he following statement was issued today (Thurs. Dec, 17 2007) by Major League Baseball Players Association Executive Director, Donald M. Fehr, regarding the Mitchell Report.

“For many years now, the players have worked consistently and cooperatively with the Commissioner’s Office to address the use of steroids in baseball. In 2002, the union agreed to a joint drug program that included provisions for random drug testing of players; and we did so the first time the owners seriously advanced such a proposal. In 2004, we renegotiated that agreement, in response to requests from the owners and the Congress, and then did so again in 2005. In November, 2005 we announced a revised Program that included a strict penalty scheme, a greater number of tests and an expanded list of prohibited substances. At the time, that program was praised by members of Congress and others. We retained an independent doctor with experience in the drug testing field to administer our Program. For several years, we have employed the well-respected and WADA-certified laboratory in Montreal to analyze our collected samples.

“This history demonstrates that the players have recognized for many years that new steps were required to address performance enhancing drug use in Major League Baseball. Perhaps we and the owners could have taken these steps sooner. But the Program in place today is a strong and effective one, and has been improved even in the last two years. The report does not suggest that the program is failing to pick up steroid use which it is possible to detect. The current commitment of the players and the owners on this subject cannot be fairly questioned.

“In March 2006, before our newly negotiated Program had even begun to operate, Commissioner Selig named former Senator George Mitchell to investigate steroid use in baseball. This decision was made unilaterally, without prior consultation with the MLBPA. We made plain to the Commissioner his unilateral decision left us no choice but to represent our members in this inquiry, as any union is by law obligated to do in response to a management-initiated investigation with potential disciplinary consequences.

“We did represent our members, and we make no apologies for doing so. We advised our members of their rights under the collective bargaining agreement and relevant federal labor law. Moreover, given the ongoing federal and state criminal investigations, with which Senator Mitchell had open relationships, we urged players to seek their own counsel. While we did give advice to players - we would have neglected our representational responsibilities if we did otherwise - ultimate decisions always were made by the individual players. We did not hesitate to point out to Senator Mitchell or the Commissioner’s Office investigative measures we viewed as unfair or unlawful. Even Senator Mitchell today referred to our actions as “largely understandable”.

“We did request a meaningful opportunity to review his lengthy report prior to today, but that request was denied both by Senator Mitchell and the Commissioner’s Office. We saw this report only an hour before it was made public. Accordingly, we have not yet had an opportunity to review and study the report in any detail. For now, however, we can say the following:

“Many players are named, their reputations adversely affected forever, even if it turns out

down the road that they should not have been. Anyone interested in fairly assessing the allegations against a player should consider the nature of the evidence presented, the reliability of its source, and the absence of procedural safeguards individuals who may be accused of wrongdoing should be afforded. Senator Mitchell's suggestion that players not be disciplined is welcome. However, we will make certain that should any player be disciplined he will have a right to a hearing and the full panoply of due process protections our agreements contemplate, and we will represent him in that process.

"Senator Mitchell recommends certain changes in our Program. We will review and consider what he has to say. We have demonstrated a willingness to continue to improve the Program, and the Program itself allows for certain mid-term modifications. However, we must remember that a strong collective bargaining relationship requires mutual respect for the agreements that have been reached."