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# MLB might have hard time penalizing A-Rod, players in latest PED case

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Photo credit: AP | Yankees third baseman Alex Rodriguez stretches his wrist during a workout at the Yankees' minor league complex in Tampa, Fla. (June 5, 2013)

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Major League Baseball may find it difficult to penalize Alex Rodriguez and the nearly two-dozen players linked to Biogenesis, even with ESPN reporting the expected cooperation of the clinic's founder, Anthony Bosch.

The Players Association publicly got involved Wednesday and acknowledged MLB's plans to speak with those players in its ramped-up investigation of Biogenesis, the alleged performance-enhancing drug-distributing clinic. But the union also tried to slow the

rush to judgment after reports that Rodriguez and Ryan Braun of the



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Brewers could face 100-game suspensions in pledging its defense of the alleged PED offenders.

"The commissioner's office has assured us that no decisions regarding discipline have been made or will be made until those interviews are completed," Michael Weiner, the union's executive director, said in a statement. "It would be unfortunate if anyone prejudged those investigations.

"The Players Association has every interest in both defending the rights of players and in defending the integrity of our joint program. We trust that the commissioner's office shares these interests."

MLB officials intend to start interviewing players by the end of this week, according to the ESPN report, and suspensions could potentially be handed down in two weeks. But that's only the beginning, with appeals and lawsuits expected to follow. When Braun tested positive for elevated testosterone in October 2011 and was suspended for 50 games, his appeal -- which ruled in his favor because of chain-of-custody issues with the test -- was not decided until February 2012.

With so many players involved this time, hand-written lists as evidence and a dubious witness in Bosch, this could be a protracted and ultimately pointless exercise for MLB, according to legal experts.

"I think they are on very, very shaky ground," said Don Maurice Jackson, an Alabama-based sports attorney. "By relying on statements without positive tests with someone who obviously has questionable credibility, I think you are really delving into a real serious procedural and substantive due process areas here.

"To credibly suspend a player for 50 or 100 games -- and you don't have a positive test -- under a collective bargaining agreement, I think the answer to that would be no. Simply relying on the credibility of one person saying, 'I supplied to this particular player or these players,' that's not enough."

Telephone messages to Bosch's lawyers Wednesday were not returned, and Berk Communications -- Rodriguez's third public relations firm in six months -- did not release a statement after saying it would do so.

Rodriguez, who continues to rehab from hip surgery, went through about a three-hour workout Wednesday at the Yankees' minor-league facility in Tampa. With a dozen or so autograph seekers lined up outside the complex along with reporters, Rodriguez left in a black Chevy SUV, not making so much as eye contact as he left.

Yankees manager Joe Girardi said he had not talked with Rodriguez since the Bosch news broke Tuesday night.

"I'll continue to assist our players in getting ready any way they can," Girardi said. "He's in Tampa getting ready and that's what we want him to do."

Although Bosch is the central figure of the whole Biogenesis network, his reported deal with MLB -- to drop the lawsuit, pay his legal fees and absolve him from future criminal prosecution -- suggests he may not be very helpful when it comes to building a PED case that sticks.

"I think it would be a mistake to go exclusively with Tony Bosch," said Michael McCann, the founding director of the Sports and Law Institute at the University of New Hampshire. "All of a sudden he's the oracle of truth? There is a disconnect there."

If MLB does choose to suspend players based in part on Bosch's cooperation, any appeal would then be heard by their own handpicked arbitrator. Shyam Das was fired after siding with Braun, so MLB could hold an edge this time around.

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Even then, with careers and millions of dollars at stake, players are likely to pursue civil suits if the appeal doesn't go their way. That would make this bleed into the winter and maybe into the 2014 season, if MLB decides to keep pushing the fight.

"This process could take a while," McCann said, "and it should take a while."

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