its jurisdiction when there are sufficient contacts between state and foreign defendants. Thus, contrary to the Justices opinion, it was unnecessary for the cause of action to arise out of the defendant's activities in Ohio. It was only necessary for Butch to prove that the defendant had minimal contacts with the forum state to make the exercise of jurisdiction over the defendant a fair and reasonable thing to do.

Establishing The Existence Of Minimal Contacts

The process of establishing eligibility is arguably a "business contact" as well as a contract. In fact it was this particular Circuit Court Of Appeals that ruled in *Lanier v. American Board of Endodontics* (Sixth Circuit 1988), "accepting fees by mail, required registration fees.....amounted to the transaction of business in Michigan". The IAAF's agent, USATF, had "continual and substantial activities" in Ohio by way of the collection of membership fees which established the eligibility of athletes in Ohio including the plaintiff, collection of road race and track meet sanction fees, collection of urine samples from athletes in Ohio during out of competition drug testing required by IAAF rule 57,1(i), collection of fees from coaching education clinics, clinics for Officials, and Junior Olympic track meets.

The IAAF through it's agent, USATF, establish eligibility of athletes. It can be argued that when an athlete joins USATF, they are entering into a contract. Federal courts have established that "employee handbooks" are contracts, and it can be argued that USATF and IAAF bylaw handbooks are contracts. This argument especially applies to rules governing drug testing, where a clear breach of written procedural guidelines and administrative review processes took place in this case. This was the proximal cause of harm to the athlete's elibility. "Drug related" suspension of the

athlete's eligibility resulted in the loss of \$4 million in endorsement income from businesses in the state of Ohio.

Tortious Interference

Butch sued for "tortious interference with business dealings", thus in accordance with the Ohio Long Arm Statute, the burden was on him to show that it was "reasonable" for IAAF to foresee/expect that their actions would bring harm to Butch in Ohio. The Circuit Justices ruled that "there was no evidence that the IAAF knew of the contracts". This is like saying there is no evidence that the NBA has knowledge of the existence of any of Michael Jordan's contracts with businesses in Illinois (ie. Gatorade). It is common knowledge (outside the U.S.) that a world record holder in a popular event, is by definition.....a millionaire. It is clear that Butch was at a disadvantage in that the Justices (like most Americans), were unaware of the status of track and field as a professional sport. It was "reasonable" to expect the IAAF to be aware that their suspension of Butch would cause harm to his business dealings in Ohio.

Restoring An Athlete's Eligibility

The United States participates in the "United Nations Convention On The Recognition and Enforcement Of Foreign Arbitral Awards". This means that the U.S. will recognize the decisions of Arbitration that occurs outside the U.S.. The IAAF Arbitration Panel decided to suspend Butch, thus U.S. Courts generally must recognize that decision. The District Court however, did not violate the United Nations Convention when it granted an injunction which had the effect of restoring Butch's eligibility. The Convention requires that the agreement to arbitrate be in writing, and signed by both parties. Those preconditions did not exist in this case. Otherwise, The arbitrator's decision can be set aside only by a "competent authority" or the law of the country of which the arbitration

decision was made (England at the time of this case, the IAAF is currently based in Monaco).

The IAAF's Views On Court Jurisdiction

The IAAF, and apparently USATF have unique views on the jurisdiction of courts in relation to them. The District Court judge wrote "TAC's counsel expressed the view that the IAAF is infallable and its decisions must not be reviewable by this court--or any other". Arne Ljungquist, vice president of IAAF, was quoted saying, "civil courts create a lot of problems for our anti-doping work, but we have said we don't care in the least what they say. We have our rules and they are supreme". In direct contradiction to this, the IAAF told the Circuit Court judges it would not contest the review of their Arbitration Panel's decision by the courts in England (where they were based at that time). The Circuit Court stated, "the IAAF stated in its brief and at oral argument that it will not challenge the jurisdiction of the English courts to determine the validity of the London Arbitration". Following the Supreme Court's decision, the IAAF stated, "In light of the interference from the civil courts in this case, the IAAF asks the United States Olympic Committee and TAC to engage as soon as possible the proper authorities in the U.S. government to enact legislation that will prevent civil courts from acting in the matters of amateur sports activities. If such legislation is not achieved, the Olympic games in Atlanta in 1996 and other major amateur sports events in the United States will risk grave damage to their programmes and to athletes participation". In speaking on the Mary Slaney case, IAAF spokesperson Giorgio Reineri stated, "I understand that USA Track and Field must recognize U.S. law, but for the IAAF, we don't recognize a different authority in this field".

On U.S. Federal Court Jurisdiction: Over IAAF

-- Longarm Statute

= **Texas Long arm statute** allows jurisdiction to full extent permitted by the United States Constitution, and thus the only limitations on assertion of jurisdiction by Texas over nonresident defendant are those imposed by the due process clause of the Fourteenth Amendment, **requiring minimum contacts with the State** such that maintenance of suit does not offend traditional notions of fair play and substantial justice. U.S.C.A. Const. Amend. 14: V.T.C.A., Civil Practice & Remedies Code [17.042].

General Jurisdiction

= **General jurisdiction** allows State to adjudicate all matters before the court, even if the cause of action is unrelated to defendant's contacts with the forum State, and **requires that defendant have continuous and systematic contacts with the forum State.**

Specific Jurisdiction

= A court may exercise **specific jurisdiction** over a foreign defendant when the cause of action arises out of the defendant's contacts with the forum.

About Mimimum Contacts

= Due process clause does not require that foreign defendant's contacts with forum state be commercial in nature for purposes of asserting personal jurisdiction. [Constitutional Law 305(5)... U.S. Constitutional Amendments 5,14]

= A state may exercise jurisdiction in a matter arising from the **effects of a defendant's act that was committed elsewhere.** [U.S. Supreme Court section 37 of the Second Restatement Of Conflict Of Laws]

Minimum Contacts by way of....."Doing Business".....Products in the Stream of Commerce

= State does not exceed powers under due process clause if it asserts **jurisdiction over corporation that delivers its products into the stream of commerce** with the expectation that they will be **purchased by consumers in the forum State.**

= The Fifth Circuit and the Texas Supreme Court have recognized that **no additional conduct is required if the defendant is aware that its product is being marketed in the forum State.** This satisfies the minimum contacts requirement.

= If the defendant purposely availed itself of the privileges of doing business in Texas, the court shall have jurisdiction.

= **As long as a participant in the stream of commerce is aware that the final product is being marketed in the forum State,** the possibility of a lawsuit there cannot come as a surprise, nor will the litigation present a burden for which there is no corresponding benefit.

= When a defendant seeks to sell its goods within a state's borders by advertising, soliciting, and selling, directly or indirectly, the state will have jurisdiction. [Citation on Non-residents 32.02(2)(a)) Texas state law pag 32--10

= **Additional conduct of the defendant indicates an intent/purpose of serving the market in the forum State,** such as;**advertising in the forum State,** or marketing through a distributor who has agreed to serve as the sales agent in the forum State.

= A nonresident does business in Texas if the nonresident;

--- contracts by mail or otherwise with a Texas resident and either party is to perform the contract in whole or in part in Texas ...[nonresident was "doing business" in Texas by entering into a contract by mail with a Texas resident, which was performable at least in part, in Texas.....Pizza Inn, Inc. vs Lamar --- civil appeals 1974 513 S.W. 2d 251]

--- commits a Tort in whole or in part in the state of Texas

States Interest.....Fair Play & Substantial Justice

= The state's interest may also be a consideration when determining jurisdiction

= A **Nonresident defendant** making special appearance to contest jurisdiction **bears the burden of proof to negate all bases of personal jurisdiction alleged by plaintiff.**

In order to overcome presumption of jurisdiction that exists once minimum contacts with forum state have been established, defendant resisting jurisdiction on due process grounds must present a compelling case that presence of some other considerations would render jurisdiction unreasonable.

IAAF Structure Creates Contacts: Statements Of Fact

Part 1

1---Structure Of IAAF & USATF

| | |
|--|---|
| --- IAAF operates through committees made up of it's members | |
| = The members of IAAF promulgate the governing rules as a congress. | = IAAF governs in each country through its member organization located there. |
| = IAAF is it's members.....one of which is USA Track & Field [USATF] | |
| = IAAF member federation manual states in it's introduction; "The national athletic federations which make up the membership of the International Amateur Athletic Federation are the administrative and operational building blocks for the sport of athletics – on both domestic and international levels. The continued development of athletics around the world depends on how effectively federations function and meet their obligations." | |

2--- In the United States.....USATF is an agent of the IAAF

| | |
|---|--|
| USATF is the exclusive representative of the IAAF in the United States. This status was not awarded to USATF by the Amateur Sports Act of 1978, but.....directly.....by the IAAF. USATF existed [as The Athletics Congress...TAC] prior to the Amateur Sports Act of 1978, the act did not "create" USATF. | |
| --- U.S. 6 th Circuit determined that USATF is an agent of IAAF.....[Reynolds vs. IAAF 23 Federal Reporter 3d pg.1118] | |
| In Reynolds, then USATF president, Frank Greenberg, an attorney at law, testified that USATF is the exclusive representative of the IAAF in the United States, and that part of that obligation is to follow IAAF rules. | |
| = IAAF RULE 57, dealing with Out-of-Competition Testing, requires that; "1. It is a condition of membership of the IAAF that a Member includes within its constitution: --- i)a provision obliging that Member to conduct out-of-competition doping control, a report of which must be submitted to the IAAF annually; and --- (ii)a provision allowing the IAAF to conduct doping control at that Member's National Championships or any similar meeting; and --- (iii)a provision allowing the IAAF to conduct out-of-competition testing on that Member's athletes. | = USATF Regulation 6, section A states that; "To compete in international events, other than youth or masters/veterans competition, an athlete must be eligible pursuant to IAAF rules." "All athletes competing in events conducted by USATF shall be members of USATF.....and shall meet the requirements of Regulations 7,8, and 9 to be certifiable as IAAF eligible." "The amount and form of prizes, payments of money, and other things of value to athletes, together with the structure of payment, including use of the Direct Payment License procedure, shall be governed by IAAF rules." |
| = USATF is made up of its members, many of which are it's member associations located in and around each State of the United States | |

3--- IAAF regulates the multi-Billion dollar business of track and field

| | |
|---|--|
| --- IAAF regulates the multi-Billion dollar business of track and field, a part of which takes place in Texas. | |
| IAAF member federation manual states in it's section on National Federations; = "National athletic Federations which are Members of the IAAF are the franchise holders of a thriving multi-national business....." = "Domestically, a federation is responsible – by its legal status, its recognition from IAAF and its own constitution – for sanctioning, promoting, expanding, and strengthening athletics in its own country." = "The international obligations of an IAAF Member Federation include basic constitutional obligations which are conditions of membership...." | |

IAAF Structure Creates Contacts: Statements Of Fact

Part 2

1 – IAAF Has Continuous & Systematic Contacts With Texas

--- IAAF requires its agent, USATF, to oversee the business of track and field that takes place in the United States.....including Texas. IAAF member federation manual states in the section 2, Special Constitutional Obligations and expectations of an IAAF Member Federation;

- = "To guarantee the eligibility of athletes from its country.....(Rule12.4)"
- = "To strictly control all financial transactions related to expenses paid to athletes taking part in international competitions (Rule 14.3)"
- = "To oversee subventions paid to athletes (Rule 16)"
- = To establish rules for Athletic Funds and to register them with the IAAF General Secretary (Rule 17)"
- = To ensure that a clause allowing the review of advertising contracts entered by athletes or clubs is included in its constitution (Rule 18.8)"
- = "To maintain a register of approved club sponsorships (Rule 18.19)"
- = "To undertake disciplinary proceedings against athletes who may have rendered themselves ineligible and to impose sanctions where appropriate (Rule 54)"

2--- IAAF has a presence in Texas...directly...and through the acts of it's agent [USATF]

--- USATF Associations located in Texas...conduct "business dealings" in Texas. These Association have offices, and maintain bank accounts in Texas.

- = USATF Gulf Association.....office in Houston, Texas
- = USATF Southwestern Association.....office in Dallas, Texas
- = USATF South Texas Association.....office in Austin, Texas
- = USATF West Texas Association.....office in Odessa, Texas

--- IAAF Continuous & Systematic Business Contacts with Texas occur through it's Agent [USATF] in the form of dues and fees sent by mail, from USATF members in Texas, to the USATF association Office, to the USATF National office, or to the IAAF office located overseas. These and other contacts take place in the form of;

- A--- collection of membership dues and offering of member services
- B--- collection of road race course certification fees and offering of course certification
- C--- collection of track club and road runners club registration fees
- D--- collection of Association Championship event entry fees, and offering of the event services
- E--- collection of various road race & track meet entry fees for USATF Championship events
- F--- collection of registration fees for USATF Coaches Education clinics
- G--- collection of registration fees for certification of USATF track meet Officials
- H--- collection of registration fees for clinics held for track meet Officials
- I--- collection of various road race & track meet USATF sanction fees

--- USATF sends membership forms into Texas, and receives the completed membership forms and fees from Texas residents, as required by IAAF. The membership services received from USATF are executed in whole or in part, in Texas. Contracts by mail with a Texas resident, performed in Texas, constitutes "doing business" in Texas.

= IAAF member federation manual..... section 2, Special Constitutional Obligations and expectations of an IAAF Member Federation;....."To guarantee the eligibility of athletes from its country.....(Rule12.4)"

= USATF Regulation 6, section A states that;

"All athletes competing in events conducted by USATF shall be members of USATF.....and shall meet the requirements of Regulations 7,8, and 9 to be certifiable as IAAF eligible."

IAAF Structure Creates Contacts: Statements Of Fact

Part 3

1--- IAAF [directly] has Continuous & Systematic Contacts with Texas

A--- IAAF markets books and pamphlets in Texas by various means, including publication of advertisements in magazines of national circulation, such as Track & Field News.....which it has reason to believe will be directed into Texas.

= IAAF publications

A--- New Studies In Athletics

B--- IAAF Magazine/Newsletter

C--- IAAF Wall Calendar

D--- IAAF Posters

B--- An arm of the IAAF maintains a business office **in Houston, Texas**;

North America, Central America & Caribbean Track & Field Coaches Association (NACACTFCA)

mailing address: P.O.Box 56284 Houston, Texas 77256-6284

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C--- paid IAAF representatives come to homes & apartments of Texas residents to obtain urine samples from these residents, which occurs all year around, annually.

D--- IAAF determines eligibility of professional athletes who reside in Texas. IAAF controls professional athletes ability to participate in competitions, to seek endorsements, and to select an agent. IAAF regulates the multi-Billion dollar business of track and field, a part of which takes place in Texas.

The State's [Texas] Interest

1---Texas has an interest in protecting the rights of it's citizens.

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| ---The state's interest may also be a consideration when determining jurisdiction | |
| --- In doing business in Texas..... especially in the area of membership eligibility of professional athletes who reside and make their living , in part, in Texas, IAAF should reasonably anticipate the call to a Texas court when they seek to suspend a professional athlete's eligibility as a result of a dispute or conflict involving an IAAF mandated drug testing program, and applicable eligibility rules. IAAF has an impact on inter-state and intra-state commerce [in Texas] , by way of it's rules enforced by it's Agent, USATF. | |
| Texas has a substantial interest in the protection of its residents' rights. It would arguably be a greater unfairness and a greater injustice to force the injured party to go to the forum of the defendant's residence than it will to force the defendant, who has continuous and systematic contacts with Texas, to litigate in Texas. | --- It cannot be an acceptable position that the courts of this country cannot protect the individual rights of United States citizens.....where those rights are threatened by a sport Governing Body which oversees a multi-billion dollar business which has significant contacts with this country, which exercises a significant level of control over both athletes and athletic events in this country, and which gains substantial revenue from its contacts with United States companies. |

2---IAAF has an impact on inter-state and intra-state commerce [in Texas]

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| --- IAAF regulates the multi-Billion dollar business of track and field, a part of which takes place in Texas. | |
| --- It is reasonable to subject IAAF to jurisdiction anywhere its member organizations.....that act on its behalf.....may be sued. | --- The 10 th Circuit has held, [Behagen v. Amateur Basketball Association] that an international organization which acts through its members may be subject to the jurisdiction of a particular court based upon a member's contacts with, and activity in, the forum. In Reynolds, then USATF president, Frank Greenberg, an attorney at law, testified that USATF is the exclusive representative of the IAAF in the United States, and that part of that obligation is to follow IAAF rules. |

3--- IAAF knows and understands the financial impact of their decisions

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| = USATF Out Of Competition Drug Testing rule Part III, Sec. 3.2..... "No athlete shall be entitled to commence receipt of financial assistance from any sports organization before being tested negative for the use of prohibited substance. | = IAAF "knows" that Texas residents join through it's Agent, USATF, thus IAAF is "doing business" in Texas, and reasonably should expect to be haled into court in Texas. |
| ---- It is reasonable to assume that IAAF is aware that their decisions on matters related to athlete eligibility relative to drug testing, will have a substantial damaging effect on the athlete's financial status and business dealings within the state of Texas. | |
| --- USATF, the agent of IAAF..... on behalf of the IAAF, and the IAAF directly....purposely avail themselves of the privileges of "doing business" in Texas. It should be foreseeable in the eyes of IAAF, that their decisions directly impact Texas residents, and that their presence in Texas, both directly and through their agent [USATF] may result in their being called to resolve a matter in a Texas court. | |
|Texas already has laws that regulate sports agents and their conduct. The IAAF cannot attempt to insulate themselves from the courts by claiming they have no "contacts" with Texas resident athletes themselves. USATF must abide by all IAAF rules and enforce those rules against its own athlete members who reside in Texas. | |
| = IAAF "knows" that Texas residents join through it's Agent, USATF, thus IAAF is "doing business" in Texas, and reasonably should expect to be haled into court in Texas. | = In Reynolds vs. IAAF, IAAF appeared in Federal Appeals Court to argue the matter of jurisdiction. This demonstrates their awareness of the fact that their decisions affect their members [Reynolds vs. IAAF 23 Federal Reporter 3d pg.1118] |
| = IAAF rules requiring its Agent, USATF to have continuing and systematic contacts with Texas residents; --- Rule 55 (12) --- Rule 55 (4) --- Rule 57 (1)(i) --- Rule 57 (3),(6) --- Rule 58 (2) ---Rule 60 (2),(4) --- Rule 61 (1)(2) These contacts are not mandated by the Amateur Sports Act, they are mandated by IAAF.....directly. | |

Athletes Filing Law Suits: What Was Congress' Intent ?

1---The Amateur Sports Act of 1978

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| Amateur Sports Act.....gives the U.S. Olympic Committee the power to.....provide for swift resolution of conflicts and disputes involving amateur sports organizations and protect the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur competition.... (section 104(8)) | |
| --- The corporation (USOC).....can sue and be sued [section 105a (6)] | |
| ---Amateur Sports Act (sec.201b (1))no amateur sports organization is eligible to be recognized as a national governing body unless it.....incorporated.....as a not-for-profit corporation | |
| --- submits to binding arbitration with the American Arbitration Association (sec.201b (3)) | ---- submits to binding arbitration with the American Arbitration Association (sec.201b (3)) |
| --- demonstrates that is autonomous in the governance of the sport in that it independently determines and controls all matters central to such governance, does not delegate such | --- determination and control and is free from outside restraint (sec.201b (4)) |
| IAAF requires its members.....including USATF.....to follow its rules, as a condition of membership. In Reynolds v. IAAF, USATF had exonerated Reynolds, then intervened in Court on behalf of IAAF after receiving instructions from IAAF to prevent Reynolds from competing.....which arguably violates the Amateur Sports Act (sec.201b (4)).....which requires USATF to be “free from outside restraint”, and to....“demonstrate that it....“is autonomous in the governance of the sport in that it independently determines and controls all matters central to such governance. USATF acts as an agent of IAAF on drug testing related eligibility issues. Clearly.....it was not Congress’ intent to proscribe judicial review of decisions made by outside entities such as IAAF..... that are merely enforced by USATF. | |
| Congress’s sole intent was to require the United States Olympic Committee [USOC] to be an arbiter of athlete grievances withsovereign.....Sport Governing Bodies..... in the United States . The Amateur Sports Act successfully provides this administrative avenue. However..... None of these processes addresses the situation of an athlete pursuing a grievance against the International Governing Body of the sport.....and it was not Congress’ intent to prevent an athlete from pursuing such a grievance in a United States Court. | |
| USATF is the exclusive representative of the IAAF in the United States. This status was not awarded to USATF by the Amateur Sports Act of 1978, but.....directly.....by the IAAF. USATF existed [as The Athletics Congress...TAC] prior to the Amateur Sports Act of 1978.....the act did not “create” USATF. Thus.....one cannot conclude that Congress intended to prevent athletes from filing suit against IAAF. | |

2---The Amateur Sports Act of 1978.....Removal Of The “Athletes Bill Of Rights”

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| Some Courts [Floyd v. USOC 965 S.W.2d 35 (Tex.App.—Houston 1998)] have concluded that the legislative history of the Amateur Sports Act of 1978 demonstrates that Congress did not intend to provide athletes with a private cause of action.....based on the conclusion that if Congress had intended to do this, then Congress would not have removed the Athletes Bill Of Rights from the original version of the Bill. - “Positive Canons: The Role Of Legislative Bargains In Statutory Interpretation, 80 Geo. L.J. 705 (1992).....provides ample reason as to why one cannot argue that the removal of the Athletes Bill Of Rights from the Amateur Sports Act is a demonstration of Congress’ “intent” to prohibit an athlete from going to Court. <i>Also see Amateur Sports Act Section 105g(6) “can sue and be sued”</i> | |
| If it was Congress’ intent to prevent Athletes from filing suit in Court, then United States Supreme Court Justice, John Paul Stevens must have erred when he heard suit filed by athlete Butch Reynolds against the IAAF [Harry L. Reynolds v. IAAF 112 Supreme Court Reporter 2512 (1992)]. USATF appealed Justice Steven’s ruling for a hearing before the full court.....having the effect of providing the full United States Supreme Court with an opportunity to correct this “error”.....but they chose not to. | |
| Therefore, what is the law of the land.....a non-existent clause in the Amateur Sports Act.....or the United States Supreme Court’s actions suggesting that the Amateur Sports Act does not preclude an athlete from pursuing a cause of action in Court. | |
| In Reynolds v. IAAF, Justice Stevens substituted his decision, for that of IAAF, and USATF which intervened on behalf of IAAF.....in a matter that involved selection of the United States Olympic Team.....which, through the Amateur Sports Act, was a power given.....exclusively.....to the United States Olympic Committee.....which in turn gave USATF the power to make such decisions for the sport of Track & Field, on their behalf. This case is the best example of a situation in which the Congress’ intent could be determined by the Court. The Court took the case, offered a ruling in favor of Reynolds the plaintiff, and denied appeal to the full Court, by the governing body appointed by the USOC as stipulated by the Amateur Sports Act. Had it been their opinion that Congress intended to prevent athletes, such as Reynolds, from filing suit in Court, then surely the Court would have found this to be so.....in Reynolds v. IAAF. | |

3--- Assertions

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| --- Exhaustion of administrative remedies is a precondition to the exercise of subject matter jurisdiction (6th Circuit Court..... Federal Supplement 841.... pg 1448) | |
| With the removal of the Athletes Bill of Rights..... one cannot conclude that.....the polar opposite of this clause..... is now the law. If Congress intended to forbid athletes from pursuing a cause of action in Court, Congress had opportunity to state this specifically.....in the Congressional Record, and in the Act itself. Congress did neither. The United States Supreme Court, in accepting and judging Reynolds v. IAAF, has demonstrated likewise. - Matt Lindland V. USA Wrstling, USOC, and Keith Sieracki demonstrates that the Courts can have jurisdiction inspite of the the Amateur Sports Act, and that the Courts can direct USOC on eligibility issues about the Olympics, ect. USOC does not have exclusive power. The fact that Congress placed Section 220509(a) into the Amateur Sports Act, indicates that Congress recognizes that the Courts can review National Governing Body and USOC decisions. | |

United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards

1--- Previous Occurrences

--- It has been asserted by 6TH Circuit Justices [Reynolds v. IAAF 23 F.3D 110 (6TH CIR.1994)] that U.S. Courts cannot review or overturn an IAAF Arbitration panel ruling.....due to the United States participation in the United Nations Convention On The Recognition and Enforcement Of Foreign Arbitral Awards.....where the U.S. has agreed to abide/honor rulings made by foreign Arbitration bodies.

2--- Statements Of Fact

--- U.S participates in the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards

--- U.S. participation is coded into Federal law by 9 U.S.C 20....."The Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall be enforced in United States courts in accordance with this chapter."

3--- What IAAF Refers To As....."Arbitration"

---IAAF refers to their process of resolution of athlete grievances as "Arbitration".

---IAAF, by simply calling their process, "Arbitration", should not automatically preclude U.S. Court review of an IAAF "Arbitration" decision.

--- Signing an agreement to "arbitrate" before an IAAF panel ^{is} an agreement to pursue their administrative remedy process. It does not preclude judicial review of the outcome.

--- An IAAF panel is not "Arbitration".....it is an Ombudsman. The Court is not being asked to vacate an Arbitral Award. The IAAF panel is not an unbiased arbitrator, and this fact, does not comport with U.S. public policy. An athlete cannot enter into "arbitration" with the IAAF, **when IAAF is the arbitrator**. This situation potentially requires that the arbitrator grant an award against itself and possibly against it's own public and financial interests. "Evident partiality" is grounds for judicial review.

---The object of arbitration is to obtain the fair resolution of disputes by an impartial tribunal without unnecessary delay or expense

---One would expect that an unbiased third party would conduct the arbitration hearing and render a decision.

---IAAF's "Arbitration" is simply a hearing before a panel of IAAF members.....who are not unbiased arbitrators.

---IAAF rule 23(8) states "The Arbitrators shall not be obliged to give any reasons for their decisions."

---IAAF rules allow no appeal of an IAAF Arbitration Panel decision.

--- Article V (2) of the Convention allows....."Recognition and enforcement of an arbitral award may also be **refused** if the competent authority in the country where recognition and enforcement is sought finds that:

(a)

(b) The recognition or enforcement of the award would be contrary to the **public policy** of that country."

--- Arbitration award was set aside due to violation of public policy in Chromalloy Aeroservices V. Arab Republic Of Egypt

--- The process IAAF refers to as "Arbitration" is in conflict with the public policy relating to due process in the United States.

--- IAAF "Arbitration" is a process that does not comport with the notion of fairness and substantial justice.

--- The "agreement" to arbitrate comes in the process of signing a form during Drug Testing urine sample collection. In addition to verifying the collection procedure was followed, the athlete is also agreeing to IAAF "Arbitration". There is no choice provided the athlete to have an independent arbitration panel. The athlete could be declared Ineligible for failing to comply with all drug testing procedures.

--- In drug test issues being "Arbitrated" by IAAF Panels, the drug test is the primary evidence IAAF relies upon, inspite of the knowledge that the test has failed to distinguish whether a banned substance allegedly taken by an athlete is the result of a natural or synthetic [doping] cause. This burden of proof, is placed on the athlete. An athlete is held responsible for the natural make-up of his/her body, and is expected to prove this make-up to the IAAF "Arbitration" panel.

---This situation exists.....inspite of IAAF rule 59(5)... "Where a hearing takes place, the IAAF or the member (as the case may be) shall have the burden of proving, beyond reasonable doubt, that a doping offence has been committed.

--- IAAF "Arbitration" Panel rulings related to drug testing require the athlete to prove him/herself to be innocent by "clear and convincing evidence".....in conflict with IAAF rule 59(5).

--- No IAAF rule requires the athlete to prove their innocence.....however the precedent followed by the IAAF "Arbitration" Panel is to require the athlete to prove their innocence, as is often stated in written decisions made by IAAF "Arbitration" Panels.

[Mary Slaney v. IAAF & USOC, U.S. District Court, Southern District Of Indiana, April 1999]

United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards

4--- Article I (3) Of The Convention & How The U.S. Applies It

--- Article I (3) ".....any State.....may also declare that it will apply the Convention **only** to differences arising out of **legal relationships**, whether contractual or not, which are considered as commercial under the national law of the State making such declaration."

--- Under.....9 U.S.C. chapter 2, section 202.....Arbitration Must Relate To "**Legal Relationships**", commercial in nature.

For IAAF "Arbitration" to be subject to 9 U.S.C.202 protections requires that IAAF assert the existence of a "**legal relationship**" between themselves and the athlete. For purposes of avoiding U.S. Court jurisdiction in the past.....they have denied having such a relationship with an Athlete/State.

9 U.S.C. chapter 2, section 202....."....An arbitration agreement or arbitral award arising out of a legal relationship, whether contractual or not, **which is considered as commercial**, including a transaction, contract, or agreement described in section 2 of this title, falls under the Convention....."

5--- Assertion About 9 U.S.C. chapter 1, section 1

--- Arbitration Must Relate To "**Commerce**" For 9 U.S.C 201 to honor an IAAF Arbitration decision

For IAAF "Arbitration" to be subject to 9 U.S.C.201 protections, a catch-22 situation would have to first exist for IAAF. IAAF would have to acknowledge that it engages in "**commerce**" with an athlete in a State located in the United States. For purposes of avoiding U.S. Court jurisdiction in the past.....they have denied having such "minimum contacts" with a State/Athlete.

9 U.S.C. chapter 1, section 1....."...."commerce", as herein defined, means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation, but nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce."

6--- Assertion About 9 U.S.C. chapter 1, section 2

For IAAF "Arbitration" to be subject to 9 U.S.C. chapter 1, section 2 requires that IAAF assert the existence of a "**contract**" between themselves and the athlete For purposes of avoiding U.S. Court jurisdiction in the past.....they have denied having such **contracts** with an Athlete/State.

9 U.S.C. chapter 1, section 2....."A **written provision in any maritime transaction or a contract evidencing a transaction involving commerce** to settle by arbitration a controversy thereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or **an agreement in writing to submit to arbitration an existing controversy arising out of such a contract**, transaction, or refusal, **shall be valid, irrevocable, and enforceable**, save upon such grounds as exist at law or in equity for the revocation of any contract."

So called "performance enhancing drugs" are prescription drugs.

Some examples of the effectiveness of prescription drugs in sport.....

"The drug erythropoietin, often called EPO.....a new systemic review of existing research reveals that **there is no scientific evidence that it does enhance performance**, but there is evidence that using it in sport could place a user's health and life at risk."
EPO [erythropoietin] doping in elite cycling: No evidence of benefit, but risk of harm
Science Daily.....December 5, 2012.

"...**there is no scientific basis from which to conclude that rHuEPO has performance-enhancing properties** in elite cyclists." "The use of rHuEPO in cycling is rife but scientifically unsupported by evidence, and its use in sports is medical malpractice."
J.A.Heuberger, et al
Erythropoietin doping in cycling: lack of evidence for efficacy and a negative risk-benefit.
British Journal Of Clinical Pharmacology.....Volume 75 #6.....June 2013...page 1406

"The **over-exaggeration of the effects of growth hormone** in muscle building is effectively promoting its abuse...."
"....there is the question of disinformation on rhGH....Part of this problem may, paradoxically, derive from the anti-doping authorities themselves. By ignoring the evidence the **rhGH does not work** in normal healthy subjects, the athletic establishment could be accused of effectively promoting its use."
"**We must tell athletes the truth: growth hormone does not 'work'** or at least not as they think it does and that its is associated with all kinds of immediate and long term hazards-----everything from decreased performance to cancer."
"....none of us scientists, doctors, coaches, or sports bodies should continue to suggest that this dangerous doping practice works."
M.J. Rennie
British Journal Of Sports Medicine.....Volume 37 #2....April 2003....pages 100-103

"**Testosterone prohormones** such as androstenedione, androstenediol, and dehydroepiandrosterone (DHEA) have been heavily marketed as testosterone-enhancing and muscle-building nutritional supplements for the past decade."
"Contrary to marketing claims, research to date indicates that the use of prohormone nutritional supplements (DHEA, androstenedione, androstenediol, and other steroid hormone supplements) **does not produce either anabolic or ergogenic** effects in men. Moreover, the use of prohormone nutritional supplements may raise the risk for negative health consequences."
G.A.Brown, et al
Testosterone Prohormone Supplements.
Medicine & Science in Sports & Exercise.....Volume 38 #8....August 2006.....pg 1367-1537

So called "performance enhancing drugs" are prescription drugs.

Some examples of the effectiveness of prescription drugs in American medicine & health care.....

"Most drugs are only effective **for a small percentage** of people who take them."
Michael Leavitt [U.S. Secretary of Health & Human Services 2005 - 2009]

".....the benefits that US health care currently deliver **may not outweigh the aggregate health harm** it imparts."
Journal Of The American Medical Association...Volume 302 #1..July 1, 2009...page 89 - 91

"It is estimated that more than 700,000 individuals are seen in hospital emergency departments for adverse drug events each year in the United States."
[Centers For Disease Control.....2015]

"106,000 deaths/year **from non-error**, adverse effects of medications"
B. Starfield
Is US Health Really the Best in the World
Journal of The American Medical Association.....Volume 284 #4....July 26, 2000....page 483 - 485

".....1.5 million U.S. residents are harmed or killed each year because of medication errors, according to an Institute of Medicine report."
Nature Medicine....Volume 12 #9.....September 2006.....pg 984 - 985.....News In Brief

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Sport**