

Sen. Mitchell Remarks At Owners Meeting

Written by George Mitchell
Thursday, 18 January 2007 07:23

REMARKS BY SENATOR GEORGE J. MITCHELL

MAJOR LEAGUE BASEBALL OWNERS MEETING PHOENIX, ARIZONA

JANUARY 18, 2007

The Commissioner asked that I give you an update on our investigation and I'm pleased to do so.

Nine months ago, in explaining the need for this investigation, the Commissioner said that "[w]hen it comes to the integrity of this game, an impartial, thorough review is called for and Baseball must confront its problems head on."

In the intervening months it's become evident to me that not everyone in baseball agreed with the Commissioner's decision.

Some felt that the best course for baseball was to sit tight, to ride it out, to hope that over time interest would decline and the issue would fade away.

Some may still feel that way. But there must be fewer of them this year than there were last year.

If nothing else, the results of the Hall of Fame voting last week, and the reaction to it, offer fresh evidence that this issue will not just fade away.

Whether you think it fair or not, whether you think it justified or not, Major League Baseball has a cloud over its head, and that cloud will not just go away.

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It won't go away because the issues are so serious.

Since 1990 the use of steroids or other performance enhancing substances without a valid medical prescription has been a federal crime.

It also is an egregious form of cheating. The principal victims of that cheating are the majority of players who don't cheat.

That reality is too often overlooked in discussions about steroids.

Much has been said and written about the adverse effect on the integrity of the game, on the fans, and on the general public. All are important.

But those who are most harmed, those whose careers and livelihoods are put at risk, are the players who don't cheat.

They rely on their talent, skill, and hard work, as should all players.

And a younger generation of aspiring major league players is affected as well, as they are led to believe that, even though Baseball currently has a tough drug policy, they cannot succeed without cheating.

The Commissioner was right. Baseball must meet this issue head on. A thorough investigation and a credible report are necessary to regain the confidence of the fans, the press, and the Congress, on this issue.

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From the reaction I've received from many of them over the past several months, I can tell you that they're interested and they're concerned; they're watching and they're waiting. Some of them don't trust Baseball and are skeptical of me.

They should not be and they will not be satisfied with anything other than a thorough, fair, objective, and credible report.

I was not involved in the decision to conduct this investigation. After the decision was made I was asked by the Commissioner to conduct it.

I agreed to do so, provided that I have total independence in conducting the investigation and making the report.

The Commissioner promised that I would and he's been true to his word.

My goal from the outset has been to conduct a thorough and objective investigation. But it also must be fair to all whose reputations are at stake.

I will insist that those who might be adversely affected by this investigation have an opportunity to be heard.

Before my report is completed, I will provide to any person who might be the subject of that report the opportunity to speak with me personally to respond to any allegations.

We have reached out to many persons associated with the game, past and present. And, as I have made clear from the beginning, my door is open to anyone who wants to speak with me about these matters.

I've led and participated in many investigations, as a state prosecutor, as a federal prosecutor, as a United States Senator, and, more recently as the Chairman of independent commissions.

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Those investigations have involved many subjects, from a wide range of federal and state crimes, to allegations of impropriety in bidding for the Olympic Games, to violence in the Middle East. There is a time-tested process involved.

An investigation of the kind in which we're involved must first cast a wide net. This involves, among other things, a detailed review and analysis of documents, and interviews of many witnesses who may have relevant information.

Then, based upon an evaluation of all that information, the individuals who may be involved must be interviewed, and given an opportunity to respond to the allegations and to comment on the evidence supporting those allegations.

We've followed that approach here. As a result, to date we've reviewed tens of thousands of documents and conducted hundreds of interviews.

As you know, many of those we've interviewed so far are employees of the thirty Major League Clubs.

I assure you, however, that we also have interviewed a large number of other witnesses, including many formerly associated with baseball. Quite a few of these persons have been extremely helpful. These persons love the game and want to do all they can to remove this cloud.

We will talk with many more, and we will seek to interview active players, a process we intend to begin soon.

I recognize that this investigation has been a burden for each of your Clubs, and for everyone involved. I regret that. But I hope you recognize that it's inevitable, once the decision to conduct an investigation was made.

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Since beginning our work, we have repeatedly taken action to minimize these burdens.

But an investigation by definition requires the review of relevant documents and the questioning of relevant witnesses. The only way to avoid these burdens is to do nothing.

The Commissioner was not prepared to take that course, and he was right.

When I took on this responsibility I said that I would follow the evidence wherever it leads, and that in writing my report I will stick to the evidence and let the chips fall where they may. That's what I'm going to do.

I believe it will be in your best interests, and the best interests of baseball, if I can report that I have received full cooperation from your organizations, and from others, in conducting this investigation.

Many have asked when my report will be completed. The pace of this investigation is dictated by the rate at which information is received.

As I said when I spoke to you last year, that depends on you, and on others from whom I'm seeking information.

I don't have subpoena power. Unlike the Congress, or other federal and state authorities, I cannot compel cooperation.

They can, and if they get involved they will.

I've served in the Senate and as a federal and a state prosecutor, and I can tell you from personal experience: if they get involved, they almost certainly will use their subpoena power and everyone will be forced to cooperate.

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Of course, I cannot predict what the Congress, or other federal or state authorities, or anyone else, will do.

But based on a review of recent history, and on many discussions I've had over the past several months, I believe that a report that is not credible and thorough will significantly increase the possibility of action by others, especially if it's the result of a lack of cooperation by the Clubs, or by anyone who is or has been involved with Baseball.

And if that happens, for everyone involved the burdens, the risks, the time involved and the resources required will be much greater than they are now.

I don't expect my lack of subpoena power to significantly affect the outcome of this investigation. In the end, I believe we're going to get enough information to be able to issue a comprehensive and credible report.

But it does affect the length of the investigation.

You've read my recent statement that cooperation with our requests for information has been good from some, less good from others.

I recognize that many Clubs are not accustomed to large-scale document discovery, so for them this is a new and time consuming process. And there are serious and credible legal issues which can be and must be resolved.

We're working hard to resolve them.

The Commissioner's office has done everything humanly possible to minimize any risks and to protect the Clubs, as well as to reduce the burden on the Clubs.

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I ask you to work with me, in an effort to achieve what I hope is our common goal: a thorough, fair, objective and credible report that is published as soon as possible.

I can tell you that no one wants to finish this more than me. We are proceeding diligently and you have my firm commitment that we will conclude as soon as possible.

Thank you for the effort that you and your organizations have put into this matter, and thank you for having me here today.

I'll be happy to answer your questions, although I hope you'll understand that at this stage I'm not able to discuss the specifics of any of the evidence we've gathered.