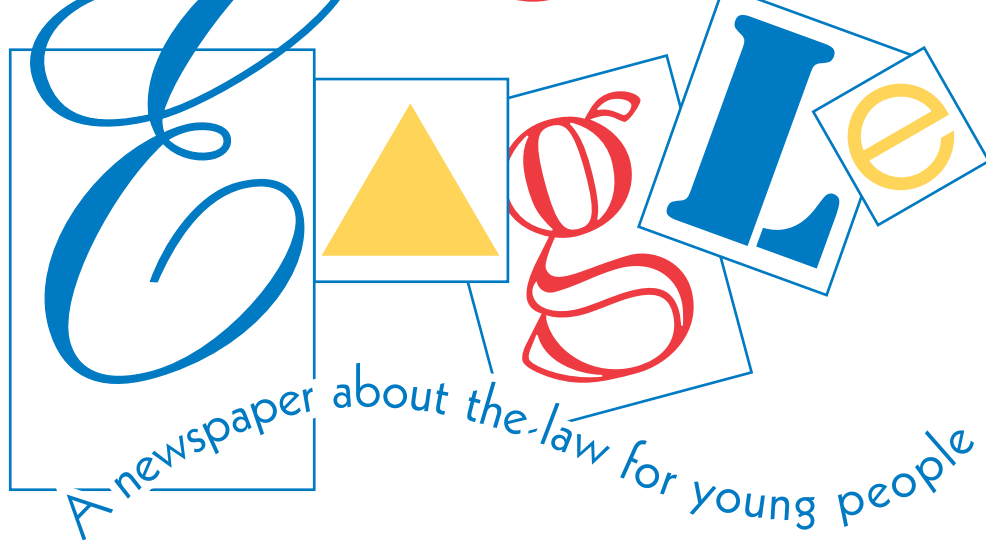


THE LEGAL



SPRING 2006

Playing Ball or Playing with Your Life

by Dale Frost Stillman

Spring is here and with it comes the familiar sound of the crack of the bat. The bat, however, is not the only thing cracking this season. Major League Baseball (MLB), at the urging of the U.S. Congress, is cracking down on the use of steroids and performance enhancing drugs.

In March 2006, Baseball Commissioner Bud Selig appointed former U.S. Senator George Mitchell to head up MLB's investigation into steroid use in baseball. Mitchell is currently director of the Boston Red Sox and chairman of the Disney, Co., which owns ESPN, a station that televises Major League Baseball. Selig's appointment came on the heels of *Game of Shadows*, a book written by two *San Francisco Chronicle* reporters, that details the alleged steroid use of San Francisco Giant Barry Bonds, as well as other baseball, football and track and field athletes, including Olympic medal winner Marion Jones.

According to a *Sports Illustrated* article, "the seven best home run frequency rates of Bonds' career (starting when he was 35 years old) came in the seven seasons since the authors of *Game of Shadows* allege he began his steroid use." In other words, Bonds, who enters this season with 708 career home runs and is poised to break Hank Aaron's record of 755, is playing better at his advanced age than at any other time of his career.

The authors allege that, over the last seven seasons, Bonds has been taking as many as 10 performance-enhancing drugs, including human growth hormones to bulk up, allowing him to hit the ball farther.

Legislation proposed

Even before the allegations contained in *Game of Shadows* legislators were proposing bills to eliminate steroid use in professional sports. Congressional hearings were held before the U.S. House of Representatives Committee on Government Reform in March 2005. Former and current Major League Baseball players offered their testimony at those hearings. While some players admitted to taking the illegal drugs, others claimed they never had. Four months after testifying before the congressional committee that he had never used steroids, Rafael Palmiero, first baseman for the Baltimore Orioles, was suspended for 10 days after testing positive for steroid use.

In response to the hearings, Congressman Tom Davis, of Virginia, chairman of the House's Committee on Government Reform, proposed the Clean Sports Act of 2005. Under this proposed legislation, like the Olympic standards, athletes in professional baseball, football, basketball and hockey would be



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Uncle Sam Wants You, and Your Personal Information Too

by Cheryl Baisden

In 1917, while the United States was fighting World War I, the U.S. military created the slogan "Uncle Sam wants you" to motivate people to enlist. The patriotic-looking old gentleman used in advertising campaigns around the country inspired thousands to contact recruiters and join the military.

Today, with war raging in Iraq, according to government reports, military enlistments are down and the federal government has developed a new plan to attract young recruits — gathering detailed personal information



on students and soliciting them on high school, college and law school campuses. While the Pentagon says the government is entitled to gather personal information on students and approach them on campus, others say the recruiting process is a violation of students' privacy.

"Legally, the government is not allowed to create databases for consumer profiling, and that is exactly what they are doing here," says Grayson Barber, a Princeton attorney whose practice focuses on privacy issues. "The No Child Left Behind Act, which was created

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Forget the Fries, Focus on the Fruit

by Dale Frost Stillman

When Chef Emeril Lagasse referred to the "mayonnaise police" early in his television career, he couldn't have imagined the recent national trend of banning junk food in schools.

According to *Time*, healthcare spending that is attributable to **obesity** was estimated at \$75 billion in 2003. In 2004 the Center for Disease Control and Prevention estimated that 18.8 percent of children ages 6 to 11 were overweight, more than double



the percentage in 1980. The number for adolescents was more than triple the percentage in 1980 with 17.1 percent identified as overweight.

The American Diabetes Association (ADA) reports that at least 15 percent of children ages 6–19 are obese. Eighty percent of cases of type II diabetes in children are directly related to their being overweight. Spokesman for the ADA, Cory Williams, told *The Daily Oakland Press* that obesity is the "leading modifiable risk factor for type II diabetes, the most common form of the disease" (formerly known as adult-onset diabetes). Although some medical experts argue it is too bleak, *The New England Journal of Medicine* reported last year that the generation of Americans being born today will be the first to have a shorter expected life span than their parents or grandparents.

Around the country

In response to this looming youth health crisis, lawmakers have turned Lagasse's imaginary "mayonnaise police" into reality. In state legislatures across the country, *Time* reported that nearly 400 obesity-related bills were introduced last year.

Governor Arnold Schwarzenegger led the trend, signing a law that bans the sale of junk food in California schools. Fifteen years ago when he was head of the President's Council on Physical Fitness, *The Los Angeles Daily News* reported, Schwarzenegger found that almost every school he visited had vending machines full of soda and candy or unhealthy food such as donuts. With the new law, which goes into effect with the 2006–2007 school year, California schools will have the healthiest foods served in the nation.

Other states are also on board to ban or limit junk food. According to the National Conference of State Legislators, Colorado, Louisiana and Washington approved bills in 2004 that limit junk food sales. In the fall of 2006, Tennessee's elementary and

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subject to two-year suspensions for a first-time positive test for steroids and a lifetime ban for a second positive drug test. Random testing would be required by the legislation at least five times per year.

Congressman Cliff Stearns, of Florida, chairman of the House Commerce and Energy Subcommittee, offered his own legislation, the Drug Free Act of 2005. Stearns' bill proposes two tests per athlete each year and the Commerce Secretary would be allowed to alter the list of banned drugs to each sport. Both the Davis bill and the Stearns bill provide that if a player can prove he did not realize he was using a banned substance or tells of anyone else using such a substance, the suspension time could be reduced. Both the Davis and Stearns bills have the same punishment for use of a banned substance, and both call for testing of the athletes by an independent agency. Stearns' bill was referred to the Subcommittee on Education Reform in May 2005. Davis' bill was referred to the same committee in June 2005.

In addition, Congressman James Sensenbrenner, of Wisconsin, chairman of the House Judiciary Committee, introduced a bill in September 2005 that would establish a Federal Office of Steroids Testing Enforcement and Prevention. The bill would allow the attorney general to fine leagues \$5 million for "failing to meet federal standards, and would make recommendations to Congress to revoke tax and other benefits to leagues that don't comply." In addition to applying to major professional sports leagues, the bill would give the attorney general authority to include college sports as well. This bill was referred to the Subcommittee on 21st Century Competition in November 2005.

Why is the government so interested in regulating what professional athletes put in their bodies?

"Young people look up to professional athletes as role models," Congressman Davis said while addressing Congress. "Our young people will hopefully get the message that using steroids to improve athletic performance is absolutely the wrong way to go. We must continue to focus on the health and future of our children."

Dying to play

That protection came too late for at least three student athletes. Taylor Hooton of Plano, Texas, Rob Garibaldi of Petaluma, California and Efrain Marrero of Vacaville, California have two things in common. All three took steroids to enhance their athletic performances, and all three committed suicide as a result of that steroid use. According to the National Institute on Drug Abuse, using steroids causes aggressiveness and mood swings, among other long-term health concerns, including heart and liver disease. When someone stops taking steroids, he or she can suffer severe depression.

Family members of all three young men testified at the congressional hearings about the manner in which steroid use by

professional athletes influences similar use by the youth who admire them.

"Our children are using the same performance enhancing supplements and drugs as professional athletes," testified Denise Garibaldi, Rob's mother, who is also a licensed psychologist. "Research is showing that at an early age intake of these supplements creates a mind set that prompts steroid use later... youth are not afraid to take the risk of losing their health or lives to emulate their heroes and/or help guarantee a place on a team, a scholarship, physique or competitive edge."

Don Hooton, who, after his son's death, established the Taylor Hooton Foundation for Fighting Steroid Abuse, addressed the baseball players who were in attendance at the congressional hearing. "I'm tired of hearing you tell us that kids should not look up to you as role models," Hooton said. "You are role models whether you like it or not. And parents across America should hold you accountable for behavior that inspires our kids to do things that



put their health at risk and teaches them that the ethics we try to teach them at home somehow don't apply to you."

Of the recent allegations against Bonds, Don Hooton told the *Sacramento Bee*, "We're missing the whole point. What we're talking about [possession of steroids without a prescription] is felonious activity that has been ongoing. The only question anybody should be asking is how many years in prison this guy is going to serve, not whether there should be an asterisk next to his home run total."

New Jersey takes action to protect student athletes

In March 2005, police arrested Eric Makatics, 21, and Vincent Pignatiello, 19, both Pequannock High School graduates on steroid possession charges. Makatics was also charged with intent to distribute, as well as possession of prescription drugs, needles and drug paraphernalia. He was selling to high school students in Pequannock Township. According to police, Makatics had ordered steroids through the Internet.

Richard Garibell, principal of Pequannock Township High School, told *The Star-Ledger* that his school's drug policy includes a five-day suspension for a first offense along with "an aggressive counseling program." After a second offense, the student is kicked off the team, Garibell said. Pequannock High School now orders random drug tests.

In July 2005, former Governor of New Jersey Richard Codey created a task force to study steroid use among New Jersey teenagers. According to *The Trenton Times*, the committee will also "hold public hearings and a statewide summit among education officials and develop a policy for high school athletes." Monsignor Michael E. Kelly, headmaster at Seton Hall Preparatory School, chairs the committee. Peter King, a senior writer at *Sports Illustrated* who lives in Montclair, also serves on the committee along with educators, athletic trainers, coaches, lawyers and doctors.

The task force submitted a 43-page final report to the governor in December 2005. The report's foreword, written by King, cites a University of Michigan research study that reveals steroid use among high school students has been "creeping up" from 2.5 percent in 2000 to four percent in 2002. King also notes that a respected Pennsylvania State University professor estimates that 500,000 high school students across the country are currently using steroids.

"We're one of the most populous states in the union," King wrote. "Some of those kids are ours. Chances are, a lot of them are."

The executive summary of the report indicates that the task force and its five subcommittees made more than 25 recommendations to combat steroid use in New Jersey schools. Some of those suggestions include, enacting legislation making it illegal to sell performance-enhancing supplements to minors, developing a curriculum on steroids for high school health and physical education programs, and conducting random testing for steroid use, which is more expensive than testing for other drugs.

Back to MLB

The start of the 2006 baseball season saw tougher penalties to players who test positive for drugs or steroids. For a first offense, a player testing positive for steroids would receive a 50-game suspension and a second offense would bring a 100-game suspension. If a player tests positive a third time, he would receive a lifetime ban from the sport. The lifetime ban comes with the right to seek reinstatement after two years with arbitration.

In addition to steroids, MLB's tougher policy includes penalties for testing positive for amphetamines, though the penalties are not as severe as for steroids. A first offense for testing positive for amphetamines results in mandatory follow-up testing. For a second violation, a player would receive a 25-game suspension and an 80-game suspension for a third violation. A player could receive a lifetime ban from baseball at the commissioner's discretion for a fourth violation.

Dr. Gary Wadler, a sports medicine doctor and member of the World Anti-Doping Agency, told *The Pioneer Press* that he considers amphetamines "quintessential"

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Foundation school-based programs.



to monitor student education in the public schools, gives the government the right to obtain names, addresses and telephone numbers from schools, but this has gone way beyond that.”

In some cases, according to the National PTA, the military is also obtaining Social Security numbers, email addresses, photographs, birth dates and places, academic interests, lists of sports and other activities, grades and ethnicity in order to identify potential recruits between the ages of 16 and 18. Making matters worse, critics say, is the fact that the database is being developed and managed by a private company, which they say should not be handling personal information.

“It’s a violation of the Privacy Act,” said Barber. “Under the Privacy Act, if a record relates to a particular individual, it can’t be released. And yet that’s exactly what’s happening here.”

Military officials see things differently.

“The database is another tool for recruiters to use to find candidates for military service. In the past, it was all too common for a school district to make student directory information readily available to vendors, prospective employers and post-secondary institutions while intentionally excluding the services,” wrote Air Force Lt. Col. Ellen Krenke, a Pentagon spokesperson, in an email quoted by the *Associated Press*.

Under the No Child Left Behind Act, any school district that receives federal education funds is required to provide military recruiters with requested information and access to students for interviews, or risk losing its funding. Students and their parents have the right to request that their personal information not be provided to the military, but critics worry that some parents may not know about the option.

The American Civil Liberties Union of New Mexico filed a lawsuit against Albuquerque Public Schools in May 2005 for just that reason. The lawsuit accused the school district of failure to adequately notify parents of the right to prohibit schools from sending their child’s contact information to military recruiters.

“It’s important to get notice to parents, in a timely fashion, that their children’s information is being disclosed, in order for parents to be able to respond,” Karen Meyers, a volunteer attorney for the ACLU said in a press statement. “It wouldn’t surprise me if upon learning of this lawsuit many parents will find out for the first time that their children’s contact information is going straight to military recruiters, courtesy of the Albuquerque Public Schools.”

According to the ACLU and other published news reports, the Albuquerque Public Schools placed the notice to “opt-out” on its website and included it in a student handbook. Under a settlement reached by the ACLU and the Albuquerque Public Schools in January 2006, the school district agreed to, among other things, include a form in materials sent home with students that parents can use to request that their child’s information is not shared with military recruiters.

Opting-in

Legislation being considered in the U.S. House of Representatives might make it unnecessary for parents to “opt-out” of sharing information with military recruiters.

In February 2005, Congressman Michael M. Honda of California introduced the Student Privacy Protection Act of 2005. The legislation would protect students’ privacy by requiring that parents or students provide written consent for the release of information to military recruiters. In other words, participants would need to “opt-in” instead of “opt-out” of the information program.

In an editorial published in the *San Jose Mercury News* last May, Honda wrote, “Parents and their children should automatically receive

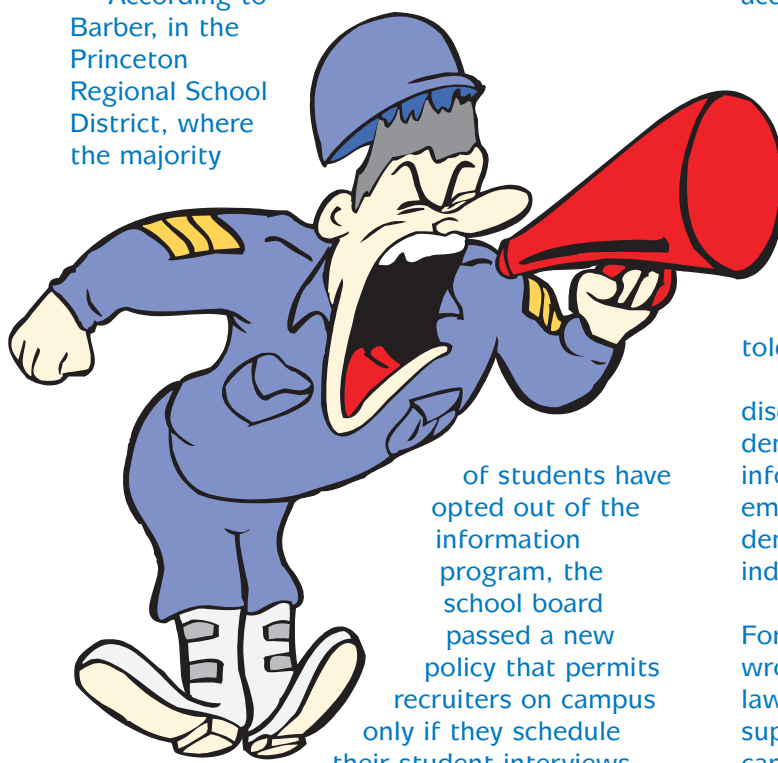
privacy protection for students’ confidential information, and recruiters should have to wait for explicit consent before they have access to these records.”

Honda’s bill, which currently has 75 other cosponsors, was referred to the House Education and the Workforce subcommittee in March 2005. No other action has been taken on the bill.

Two New Jersey schools fight back

While Honda’s proposed law hasn’t been passed by Congress yet, two New Jersey school districts have taken steps on their own to protect student privacy and make sure students are not being pushed into enlisting by on-campus recruiters.

According to Barber, in the Princeton Regional School District, where the majority



of students have opted out of the information program, the school board passed a new policy that permits recruiters on campus only if they schedule their student interviews through a guidance counselor, who must be present at the meeting.

At Montclair High School, Barber said, students formed a group to promote the opt-out policy. This past fall, close to 85 percent of Montclair’s students opted out of the program. Parents now receive notification about the release of information to the military twice a year, and must sign and return the notices before a student can register for classes.

Another lawsuit filed

The New York Civil Liberties Union (NYCLU) filed a federal lawsuit on behalf of six New York high school students on April 24, 2006. The suit claims the Defense Department’s database violates the privacy of millions of high school students across the country.

One of the plaintiffs in the case, a 17-year-old senior at Hunter College High School, told CNN that she received repeated phone calls from military recruiters who obtained her name from the database. Her efforts to have her name removed from the database were unsuccessful, which is when she contacted the NYCLU.

The lawsuit cites a 1982 military recruitment law which states that the military may not collect information on students younger than 17, it cannot store the information for more than three years and the information must remain private. The NYCLU lawsuit claims that the current database contains information on 16-year-olds and that the military is storing the information for five years. In addition, according to the lawsuit, the military is sharing the database with law enforcement and other agencies.

“Our clients don’t wish to join the military,” NYCLU attorney Corey Stoughton told *CNN*. “And they don’t want their genders, ethnicities and social security numbers collected and distributed.”

The law school debate

Law schools are also struggling with questions surrounding military recruitment policies. In December, the Forum for Academic

and Institutional Rights, a coalition of 31 law schools across the country, argued before the U.S. Supreme Court that they should not be required to help recruiters set up on-campus interviews with students, since the military discriminates against openly gay citizens by prohibiting them from joining the service.

Since 1991, law schools have required that potential employers sign a nondiscrimination policy before they can interview students on campus. When some law schools began denying the military on-campus recruiting privileges because their actions went against this policy, the government passed a law called the Solomon Amendment, named after the late Congressman Gerald B.H. Solomon of New York, which says that schools can only deny access to military recruiters if they give up their government funding.

“If they are too good—or too righteous—to treat our nation’s military with the respect it deserves, then they may also be too good to receive the generous level of taxpayer dollars presently enjoyed by many institutions of higher education in America,” Congressman Richard W. Pombo, of California, a sponsor of the amendment, told *The Los Angeles Times*.

Both sides claim their case is based on discrimination. The military says it is being denied access to students and student information that is given to other potential employers. The law schools say they are being denied the right to oppose organizations and individuals who discriminate against others.

In its brief to the U.S. Supreme Court, the Forum for Academic and Institutional Rights, wrote, “The Solomon Amendment forces the law school to violate its own policy and actively support military recruiters who come onto campus to engage in the very discriminatory hiring practices that the law school condemns.”

The Court decides

In March 2006, in a unanimous decision, the U.S. Supreme Court upheld the constitutionality of the Solomon Amendment. While the Third U.S. Circuit Court of Appeals in Philadelphia ruled that the Solomon Amendment “imposed an unconstitutional condition” on federal money received by law schools that required the surrender of their First Amendment right to free speech, the U.S. Supreme Court saw it differently.

Written by Chief Justice John G. Roberts Jr., the **opinion** of the Court states, “As a general matter, the Solomon Amendment regulates conduct, not speech. It affects what law schools must do—afford equal access to military recruiters—not what they may or may not say.”

This means that the law schools are free to reject the military’s anti-gay policies and protest as loud as they would like to, however, they must provide military recruiters with the same access to students as any other company. Lt. Col. Krenke told *The New York Times* that the military generally interviews 2,500 law school students for its Judge Advocate General’s Corps. Of these students, approximately 400 are hired.

“Compelling a law school that sends emails for other recruiters to send one for a military recruiter is simply not the same as forcing a student to pledge allegiance to the flag... or forcing a Jehovah’s Witness to display a particular motto on his license plate,” the Court’s opinion stated. “It trivializes the freedom protected in these cases to suggest that it is.”

Pledging allegiance to the flag and the Jehovah’s Witness case are forms of compelled speech that the Court has struck down in the past. 🗡️

Focus on the Fruit CONTINUED FROM PAGE 1

middle schools will be required to eliminate all soft drinks, candy and other junk food from their vending machines. An Oklahoma junk food bill that takes effect in July 2007 eliminates access to sugary drinks and snacks in elementary schools.

Arizona approved a bill prohibiting sales of junk food during the school day at elementary and middle schools. High schools were excluded from the legislation because legislators were concerned that students would leave school during lunch to make up for the missing junk food. Texas and West Virginia both have bans on junk food for elementary and junior high schools. In fact, *The Los Angeles Times* reported that Texas' law is so tough a "cupcake clarification" had to be added to the legislation, which made exceptions for children's birthdays.

Promoting physical activity is also part of the legislation in many states. *Time* reported that Kentucky students are required to "engage in vigorous physical activity for 30 minutes a day." In addition, next year Kentucky schools will not serve deep-fried foods.

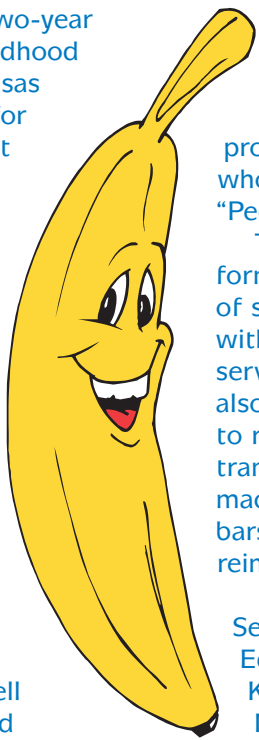
Governor Mike Huckabee of Arkansas, who lost more than 100 pounds over a two-year span, takes a tough approach to childhood obesity. *Time* reported that all Arkansas public school children are screened for body mass index, which is an indirect measure of body fat. Confidential reports are sent home to parents. In addition, *Time* reported that Huckabee has teamed up with former President Bill Clinton in an effort to "halt the rise in childhood obesity by 2010 and reverse it by 2015."

Meanwhile, in June 2005, Connecticut Governor M. Jodi Rell vetoed what would have been the strongest school-based nutrition law in the country. The legislation would have allowed only water, juice and milk to be sold during the school day.

In her veto message, Governor Rell said, "While improving the health and wellness of Connecticut's children is a laudable goal, this bill, in my opinion reaches too far by reducing Connecticut's long and proud tradition of local control of schools."

Critics, however, say that Governor Rell gave in to beverage industry **lobbyists**. *The Connecticut Post* reported that soda companies spent \$250,000 fighting the Connecticut bill. Connecticut's legislation was recently resurrected with a few amendments and Governor Rell, according to *The Connecticut Post*, said she would approve the measure.

Recently, in May 2006, Clinton reached an agreement with Coke, Pepsi and Cadbury Schweppes to eliminate sugary drinks from school vending machines nationwide. The drinks will be replaced with water, fruit juices, low-fat milk and sugar-free soda.



Here in New Jersey

According to data from the Centers for Disease Control and Prevention, since 1990 the percentage of New Jersey's population classified as obese has doubled from 10 to 20 percent. In response, former Governor Richard Codey announced a new policy last June requiring New Jersey school districts to ban soda and junk foods and teach better eating habits. The Model School Nutrition Policy, which covers pre-Kindergarten through high school, goes into effect with the 2007-2008 school year, although schools must adopt a school nutrition policy by September 1, 2006. Schools not accepting the new nutrition guidelines will face the loss of state and federal financing, Kathy Kuser, director of food and nutrition for the New Jersey Department of Agriculture, told *The New York Times*.

According to Jeff Beach, the public information officer for the state Department of Agriculture, public, private and parochial schools in which five percent or more of pupils participate in the federal Child Nutrition Program, which provides reduced-cost meals, would be subject to the policy. Beach said he expects most, if not all, districts to comply.

"Many [school districts] have been proactive in getting things in shape, even those who do not have to comply," Beach said "People think it's a great idea."

The Model School Nutrition Policy bans all forms of candy and beverages listing any form of sugar as a first ingredient. Snacks and drinks with more than eight grams of total fat per serving and two grams of saturated fat would also be banned. In addition, cafeterias will have to restrict the amount of food it serves with trans fats. The policy applies to all vending machines, cafeterias, a la carte lines, snack bars, school stores, fundraisers and the reimbursable After-School Snack Program.

In addition to the former governor's policy, Senator Shirley Turner, chair of the Senate Education Committee, and Senator Ellen Karcher have a junk food bill pending in the New Jersey Legislature. The bill has been amended several times, and is now very similar to the Agriculture Department's Nutrition Rule, according to Beach. The bill passed the Senate by a vote of 34-0 and is currently awaiting Assembly action.

Former Governor Codey made his announcement at South Orange Middle School where many of the new regulations are already in place. The cafeteria at South Orange Middle School has a salad bar that includes fresh fruit and vegetables and the school has also replaced fried side dishes with vegetables.

In a press release issued by the governor's office, Pat Johnson, South Orange Middle School's food service director stated, "People told us that participation in our school lunch program would decrease, but it actually has gone up. If you offer the healthy foods, the kids will eat them."

Not everyone is happy, especially New Jersey kids

What do New Jersey students have to say about the new food policy? Mike May, a 17-year-old student at Highland Park High School told the *Home News Tribune* that even though he eats healthy meals at home he "looks forward to being able to eat what he wants at school." Malcolm Jones, an eighth-grader at South Orange Middle School told *The New York Times*, "They took away French fries, pizza, all the good stuff. A lot of students aren't happy." Chava Vietze, a student at Highland Park High School told the *Home News Tribune*, "People are going to be cutting class not to smoke, but to eat candy."

It's not only the kids who are lamenting the new policy. School officials in many states contend that they need the income generated by junk food sales to support activities such as sports programs.

Frank Belluscio, spokesman for the New Jersey School Boards Association, acknowledged that some teachers report students were "less likely to misbehave and more likely to pay attention in class after having a nutritious meal," however, he told *The New York Times*, "There are some (school districts) that really rely on that extra income."

A national survey, conducted by the Agriculture Department and Centers for Disease Control and Prevention, revealed that of 17 schools that started to offer healthful options to its students, 12 schools increased their revenue, one school marginally lost revenue and the other four schools reported no change.

Not everyone, however, is concerned about the money. Ridgewood Schools Superintendent John Porter is more concerned about focusing time and energy on the basics of learning.

In response to a measure that would allow for pre-paid lunch accounts so that parents can keep tabs on what their children are eating, which was recently signed into law by Governor Jon Corzine, Porter told *The Record of Hackensack*, "We have salad bars at the high school and middle school and we're keeping in touch with what's out there, and that's where the accountability is for us. We have students struggling with reading and math, and that's where we need to put our resources and time."

Federal legislation

Iowa Senator Tom Harkin is pushing for passage of legislation at the federal level that would give the Department of Agriculture the authority to regulate sale of junk food in schools. The bill would also provide schools grant money to offer healthier meals. In addition, according to *Time*, Senator Harkin would like to give the Federal Trade Commission more control over how the food industry advertises to children. *Time* reported that the food industry spends an estimated \$10 billion a year advertising its products to kids.

"This is not just a personal problem," Senator Harkin told *Time*, "it's a public health problem." 🗡️

Playing Ball CONTINUED FROM PAGE 2

performance enhancers and not a drug to be taken lightly.

While players may recognize the need for cracking down on steroid use, some players are complaining about the penalties for amphetamines, which are widely used in baseball as evidenced by tell-all books written by former and current Major League Baseball players such as David Wells, Mike Schmidt, Jim Bouton and Pete Rose. In a sport with few days off and a 162-game season, half of which is played on the road, some players see amphetamines as a necessity to stay sharp.

"Nobody's trying to cheat," Minnesota Twins outfielder Shannon Stewart told *The Pioneer Press*. "They're just trying to stay on the field."

With its tough new drug penalties, Major League Baseball

may have staved off congressional interference for the moment. Critics of the new policies, including Dr. Wadler, who also testified at the congressional hearings, however, say the testing does not go far enough. For instance, human growth hormones cannot be detected with urine samples, only through blood tests. According to *The Christian Science Monitor*, most American sports organizations don't use blood samples because of privacy concerns.

"Theirs is an old and stale argument," Dr. Wadler told *The Christian Science Monitor*. "Blood testing has some issues that were unfounded. But it's routine around the world, and it works."

Until there is some movement on the pending legislation or more congressional hearings, Major League Baseball is free to play ball. 🗡️



arbitration — the hearing of a dispute between two parties with the decision being made by a neutral third party.

lobbyist — a person whose business is to gain the passage or defeat of bills pending before a legislative body.

obesity — the condition of being extremely overweight.

opinion — a document explaining a court's decision.