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THE MITCHELL REPORT: THE ILLEGAL USE OF STEROIDS IN MAJOR LEAGUE BASEBALL, DAY 2

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

FEBRUARY 13, 2008

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CONTENTS

	Page
Hearing held on February 13, 2008	1
Statement of:	
Clemens, Roger, major league baseball player	20
McNamee, Brian, former major league baseball strength and conditioning coach	78
Letters, statements, etc., submitted for the record by:	
Braley, Hon. Bruce L., a Representative in Congress from the State of Iowa, Report 9 of the Council on Scientific Affairs	141
Clemens, Roger, major league baseball player, prepared statement of	22
Davis, Hon. Tom, a Representative in Congress from the State of Virginia:	
Letter dated February 11, 2008	110
Prepared statement of	17
Lynch, Hon. Stephen F., a Representative in Congress from the State of Massachusetts, followup questions and responses	105
McNamee, Brian, former major league baseball strength and conditioning coach, prepared statement of	81
Waxman, Hon. Henry A., a Representative in Congress from the State of California, prepared statement of	8

THE MITCHELL REPORT: THE ILLEGAL USE OF STEROIDS IN MAJOR LEAGUE BASEBALL, DAY 2

WEDNESDAY, FEBRUARY 13, 2008

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 11:07 a.m., in room 2154, Rayburn House Office Building, Hon. Henry A. Waxman (chairman of the committee) presiding.

Present: Representatives Waxman, Kanjorski, Maloney, Cummings, Kucinich, Davis of Illinois, Tierney, Clay, Watson, Lynch, Higgins, Yarmuth, Braley, Norton, Van Hollen, Hodes, Murphy, Sarbanes, Welch, Davis of Virginia, Burton, Shays, Mica, Souder, Duncan, Turner, Issa, Marchant, Westmoreland, Foxx, Bilbray, Sali, and Jordan.

Also present: Representatives Jackson Lee and Serrano.

Staff present: Phil Schiliro, chief of staff; Phil Barnett, staff director and chief counsel; Kristin Amerling, general counsel; Karen Lightfoot, communications director and senior policy advisor; John Williams and Theo Chuang, deputy chief investigative counsels; Brian Cohen, senior investigator and policy advisor; Michael Gordon, senior investigative counsel; Steve Glickman, counsel; Steve Cha, professional staff member; Earley Green, chief clerk; Teresa Coufal, deputy clerk; Caren Auchman and Ella Hoffman, press assistants; Zhongrui "JR" Deng, chief information officer; Leneal Scott, information systems manager; William Ragland and Miriam Edelman, staff assistants; David Marin, minority staff director; Lawrence Halloran, minority deputy staff director; Jennifer Safavian, chief counsel for oversight and investigations; Keith Ausbrook, general counsel; Steve Castor, minority counsel; Ali Ahmad, minority deputy press secretary; Benjamin Chance and John Ohly, minority professional staff members; Patrick Lyden, minority parliamentarian and member services coordinator; and Brian McNicoll, minority communications director.

Chairman WAXMAN. The committee will please come to order.

Before we begin our hearing, the Chair wants to make some personal statements and statements on behalf of all of our colleagues about the seat that is next to me that is vacant. That seat was occupied by Representative Tom Lantos, who passed away this week.

Those of us who have worked with Tom Lantos over the years know about his deep commitment and compassion, his integrity, and his leadership not only on behalf of his constituents, but the

people of this country and around the world. He was a champion for human rights.

He was a member of this committee, but he was also chairman of the Foreign Affairs Committee. And I think it is appropriate that as a long-time member of this committee and a very esteemed Member of Congress that we recognize him and have a moment of silence. But before I call for that moment of silence, I would like to recognize Mr. Davis.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman.

Having survived unalterable inhumanity, Tom Lantos spent the rest of his life giving voice to the ideals of human rights and freedom. His keen intellect, indomitable spirit, and wry insights left an indelible mark on all that he touched. We are grateful to have known him. He will be missed, but not forgotten. And we take solace in the Hebrew lesson, There are stars whose light only reaches the Earth long after they have fallen apart.

There are people whose remembrance gives light in this world long after they have passed away. Their light shines in our darkest nights on the road we must follow.

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Davis. And if you would all just please remember him in a moment of silence.

[Moment of silence.]

Chairman WAXMAN. This is our second hearing on Senator Mitchell's report on the illegal use of steroids and other performance-enhancing substances by players in Major League Baseball. This hearing is focused on the accuracy of an important section of that report, the section that is based on the information that strength and fitness coach Brian McNamee provided to Senator Mitchell.

This committee has a special connection to the Mitchell Report. In 2005, when Representative Tom Davis was our chairman, the two of us urged Commissioner Selig to investigate baseball's history with performance-enhancing substances. The Commissioner agreed with our suggestion and appointed Senator George Mitchell to lead that effort.

Senator Mitchell's report is impressive and credible. He concluded that the use of performance-enhancing substances was pervasive for more than a decade, and that everyone in baseball—the players, the union, the owners, and the Commissioner—were responsible for the scandal.

Senator Mitchell released his report on December 13th. That same day this committee announced a hearing with Senator Mitchell, Commissioner Selig, baseball player's union leader Don Fehr. We intended for that hearing to close the chapter on looking at baseball's past.

On the same day the Mitchell Report was released, however, Roger Clemens, through his attorney, Rusty Hardin, publicly challenged the accuracy of the section of the report that presented evidence of his use of steroids and human growth hormone. Mr. Hardin later told the committee that the Mitchell Report is a horrible, disgraceful report.

Given the committee's past work and our interest in an accurate record of baseball's steroid era, we have investigated the evidence

in Senator Mitchell's report that relates to Mr. McNamee and the players he identified. Tom Davis and I made this decision reluctantly; we have no interest in making baseball a central part of our committee's agenda. But if the Mitchell Report is to be the last word on baseball's past, we believe we have a responsibility to investigate a serious claim of inaccuracy.

The committee's inquiry and this hearing are focused on the accuracy of the Mitchell Report as it relates to information provided by Brian McNamee. Mr. Davis and I both believe that this narrow focus is important. We have carefully limited our inquiry to the relevant facts regarding Mr. McNamee's interactions with three players he claims to have supplied with these substances.

In the course of this investigation, we have been able to probe more deeply than Senator Mitchell could. Senator Mitchell could only ask for information and had no power to subpoena documents or to insist that individuals talk to him. As the chief investigative committee in the House of Representatives, we have greater authority and have been able to consider evidence that was not available to Senator Mitchell.

I will now summarize some of the information our investigation has uncovered.

Based on the information that Brian McNamee provided Senator Mitchell, he reported that Chuck Knoblauch used human growth hormone in 2001. According to the report, "Beginning during spring training and continuing through the early portion of the season, McNamee injected Knoblauch at least seven to nine times with human growth hormone."

Mr. Knoblauch voluntarily met with the committee on February 1st, and told us that Mr. McNamee was accurate when he told Senator Mitchell that McNamee had injected him with human growth hormone. Mr. Knoblauch also told us about additional injections of human growth hormone that were not reported by Senator Mitchell. Mr. Knoblauch told us that he administered HGH injections to himself in 2002. There is no mention of these injections in Senator Mitchell's report or in any published account.

In a moving part of his deposition, Mr. Knoblauch said, My son was here today, and I am trying not to get emotional about this, but I am trying to teach him a lesson that you need to do things in life that you are going to be willing to talk about openly and to tell the truth. On behalf of the committee, I want to thank Mr. Knoblauch for his cooperation and for his candor in accepting responsibility for his actions.

Based on the information Mr. McNamee provided, Senator Mitchell also reported that Andy Pettitte used human growth hormone. Mr. McNamee has known Mr. Pettitte since 1999, and has worked as his personal fitness coach. According to the Mitchell Report, Mr. McNamee recalled that he injected Pettitte with human growth hormone on two to four occasions in 2002.

Andy Pettitte voluntarily met with the committee for a sworn deposition on February 4th, and told the committee that the information that Mr. McNamee provided to Senator Mitchell was accurate. In addition, Mr. Pettitte told the committee about a second time he used human growth hormone. This occurred in 2004, where

Mr. Pettitte injected himself twice with HGH when he was recovering from an injury.

Mr. Pettitte had never told anyone outside of his family about this incident, but he volunteered it during the deposition because he wanted to provide a complete record to the committee. Mr. Pettitte also provided additional information of particular relevance to this hearing, which I will describe later in my statement.

On behalf of the committee, I want to commend Mr. Pettitte for his cooperation. He found himself in an extremely uncomfortable position, but he did the right thing and told the truth. During his deposition, he was asked how he approached this difficult situation, and he said, "I have to tell you the truth. And 1 day I have to give an account to God and not to nobody else about what I have done in my life. And that is why I have said and shared the stuff that I wouldn't like to share with you all." Mr. Pettitte's consistent honesty makes him a role model on and off the field.

And finally, based on the information that Brian McNamee provided, Senator Mitchell reported that Roger Clemens used human growth hormone and steroids. Brian McNamee told Senator Mitchell that on over 20 occasions he injected Roger Clemens with either human growth hormone or steroids.

All of us from time to time can have memory lapses. If any of us were asked to recall a specific incident or event that occurred 10 years ago, we might get the substance right, but we would be off on some details. I think most of us can relate to that. It is rare, however, to have the situation the committee faces today.

Mr. Clemens and Mr. McNamee have both cooperated fully with us, and both have given us sworn statements. They both insist that they are telling the truth. But their accounts couldn't be more different. They don't disagree on a phone call or one meeting. They disagree on whether, over a period of 4 years, Mr. McNamee repeatedly injected Mr. Clemens with steroids and human growth hormone.

It is impossible to believe that this is a simple misunderstanding. Someone isn't telling the truth. If Mr. McNamee is lying, then he has acted inexcusably and he has made Mr. Clemens an innocent victim. If Mr. Clemens isn't telling the truth, then he has acted shamefully and has smeared Mr. McNamee. I don't think there is anything in between.

After we had completed our depositions, my intent was to cancel this hearing and issue a written report. We have learned a lot about Mr. McNamee's allegations and Mr. Clemens's account, and I thought a bipartisan report setting out the facts with Mr. Davis might be the most effective way to present the results of our investigation.

But others had different views, and I was particularly influenced by the view of Mr. Clemens' attorneys, who thought it would be unfair if the committee issued a report without giving Mr. Clemens the opportunity to testify in public. So I decided to proceed with this hearing, which I expect will be the last hearing this committee will have on baseball's past or the Mitchell Report.

In today's hearing, Mr. McNamee's credibility will be bolstered by the testimony the committee received from Mr. Knoblauch and Mr. Pettitte in their depositions. Mr. McNamee named three play-

ers in the Mitchell Report: Mr. Knoblauch, Mr. Pettitte and Mr. Clemens. None of these players talked with Senator Mitchell, but now two of them have told us under oath that Mr. McNamee told the truth as it related to them.

Senator Mitchell told us in our January 15th hearing that two other factors supported Mr. McNamee's credibility. First, he said that the only penalty Mr. McNamee faced in dealing with Federal prosecutors was perjury, which meant that he faced legal jeopardy only if he lied. And second, Mr. McNamee was being paid by Mr. Clemens in 2007, as he had been paid for many years, and he had an economic interest against implicating the individual who supported his livelihood and was his most prominent client.

On the other hand, the committee learned that Mr. McNamee has twice failed to tell the government investigators the full truth. There was an incident in Florida in 2001 that is not related to the matter before us, but relates to Mr. McNamee's credibility. We are not going to make that incident part of today's hearing, but Mr. Davis and I have prepared a joint statement that will be part of today's record. We are stipulating for the record that Mr. McNamee lied to police officers when they investigated the matter. Mr. McNamee does not dispute that he lied, but told us he did it to protect others. Mr. McNamee was never charged in that case.

Of more direct relevance to this matter, it is clear from our deposition with Mr. McNamee that he didn't tell Federal prosecutors everything he knew. In his deposition, Mr. McNamee acknowledged that he misled prosecutors about the number of injections he gave Mr. Knoblauch and Mr. Clemens. Until last month, he also withheld from the prosecutors physical evidence that he says implicates Mr. Clemens.

Mr. McNamee says he did not tell the full truth because, "I was trying not to hurt the guy. I felt awful for being in the situation I put myself into. There was a feeling of betrayal. I shouldn't have done it. But I didn't want to hurt him as bad as I could."

That is no excuse. It is a serious matter that Mr. McNamee did not tell the investigators the full truth. We need to keep this in mind in evaluating his credibility today.

Mr. Clemens has visited with many committee members personally in the last few days. One point he and his attorneys have made is that it would make no sense for him to testify under oath if he actually used steroids. In judging his credibility, the risk that he takes by testifying today needs to be taken into account.

It is also relevant that Mr. Clemens is a credible and convincing person. I am also aware of the tremendous amount of good that Mr. Clemens has done through the Roger Clemens Foundation—and I thank you for helping so many children—but it is also true that as we moved forward in our investigation, we found conflicts and inconsistencies in Mr. Clemens's account.

During his deposition, he made statements we know are untrue, and he made them with the same earnestness that many of the committee members observed in person when he visited our offices. In other areas, his statements are contradicted by other credible witnesses or simply implausible.

At the beginning of his sworn deposition, Mr. Clemens repeatedly told the committee that he never talked with Brian McNamee

about human growth hormone. We know from his later testimony that these statements were false. Mr. Clemens told the committee that Mr. McNamee injected him with a dangerous pain medication, Lidocaine, in a public area of a team training room. Dr. Ron Taylor, the team doctor, Melvin Craig, the team trainer, both told the committee that this account does not make any sense.

During his interview on 60 Minutes, Mr. Clemens asserted that "Mr. McNamee didn't tell me a word about the Mitchell Report," and he lambasted Mr. McNamee for sending him an e-mail about fishing equipment a week before the release of the report.

Well, these statements were not accurate. Eight days before the release of the Mitchell Report, Mr. McNamee called Mr. Clemens' representatives and told them about the report. Mr. McNamee also allowed Mr. Clemens' investigators to interview him at length about the evidence in the Mitchell Report before the release of the report. We know this happened because those investigators secretly taped the interview.

There is also a direct conflict between Mr. Clemens' testimony and Mr. Pettitte's. During his deposition, Mr. Pettitte told the committee that in 1999 or 2000, Mr. Clemens, "told me he had taken HGH." During his deposition, Mr. Pettitte was asked whether he had any doubt about that recollection and he said, "I mean no. He told me that." Mr. Clemens said this conversation never took place.

Mr. Pettitte also said he had a second conversation with Mr. Clemens about HGH in 2005. This conversation took place after the committee's hearings on steroids in baseball, when Mr. Pettitte asked Mr. Clemens what he would say about the HGH use, if asked. According to Mr. Pettitte, Mr. Clemens said, "I never told you that. I told you that Debbie used HGH." Debbie Clemens is Mr. Clemens' wife.

Well, we learned through our depositions of Mr. Clemens and Mr. McNamee that Mr. Clemens did inject—Mr. McNamee did inject Mr. Clemens' wife with HGH.

Mr. Clemens and Mr. McNamee gave completely different accounts of this injection. Mr. Clemens says that Mr. McNamee injected Mrs. Clemens without his knowledge. Mr. McNamee says that Mr. Clemens asked him to inject Mrs. Clemens. What they do agree upon, however, is that these injections occurred in 2003. That makes it impossible that Mr. Clemens, when he spoke to Mr. Pettitte in 1999 or 2000 could have been referring to these injections of Mrs. Clemens.

Mr. Pettitte also told the committee that he talked about both of these conversations with his wife. Because of the relevance of this evidence to the committee's investigation, the committee asked Mr. Pettitte and his wife to submit affidavits to the committee. And this is an excerpt of what Mr. Pettitte wrote:

> In 1999 or 2000, I had a conversation with Roger Clemens in which Roger told me he had taken human growth hormone. This conversation occurred at his gym in Memorial, Texas. He did not tell me when he got the HGH or from whom, but he did tell me that it helped the body recover. I told my wife Laura about the conversation with Roger soon after it happened.
>
> In 2005, around the time of the congressional hearing into the use of performance-enhancing drugs in baseball, I had a conversation with Roger Clemens in Kissimmee, Florida. I asked him what he would say if asked by reporters if he ever used performance-enhancing drugs. When he asked

> what I meant, I reminded him that he told me that he had used HGH. Roger responded by telling me that I must have misunderstood him. He claimed that it was his wife Debbie who used HGH.
>
> I said, "OK—oh, OK," or words to that effect, not because I agreed, but because I wasn't going to argue with him. Shortly after that I told my wife Laura about this second conversation with Roger about HGH and his comment about his wife.

That is what Mr. Pettitte told us in his affidavit; and this is what his wife, Mrs. Pettitte wrote:

> In 1999 or 2000, Andy told me he had a conversation with Roger Clemens in which Roger admitted to him using human growth hormone. A few years later, I believe in 2005, Andy again told me of a conversation with Roger Clemens about HGH. Andy told me that he had been thinking that if a reporter asked him, he would tell the reporter of his own use of HGH in 2002. He said that he told Roger Clemens this and asked Roger what he would say if asked.
>
> Andy told me that in this 2005 conversation Roger denied using HGH, and told Andy that Andy was mistaken about their earliest conversation. According to Andy, Roger said that it was his wife Debbie who used HGH.

Well, we will sort through all of this today. I suspect we will find inconsistencies in both Mr. Clemens' and Mr. McNamee's accounts, and each Member will have to reach his or her own conclusions. These conclusions should not be based on whether we like or dislike Mr. McNamee or like or dislike Mr. Clemens; our conclusions must be on the facts.

During the course of our investigation, we have acquired a considerable amount of relevant evidence. We have taken the depositions of Mr. Clemens, Mr. Pettitte, Mr. McNamee. We have conducted transcribed interviews of Mr. Knoblauch, several team trainers and doctors, and Jim Murray, a representative of Mr. Clemens.

We have received e-mails, communications and transcripts of tape recordings. We have also received affidavits and declarations from several witnesses. Ranking Member Davis and I have agreed to make this evidence part of the hearing record, with appropriate redactions to protect personal privacy.

I know, given the nature of this hearing, that our witnesses have strong feelings, and I suspect that some committee members may share these. I want to caution both the witnesses and the Members, the Chair will not tolerate any outbursts or defamatory comments at this hearing. This is an unusual hearing, but we have tried to be as fair as we can throughout this investigation; and I am determined that this hearing will also be conducted in the fairest way possible for everyone.

I would now like to recognize Tom Davis for his opening statement.

[The prepared statement of Hon. Henry A. Waxman follows:]

HENRY A. WAXMAN, CALIFORNIA,
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Opening Statement of Rep. Henry A. Waxman
Committee on Oversight and Government Reform
The Mitchell Report: The Illegal Use of Steroids in Major League Baseball, Day 2
February 13, 2008

Good morning. This is our second hearing on Senator Mitchell's report on the illegal use of steroids and other performance-enhancing substances by players in Major League Baseball.

This hearing is focused on the accuracy of an important section of the report: the section that is based on the information that strength and fitness coach Brian McNamee provided to Senator Mitchell.

This Committee has a special connection to the Mitchell report. In 2005, when Tom Davis was our Chairman, we urged Commissioner Selig to investigate baseball's history with performance-enhancing substances. The Commissioner agreed with our suggestion and appointed Senator George Mitchell to lead that effort.

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On the same day the Mitchell report was released, however, Roger Clemens, through his attorney Rusty Hardin, publicly challenged the accuracy of the section of the report that presented evidence of his use of steroids and human growth hormone. Mr. Hardin later told the Committee that the Mitchell report is "a horrible, disgraceful report."

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The Committee's inquiry and this hearing are focused on the accuracy of the Mitchell report as it relates to information provided by Brian McNamee. Mr. Davis and I both believe that this narrow focus is important. We have carefully limited our inquiry to the relevant facts regarding Mr. McNamee's interactions with the three players he claims to have supplied with these substances.

In the course of this investigation, we have been able to probe more deeply than Senator Mitchell could. Senator Mitchell could only ask for information and had no power to subpoena documents or to insist that individuals talk to him. As the chief investigative committee in the House of Representatives, we have greater authority and have been able to consider evidence that was not available to Senator Mitchell.

I will now summarize some of the information our investigation has uncovered.

Based on the information that Brian McNamee provided, Senator Mitchell reported that Chuck Knoblauch used human growth hormone in 2001. According to the report: "Beginning during spring training and continuing through the early portion of the season, McNamee injected Knoblauch at least seven to nine times with human growth hormone."

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Mr. Knoblauch also told us about additional injections of human growth hormone that were not reported by Senator Mitchell. Mr. Knoblauch told us that he administered HGH injections to himself in 2002. There is no mention of these injections in Senator Mitchell's report or in any published account.

In a moving part of his deposition, Mr. Knoblauch said:

> [M]y son was here today. And I am trying not to get emotional about this, but … I am trying to teach him a lesson that you need to do things in life that you are going to be willing to talk about openly and to tell the truth.

On behalf of the Committee, I want to thank Mr. Knoblauch for his cooperation and for his candor in accepting responsibility for his actions.

Based on the information Brian McNamee provided, Senator Mitchell also reported that Andy Pettitte used human growth hormone. Mr. McNamee has known Mr. Pettitte since 1999 and has worked as his personal fitness coach. According to the Mitchell report, "McNamee recalled that he injected Pettitte with human growth hormone … on two to four occasions" in 2002.

Andy Pettitte voluntarily met with the Committee for a sworn deposition on February 4 and told the Committee that the information that Mr. McNamee provided to Senator Mitchell was accurate.

In addition, Mr. Pettitte told the Committee about a second time he used human growth hormone. This occurred in 2004, when Mr. Pettitte injected himself twice with HGH when he was recovering from an injury. Mr. Pettitte had never told anyone outside of his family about this incident. But he volunteered it during the deposition because he wanted to provide a complete record to the Committee.

Mr. Pettitte also provided additional information of particular relevance to this hearing, which I will describe later in my statement.

On behalf of the Committee, I want to commend Mr. Pettitte for his cooperation. He found himself in an extremely uncomfortable position but he did the right thing and told the truth. During his deposition, he was asked how he approached this difficult situation. He said:

> I have to tell you all the truth. ... And one day I have to give an account to God and not to nobody else of what I've done in my life. And that's why I've said and shared the stuff ... that I wouldn't like to share with y'all.

Mr. Pettitte's consistent honesty makes him a role model on and off the field.

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It's rare, however, to have the situation the Committee faces today. Mr. Clemens and Mr. McNamee have both cooperated fully with us and both have given sworn statements. They both insist they are telling the truth. But their accounts couldn't be more different.

They don't disagree on a phone call or one meeting. They disagree whether over a period of four years Mr. McNamee repeatedly injected Mr. Clemens with steroids and human growth hormone. It's impossible to believe this is a simple misunderstanding. Someone isn't telling the truth.

If Mr. McNamee is lying, then he has acted inexcusably and made Mr. Clemens an innocent victim. If Mr. Clemens isn't telling the truth, then he has acted shamefully and unconscionably smeared Mr. McNamee. I don't think there's anything in between.

After we had completed our depositions, my instinct was to cancel this hearing and issue a written report. We have learned a lot about Mr. McNamee's allegations and Mr. Clemens' account, and I thought a bipartisan report with Mr. Davis might be the most effective way to present the results of our investigation. But others had different views. I was particularly influenced by the view of Mr. Clemens' attorneys, who thought it would be unfair if the Committee issued a report without giving Mr. Clemens the opportunity to testify in public.

So I decided to proceed with this hearing, which I expect will be the last hearing this Committee will have on baseball's past or the Mitchell report.

In today's hearing, Mr. McNamee's credibility will be bolstered by the testimony the Committee received from Mr. Knoblauch and Mr. Pettitte in their depositions. Mr. McNamee named three players in the Mitchell report: Mr. Knoblauch, Mr. Pettitte, and Mr. Clemens. None of those players talked with Senator Mitchell. But now two of them have told us under oath that Mr. McNamee told the truth as it related to them.

Senator Mitchell told us in our January 15 hearing that two other factors supported Mr. McNamee's credibility. First, he said that the only penalty Mr. McNamee faced in dealing with federal prosecutors was perjury, which meant that he faced legal jeopardy only if he lied. Second, Mr. McNamee was being paid by Mr. Clemens in 2007, as he had been paid for many years, and he had an economic interest against implicating the individual who supported his livelihood and was his most prominent client.

Federal criminal investigators have also concluded that Mr. McNamee is credible.

On the other hand, the Committee has learned that Mr. McNamee has twice failed to tell government investigators the full truth.

There was an incident in Florida in 2001 that is not related to the matter before us but relates to Mr. McNamee's credibility. We are not going to make that incident part of today's hearing, but Mr. Davis and I have prepared a joint statement that will be part of today's record.

We are stipulating for the record that Mr. McNamee lied to police officers when they investigated the matter. Mr. McNamee does not dispute he lied, but told us he did it to protect others. Mr. McNamee was never charged in the case.

Of more direct relevance to this matter, it is clear from our deposition with Mr. McNamee that he didn't tell federal prosecutors everything he knew. In his deposition, Mr. McNamee acknowledged that he misled prosecutors about the number of injections he gave Mr. Knoblauch and Mr. Clemens.

Until last month, he also withheld from the prosecutors physical evidence that he says implicates Mr. Clemens.

Mr. McNamee says he did not tell the full truth because — and I quote:

> I was trying not to hurt the guy. I felt awful for being in the situation I put myself into. ... [T]here was a feeling of betrayal. ... I shouldn't have done [it]. ... [B]ut I didn't want to hurt him as bad as I could.

That is no excuse. It is a serious matter that Mr. McNamee did not tell investigators the full truth. We need to keep this fact in mind in evaluating his credibility today.

Mr. Clemens has visited with many Committee members personally in the last few days. One point he and his attorneys have made is that it would make no sense for him to testify under oath if he actually used steroids. In judging his credibility, the risk that he takes by testifying today needs to be taken into account.

It is also relevant that Mr. Clemens is credible and convincing in person. I'm also aware of the tremendous amount of good that Mr. Clemens has done through the Roger Clemens Foundation and I thank you for helping so many children.

But it is also true that as we've moved forward in our investigation, we have found conflicts and inconsistencies in Mr. Clemens' account. During his deposition, he made statements that we know are untrue. And he made them with the same earnestness that many of the Committee members observed in person when he visited your offices.

In other areas, his statements are contradicted by other credible witnesses or are simply implausible.

At the beginning of his sworn deposition, Mr. Clemens repeatedly told the Committee that he never talked with Brian McNamee about human growth hormone. We know from his later testimony that these statements were false.

Mr. Clemens told the Committee that Mr. McNamee injected him with a dangerous pain medication, Lidocaine, in a public area of a team training room. Dr. Ron Taylor, the team doctor, and Melvin Craig, the team trainer, both told the Committee that this account "does not make any sense."

During his interview on 60 Minutes, Mr. Clemens asserted that Mr. McNamee "didn't tell me a word" about the Mitchell report, and he lambasted Mr. McNamee for sending him an e-mail about fishing equipment a week before the release of the report. These statements were not accurate.

Eight days before the release of the Mitchell report, Mr. McNamee called Mr. Clemens' representatives and told them about the report. Mr. McNamee also allowed Mr. Clemens' investigators to interview him at length about the evidence in the Mitchell report before the release of the report. We know this happened because the investigators secretly taped the interview.

There is also a direct conflict between Mr. Clemens' testimony and Mr. Pettitte's. During his deposition, Mr. Pettitte told the Committee that in 1999 or 2000, Mr. Clemens "told me that he had taken HGH."

During his deposition, Mr. Pettitte was asked whether he had any doubt about that recollection, and he said: "I mean, no. … [H]e told me that."

Mr. Clemens says this conversation never happened.

Mr. Pettitte also says he had a second conversation with Mr. Clemens about HGH in 2005. This conversation took place after the Committee's hearings on steroids in baseball, when Mr. Pettitte asked Mr. Clemens what he would say about his HGH use if asked. According to Mr. Pettitte, Mr. Clemens said: "I never told you that. … I told you that Debbie used HGH." Debbie Clemens is Mr. Clemens' wife.

We learned through our depositions of Mr. Clemens and Mr. McNamee that Mr. McNamee did inject Mr. Clemens' wife with HGH. Mr. Clemens and Mr. McNamee give completely different accounts of this injection. Mr. Clemens says that Mr. McNamee injected Mrs. Clemens without his knowledge. Mr. McNamee says that Mr. Clemens asked him to inject Mrs. Clemens.

What they do agree upon, however, is that these injections occurred in 2003. That makes it impossible that Mr. Clemens, when he spoke to Mr. Pettitte in 1999 or 2000, could have been referring to the injections of Mrs. Clemens.

Mr. Pettitte also told the Committee that he talked about both of these conversations with his wife.

Because of the relevance of this evidence to the Committee's investigation, the Committee asked Mr. Pettitte and his wife to submit affidavits to the Committee. This is an excerpt of what Mr. Pettitte wrote:

> In 1999 or 2000, I had a conversation with Roger Clemens in which Roger told me that he had taken human growth hormone. This conversation occurred at his gym in Memorial, Texas. He did not tell me where he got the HGH or from whom, but he did tell me that it helped the body recover.
>
> I told my wife, Laura, about the conversation with Roger soon after it happened.
>
> In 2005, around the time of the congressional hearings into the use of performance enhancing drugs in baseball, I had a conversation with Roger Clemens in Kissimmee, Florida. I asked him what he would say if asked by reporters if he ever used performance enhancing drugs. When he asked what I meant, I reminded him that he had told me that he had used HGH.

Roger responded by telling me that I must have misunderstood him; he claimed that it was his wife, Debbie, who used HGH.

I said, "Oh, okay," or words to that effect, not because I agreed, but because I wasn't going to argue with him.

Shortly after, I told my wife, Laura, about this second conversation with Roger about HGH and his comment about his wife.

And this is what his wife, Mrs. Pettitte, wrote:

In 1999 or 2000, Andy told me that he had had a conversation with Roger Clemens in which Roger admitted to him using human growth hormone.

A few years later, I believe in 2005, Andy again told me of a conversation with Roger Clemens about HGH. Andy told me that he had been thinking that if a reporter asked him, he would tell the reporter of his own use of HGH in 2002. He said that he told Roger Clemens this and asked Roger what he would say if asked.

Andy told me that in this 2005 conversation, Roger denied using HGH and told Andy that Andy was mistaken about their earlier conversation. According to Andy, Roger said that it was his wife, Debbie, who used HGH.

We will sort through all of this today. I suspect we will find inconsistencies in both Mr. Clemens' and Mr. McNamee's accounts. And each member will have to reach his or her own conclusions. These conclusions should not be based on whether we like or dislike Mr. McNamee or like or dislike Mr. Clemens. Our conclusions must be based on the facts.

During the course of our investigation, we have acquired a considerable amount of relevant evidence. We have taken the depositions of Mr. Clemens, Mr. Pettitte, and Mr. McNamee. We have conducted transcribed interviews of Mr. Knoblauch, several team trainers and doctors, and Jim Murray, a representative of Mr. Clemens. We have received e-mails, communications, and transcripts of tape recordings. We have also received affidavits and declarations from several witnesses. Ranking Member Davis and I have agreed to make this evidence part of the hearing record, with appropriate redactions to protect personal privacy.

I know given the nature of this hearing that our witnesses have strong feelings. And I suspect that some Committee members may share these. I want to caution both the witnesses and the members: the Chair will not tolerate any outbursts or defamatory comments at this hearing. This is an unusual hearing. But we have tried to be as fair as we can throughout this investigation and I am determined that this hearing will also be conducted in the fairest way possible to everyone.

I will now recognize Tom Davis for his opening remarks.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. I just heard the bells ring. Let me ask, we may be interrupted frequently today with votes. I think there is some chaos on the floor, which isn't uncommon. I am willing to sit through the hearing if you are——

Chairman WAXMAN. Yes.

Mr. DAVIS OF VIRGINIA [continuing]. And pair each other on motions to adjourn and dilatory motions, if that would be OK with the chairman.

The Members——

Chairman WAXMAN. The two of us will pass up those votes that are procedural. Members will use their own judgment and guidance as to whether they will join us in missing those votes. But the hearing will continue.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. Thank you for holding this hearing today. And thank you for reminding us all why we are here today.

It gives me no joy to have joined you in calling this hearing. We were faced with an unenviable choice: Allow a strenuous challenge to the Mitchell Report to stand without review, or open ourselves up to criticism that we are grandstanding, that we are acting like self-appointed prosecutors trying the claims of that report.

In the end, we decided we had a duty to probe the challenge, that we needed to help determine whether the Mitchell Report, with its 409-page sordid picture of back-room drug deals and players injecting each other with illegal substances right in their locker rooms, whether that report could and should still stand as proof positive that baseball's efforts to combat illegal drug use needs a fresh look.

Our hearing yesterday was a helpful reminder of the importance of our work. We learned how those attempting to sell HGH are scamming consumers and breaking the law. We learned of the terrible risks associated with unapproved use. We learned yet again of the dangerous and phony messages being sent to young athletes that there are magic pills and wonder drugs that can grease their path to the Hall of Fame.

So while today's hearing may be awkward and joyless, we know why we are here. We are here to again try to disrupt and discredit the crass messages aimed at our children.

We can't be arbitrators of credibility, at least not this soon after gathering evidence. We can't be lured into attaching a coefficient of credibility to different witnesses. We can only collect facts and present them as completely and dispassionately as possible.

Today, we will let the American people judge who is to be believed in this unfortunate battle of wills, memories and reputations.

Coming into today's hearing, we have before us two very different stories. They are in many ways incompatible. Someone's lying in spectacular fashion about the ultimate question. But we have not prejudged, nor should anyone coming in today prejudge. Let's listen to the witnesses. Let's probe disparities and contradictions. Let's remain fair and objective. And then let's decide whether anything we have learned leaves the Mitchell Report in a less glowing light than it has thus far enjoyed.

As we did in January, we want to commend Senator Mitchell for his work. He was saddled with a daunting task and list of obsta-

cles: no subpoena power, little cooperation from players and only tepid enthusiasm among owners more concerned with filling seats than protecting public health. He produced a sober, evenhanded document whose factual assertions, with little exception, have remained unchallenged.

Today, we offer a stage to the primary, most vocal challenger. What better way to examine the strength of the Mitchell Report than to offer someone of Roger Clemens' stature the chance to tell his story and have that story, in turn, examined as well. Mr. Clemens, because of the scrutiny he has received, because of his accomplishments and profile, because of the good work his foundation has done for many years, deserves this opportunity.

And so does his former friend, trainer, and now accuser, Brian McNamee.

At our first hearing, on January 15th, we learned from Senator Mitchell that players were required to consent to an interview before seeing the evidence against them; and they couldn't simply appear, review the evidence and leave if they concluded they had nothing further to say.

It is not hard to imagine why players like Roger Clemens might have opted to remain mum under this scenario. Today is his chance to speak free of these constraints, yet under oath and before a multitude of interested observers.

We will ask our witnesses about the contradictions, open threads and mysteries we have uncovered through interviews, depositions, and document review. We will find out if witnesses are sticking to their stories. We will probably discover that some lines of inquiry are red herrings. We will undoubtedly learn things that are new to us. And perhaps we will end up as confused and as uncertain as ever.

But reaching consensus on whether the Mitchell Report is now sullied does not require us to reach firm conclusions or judgments on the veracity of our witnesses today. Factual resolution, whether through exoneration or heightened skepticism, need not be our goal.

Today's testimony and questioning may not be tidy. Our hearing may not end up wrapped in a neat package and may not fit the story line anticipated by many and hoped for by some. That is OK. I think we will have heard and learned enough to soon conclude whether we can return to the process of implementing the best of Senator Mitchell's recommendations.

This is not a court of law. The guilt or innocence of the players accused in this report and of the accusers is not our concern. Our focus is, and has been, on Senator Mitchell's recommendations more than his findings. We are here to save lives, not ruin careers. Why? Because the health of young athletes across the country is at stake, and we don't hesitate to defend their interests, even if the process isn't always pretty.

Thank you.

[The prepared statement of Hon. Tom Davis follows:]

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

ONE HUNDRED TENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
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Opening Statement of Ranking Member Tom Davis
Oversight and Government Reform Committee hearing:
"The Mitchell Report: The Illegal Use of Steroids in Major League Baseball, Day 2"
Wednesday, February 13, 2008

Thank you, Mr. Chairman, for holding this hearing. And thank you for reminding us all why we're here today.

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Why? Because the health of young athletes across the country is at stake, and we won't hesitate to defend their interests, even if the process isn't pretty.

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Chairman WAXMAN. Thank you very much, Mr. Davis.

By agreement, we will proceed without objection in questioning in the following way after the witnesses have presented their testimony: one 15-minute round for both the majority and minority, controlled by the chairman and the ranking member; two 10-minute rounds for both the majority and the minority, controlled by the chairman and the ranking member.

Gentlemen, we welcome you to our hearing today. We appreciate your being here.

It is the practice of this committee that all witnesses that testify before us testify under oath. So the Chair would like to ask the three of you to please stand and raise your right hands.

[witnesses sworn.]

Chairman WAXMAN. The Chair will note for the record that each of the witnesses answered in the affirmative.

There are only two of you who will be making opening statements. Mr. Scheeler is here to answer questions. We will give each of the witnesses adequate time to make their presentation.

And we would like to start with you, Mr. Clemens. There is a button on the base of the mic. Be sure it is on and be sure it is close enough to you so that we can hear everything you have to say.

STATEMENT OF ROGER CLEMENS, MAJOR LEAGUE BASEBALL PLAYER

Mr. CLEMENS. Thank you, Mr. Chairman.

First, I would like to express my sympathy to the committee on the passing of Chairman Lantos, a man, I understand, with a remarkable personal history, and a man who served this country with great distinction. My condolences go out to his family and to all of you.

Thank you for allowing me to tell you a little bit about myself and how I have conducted my professional career over the past 25 years.

I have always believed that hard work and determination were the only ways to be successful and to reach goals. Shortcuts were not an option. This was instilled in me since I was a young boy by my mother and by my grandmother.

Over the course of my career, I have had the opportunity to work with many trainers, chiropractors, physical therapists, and other professionals to try and educate myself and to use what knowledge they had to keep my body in the best shape it could possibly be.

I met Brian McNamee while playing with the Toronto Blue Jays in 1998. I trusted him, put faith in him, brought him around my family and my children. I treated him just like I have done everyone else I have met in my life, like family.

I am a positive person, and I enjoy doing things for others. I am not just a ballplayer. I am a human being. Baseball is what I do; it is not who I am. I played the game because of my love and respect for it. I have devoted my life to it, and pride myself as an example for kids, my own as well as others. I have always tried to help anyone who crossed my path that was in need.

To that end, here we are now with me being accused of steroids and cheating the game of baseball. If I am guilty of anything, it

is of being too trusting of everyone, wanting to see the best in everyone, being too nice to everyone. If I am considered to be ignorant because of that, then so be it.

I have chosen to live my life with a positive attitude, yet I am accused of being a criminal, and I am not supposed to be angry about that. If I keep my emotions in check, then I am accused of not caring. When I did speak out, I was accused of protesting too much, so I am guilty. When I kept quiet at the advice of my attorney, until he could find out why in the world I was being accused of these things, I must have had something to hide, so I am guilty.

People who make false accusations should not be allowed to define another person's life.

I have freely, without question, shared my talents God gave me with children, young and old, and I will continue to do so. I have been blessed with a will and a heart that carries me on in life. I have had thousands of calls, e-mails from friends, working partners, teammates, fans, and men that have held the highest office in our country telling me to stand strong. These words were welcomed during some very tough times for my family and me.

Do I think steroids are good for helping someone's performance? No. In fact, I think they are detrimental. These types of drugs should play no role in the game of baseball and athletics at any level.

Should there be more extensive testing? Yes. I think whatever is necessary for everyone involved to satisfy themselves that it is not going on should be done. I have been accused of something I am not guilty of. How do you prove a negative?

No matter what we discuss here today, I am never going to have my name restored, but I have to try and set the record straight. However, by doing so, I am putting myself out there to all of you, knowing that because I said that I didn't take steroids that this is looked as an attack on Senator Mitchell's report. Where am I to go with that?

I am not saying Senator Mitchell's report is entirely wrong. I am saying Brian McNamee's statements about me are wrong.

Let me be clear. I have never taken steroids or HGH. Thank you.

Chairman WAXMAN. Thank you very much, Mr. Clemens.

[The prepared statement of Mr. Clemens follows:]

BEFORE THE UNITED STATES HOUSE OF
REPRESENTATIVES COMMITTEE ON
OVERSIGHT AND GOVERNMENT REFORM

STATEMENT OF
WILLIAM ROGER CLEMENS

FEBRUARY 13, 2008

Chairman Waxman and Members of the Committee:

Thank you for inviting me to be here today. Before I begin, I would like to express my sincere condolences to the family and friends of Representative Tom Lantos. I did not know Congressman Lantos, but I have learned about him in preparation for my appearance before this Committee. I understand that he was a Holocaust survivor and that he lived a life full of courage, conviction and accomplishment. I know that his passing is a heartfelt loss to this Committee and our country.

I appreciate the opportunity to tell this Committee and the public—under oath—what I have been saying all along: I have never used steroids, human growth hormone, or any other type of illegal performance enhancing drugs. I think these types of drugs should play no role in athletics at any level, and I fully support Senator Mitchell's conclusions that steroids have no place in baseball. However, I take great issue with the report's allegation that I used these substances. Let me be clear again: I did not.

I have tried to model my baseball career, and indeed my entire life, on the premise that "your body is your temple." The suggestion that I would use steroids or other illegal drugs is totally incompatible with who I am and what I stand for. I have

worked hard to succeed at every level. I have given speeches to young people all over the country about the dangers of taking shortcuts to reach your goals. Steroids are a dangerous shortcut. I have made no secret about my feelings on this subject, and I practice what I preach.

I would like to tell you a little bit about myself. I was not born with a silver spoon in my mouth. My step-father died when I was a young boy. I was raised by a hard-working mother and grandmother who took care of and provided for six children. My mother was a wonderful woman who sacrificed her own needs for the needs of her children. My mother worked several jobs to make sure that I always had new sporting equipment, even though she often went without new clothes. My mother insisted that I attend college, despite that fact that professional baseball teams approached me after high school.

My mother nurtured my interest in sports, including baseball, from a very young age. She taught me through her example that hard work and determination were the only ways to be successful and reach goals. Shortcuts were never an option. It probably comes as no surprise that I firmly believe that much of what I have accomplished would not have been possible without the valuable lessons instilled in me by my mother and grandmother.

I have not gotten to where I am today by accident. My hard work and dedication were instrumental to me achieving many career goals. The awards, accomplishments, and milestones I have achieved during my career have been fully documented by the media and I will not repeat them here. I will say, however, that none of these

accomplishments came easily and none of them came in a bottle of steroids or human growth hormone.

I cherish my major league baseball experience, but I have always said that baseball is what I do; it is not who I am. Anyone who has spent time around me knows that my family is and has always been my top priority. My wife, Debbie, and my sons—Koby, Kory, Kacy, and Kody—mean more to me than anything in this world. Having said that, baseball has definitely provided me with significant opportunities off the field.

I have had the privilege and honor to visit our troops in Kuwait, Qatar, and Afghanistan and salute them as our nation's true role models. Through the work of my foundation, I have had many chances to influence special needs youngsters. I have had many chances to influence young athletes who have just begun to experience the value and challenges of working with a team to achieve a common goal. These experiences mean as much to me, if not more, than anything I ever accomplished on the field.

Over the course of my career, I have had the opportunity to work with many trainers, chiropractors, physical therapists and other professionals to try to educate myself and to use the knowledge they had to keep my body in the best shape it could possibly be. Brian McNamee was one of the many people I met and worked with during my career.

I met McNamee while playing for the Toronto Blue Jays in 1998. I trusted him, put my faith in him, and brought him around my family and my children. I treated him just like I have done others I have met in my life; like family. There were times over the years in which I wondered about what kind of person he was and what he was doing

when he was not around me. I questioned McNamee about these things, and at the end of the day, I was willing to take him at his word and give him the benefit of the doubt. McNamee was good at what he did—helping me exercise, diet, and stay in shape. We shared an interest in grueling, military-style workouts, but I never asked him nor did he ever give me steroids or human growth hormone. I had no idea that this man would exploit the trust I gave him to try to save his own skin by making up lies that have devastated me and my family.

I am a positive person and enjoy doing things for others. I am not just a ballplayer; I am a human being. As I said before, baseball is what I do; it is not who I am. I played the game because of my love and respect for it, and I pride myself as an example for kids, my own as well as others. I have always tried to help anyone who crossed my path who was in need.

But here we are now, with me being accused of using steroids and cheating the game of baseball. If I am guilty of anything, it is of being too trusting of others; wanting to see the best in everyone; and being nice to everyone. If I am considered to be ignorant because of that, then so be it.

I have chosen to live my life with a positive attitude. Yet I am accused of being a criminal and I am not supposed to be angry about that?

If I keep my emotions in check, then I am accused of not caring.

When I kept quiet at the advice of my attorney until he could find out why in the world I was being accused of these things, I was accused of having something to hide, so I am guilty.

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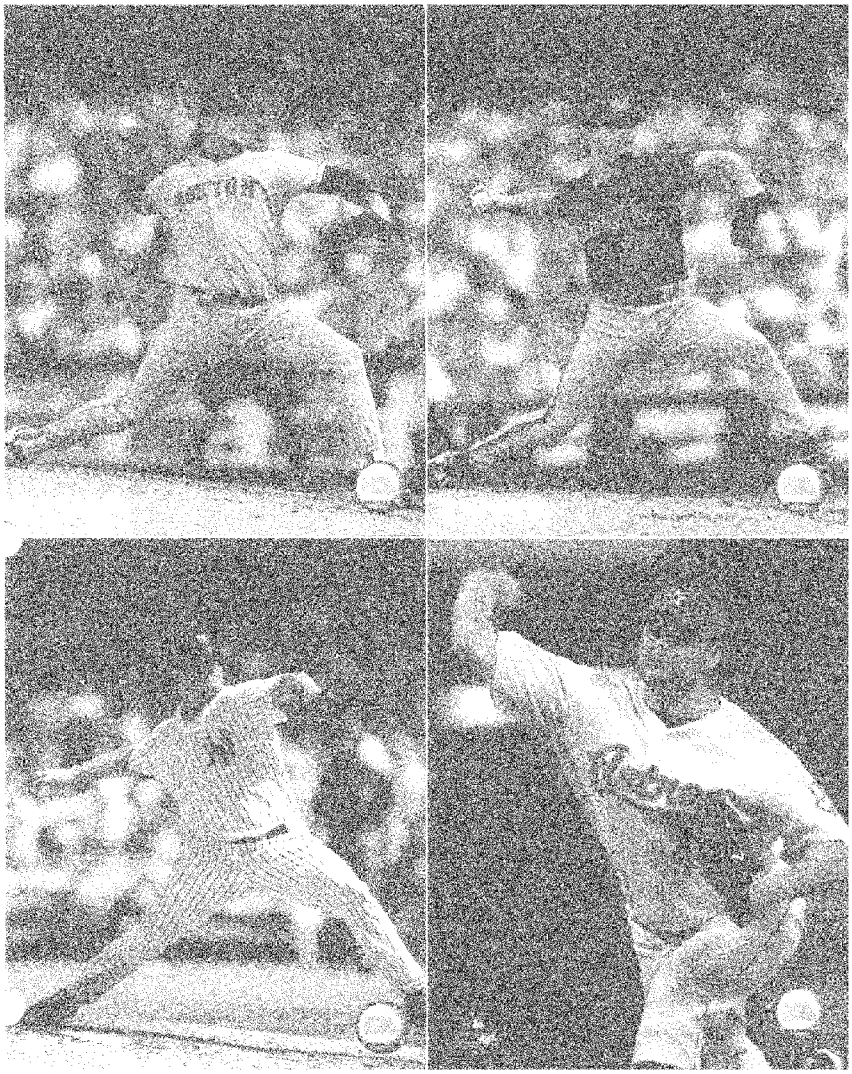
People who make false accusations should not be allowed to define another person's life. I have freely and without question shared the talents God gave me with children, young and old, and will continue to do so. I have been blessed with a will and heart that carry me on in life. I have had thousands of calls and emails from friends, working partners, teammates, fans, and men that have held the highest office in our country telling me to stand strong. These words are very welcomed during some very tough times for my family and me.

Do I think steroids are good for helping someone's performance? No. In fact, I think they are detrimental. Should there be more extensive testing? Yes. I think whatever is necessary for everyone involved to satisfy themselves that it is not going on, should be done.

At the end of the day, I have been accused of doing something that I did not do. I have been asked to prove that I did not do it. How in the world can I prove a negative? No matter what we discuss here today, I am never going to have my name restored. I know that a lot of people want me to say that I have taken steroids and be done with it. But I cannot in good conscience admit to doing something that I did not do; even if it would be easier to do so. That is not the type of person I am. Instead, I will try to set the record straight, and I will do so directly to Congress and under oath. I have been told that by doing this, I am subjecting myself to possible criminal prosecution. I know that some people will still think I am lying no matter what I say or do. And I know that because I've said that I didn't take steroids, it will look like an attack on Senator Mitchell's report. I am not saying Senator Mitchell's report is entirely wrong and I am not trying to convince those who have already made up their minds based only on an

allegation. For those with an open mind, however, I am saying that Brian McNamee's statements about me are wrong. Once again, I never took steroids or human growth hormone.



An Analysis of the Career

Of

Roger Clemens

By

Hendricks Sports Management, LP

Randal A. Hendricks

Stephen L. Mann

Bret R. Larson-Hendricks

TABLE OF CONTENTS

Page

Introduction 1

Chart 1 – Career Performance Record of Roger Clemens: 1984-2007 2

I. Pitching Quality 3

A. ERA and League ERA Margin: Accurate and Reliable Measures Of Pitching Quality 3

Chart 2 – Career Performance Record of Roger Clemens: 1984-2008 5

Chart 3 – Roger Clemens: Breakdown of Seasonal ERA Margins 6

Chart 4 – Clemens: Career ERA Margin 6

Chart 5 – Randy Johnson: Career Performance 8

Chart 6 – Johnson: Career ERA Margin 8

Chart 7 – Curt Schilling: Career Performance 9

Chart 8 – Schilling: Career ERA Margin 9

Chart 9 – Nolan Ryan: Career Performance 10

Chart 10 – Ryan: Career ERA Margin 11

B. The Effect of Run Support on Won-Lost Records 11

Chart 11 – Roger Clemens: Correlation of Run Support and ERA Margins to Won-Lost Records 12

Chart 12 – League Averages in Run Support per 9 Innings 12

Chart 13 – Effect of Injuries (Official Disabled List) on Roger Clemens' Performance 14

C. Performance Peaks and Valleys: A Month-by-Month Analysis 15

Chart 14 – Roger Clemens: Performance Peaks and Valleys since 1984 15

D. Performance Peaks and Valleys: Career Analysis 16

1. Boston: 1984 through 1996 17

Chart 15 – Career Performance Record of Roger Clemens: 1984-1996 17

Chart 16 – The Boston Totals of Roger Clemens Compared to the Career Totals of Eight Hall-of-Fame Starting Pitchers 19

2. The Apex of Clemens' Career: August 11, 1996 through April 10, 1999 19

Chart 17 – Roger Clemens' Performance Peak: 8/11/96 through 4/10/99 21

Chart 18 – Career Apex Totals: 8/11/96 through 4/10/99 22

Chart 19 – Roger Clemens: Statistics for 1997-1998 23

3. New York and Houston: 1999 through 2007 23

Chart 20 – Monthly Breakdown for Roger Clemens in 1999 24

Chart 21 – Monthly Breakdowns for Roger Clemens in 2000 and 2001 24

Chart 22 – Monthly Breakdowns for Roger Clemens in 2002 and 2003 25

Chart 23 – Monthly Breakdowns for Roger Clemens in 2004, 2005 and 2006 26

Chart 24 – Monthly Breakdown for Roger Clemens in 2007 27

E. Prime Strikeout Ages of Selected Power-Pitching Starters 28

Chart 25 – The Ages of Roger Clemens, Randy Johnson, and Curt Schilling When They Recorded Their Top Five Seasonal Strikeout Rates 29

Chart 26 – The Ages of Roger Clemens and Nolan Ryan When They Recorded Their Top Five Seasonal Strikeout Rates 30

II. Pitching Quantity 30

Chart 27 – Roger Clemens: Innings per Start and Pitches per Start, 1984-2007 31

Chart 28 – Roger Clemens: Innings per Start and Pitches per Start in Years Unaffected by Injuries 32

Chart 29 – Innings Pitched per Games Started in Years without Injury 33

Chart 30 – Pitches per Game Started in Years without Injury 33

Chart 31 – Randy Johnson: Innings per Start and Pitches per Start 34

Chart 32 – The Ages of Roger Clemens and Randy Johnson When They Recorded Their Top Five Innings Pitched per Game Started 35

Chart 33 - The Ages of Roger Clemens and Randy Johnson When They Recorded Their Top Five Pitches per Game Started 36

Chart 34 - Curt Schilling: Innings per Start and Pitches per Start 37

Chart 35 - The Ages of Roger Clemens and Curt Schilling When They Recorded Their Top Five Innings Pitched per Game Started 38

Chart 36 - The Ages of Roger Clemens and Curt Schilling When They Recorded Their Top Five Pitches per Game Started 39

Chart 37 Nolan Ryan: Innings per Start 40

Chart 38 - The Ages of Roger Clemens and Nolan Ryan When They Recorded Their Top Five Innings Pitched per Games Started 41

Conclusion 42

Introduction

This report will evaluate the career of Roger Clemens, one of the most successful pitchers in major league history. It will examine both the quality and quantity of his pitching over the course of his 24-year career. As of the 2007 season, Clemens was one of twenty-eight active major league players who were at least 40 years old. Of those twenty-eight, eighteen were pitchers, and twelve of those were starting pitchers.

This report will show:

- Starting pitchers, like all major league baseball players, undergo highs and lows over the course of their careers. One simply does not find straight trend lines in performance in major league baseball. A baseball career mimics life, in that there are good days and bad days, hot streaks and cold spells, as well as good years and bad years. A wide variety of factors determine the success of a player, including the player's health, the quality of his team, and the pitcher or hitter he happens to be facing in a particular at bat. Roger Clemens' baseball career is no exception.

- Featuring a dominating fastball as a young pitcher, Clemens' longevity was due to his ability to adjust his style of pitching as he got older, incorporating his very effective split-finger fastball to offset the decrease in the speed of his regular fastball caused by aging.

- The peak of Clemens' career began in August of 1996 with the Boston Red Sox and extended to the beginning of 1999 with the New York Yankees. During this period, covering all or part of four seasons, Clemens posted numerous personal highs, including a 20-strikeout game and two pitching "triple crowns".

- An analysis of Clemens' ability to strike out opposing batters over the course of his career shows that Clemens' strikeout patterns closely resemble the trends of other notable strikeout pitchers

- While Clemens pitched at a high level of quality at different points throughout his career, the quantity of his pitching declined as he reached his late 30's and 40's.

A brief summary of Roger Clemens' career

Over the course of his 24-year major league pitching career, Roger Clemens amassed a 354-184 won-lost record and won 7 Cy Young Awards. Clemens won the championship game of the 1983 NCAA National Baseball Championship for the University of Texas. He was drafted in the first round by the Boston Red Sox in 1983. Rising rapidly through the minor leagues, he made his major league debut with the Red Sox on May 15, 1984. Except for one game pitched out of the bullpen, Clemens remained in the Boston starting rotation until shoulder problems required surgery in 1985. His surgery was performed by renowned orthopedic surgeon Dr. James Andrews. This surgery, coming so early in his career, caused Clemens to focus on a workout routine designed to prevent arm and shoulder injuries.

Clemens' comeback from surgery in 1986 could hardly have been more successful. Pitching a full season in the major leagues for the first time in 1986, Clemens won his first Cy Young Award and the American League Most Valuable Player award, as well being named the Most Valuable Player of the 1986 All-Star Game. Over the next 10 years with the Red Sox, Clemens would establish himself as a Hall-of-Fame caliber pitcher.

Clemens pitched through the 1996 season with Boston, tying the legendary Cy Young with 192 victories in a Red Sox uniform. He pitched two very successful seasons with the Toronto Blue Jays in 1997 and 1998 before being traded to the New York Yankees, where he played from

1999 through 2003. During this period, the Yankees would appear in the World Series four times, and Clemens would contribute to their two World Series Championships.

Clemens briefly retired after the 2003 season before deciding to return to baseball with the Houston Astros in 2004. Pitching for the first time in the National League, Clemens won his 7th Cy Young Award in 2004. He followed it with the best ERA for a starting pitcher in the major leagues in 2005, when he helped the Astros get to their first World Series appearance. He would pitch a partial season for Houston in 2006 before returning to the New York Yankees in June of 2007 for another partial season.

The following chart shows the season-by-season statistics for Roger Clemens over the course of his career. Notable awards as well as seasons in which he was injured are noted in the Awards/Comments column.

Chart 1
Career Performance Record of Roger Clemens: 1984-2007

1984	Bos	21	20	133.1	146	29	126	9	4	.692	4.32	Major League debut on May 15
1985	Bos	15	15	98.1	83	37	74	7	5	.583	3.29	disabled
1986	Bos	33	33	254.0	179	67	238	24	4	.857	2.48	**MVP, Cy Young, All-Star**
1987	Bos	36	36	281.2	248	83	256	20	9	.690	2.97	**Cy Young**
1988	Bos	35	35	264.0	217	62	291	18	12	.600	2.93	**All-Star**
1989	Bos	35	35	253.1	215	93	230	17	11	.607	3.13	
1990	Bos	31	31	228.1	193	54	209	21	6	.778	1.93	**All-Star**
1991	Bos	35	35	271.1	219	65	241	18	10	.643	2.62	**Cy Young, All-Star**
1992	Bos	32	32	246.2	203	62	208	18	11	.621	2.41	**All-Star**
1993	Bos	29	29	191.2	175	67	160	11	14	.440	4.46	disabled
1994[1]	Bos	24	24	170.2	124	71	168	9	7	.563	2.85	
1995[2]	Bos	23	23	140.0	141	60	132	10	5	.667	4.18	disabled
1996	Bos	34	34	242.2	216	106	257	10	13	.435	3.63	
1997	Tor	34	34	264.0	204	68	292	21	7	.750	2.05	**Cy Young, All-Star**
1998	Tor	33	33	234.2	169	88	271	20	6	.769	2.65	**Cy Young, All-Star**
1999	NYY	30	30	187.2	185	90	163	14	10	.583	4.60	disabled
2000	NYY	32	32	204.1	184	84	188	13	8	.619	3.70	disabled
2001	NYY	33	33	220.1	205	72	213	20	3	.870	3.51	**Cy Young, All-Star**
2002	NYY	29	29	180.0	172	63	192	13	6	.684	4.35	disabled
2003	NYY	33	33	211.2	199	58	190	17	9	.654	3.91	**All-Star**
2004	Hou	33	33	214.1	169	79	218	18	4	.818	2.98	**Cy Young, All-Star**
2005	Hou	32	32	211.1	151	62	185	13	8	.619	1.87	**All-Star**
2006[3]	Hou	19	19	113.1	89	29	102	7	6	.538	2.30	Partial season
2007[4]	NYY	18	17	99.0	99	31	68	6	6	.500	4.18	Partial season

[1] MLB work stoppage eliminated 50 games, or 31% of the season, from Boston's schedule.
[2] MLB work stoppage eliminated 18 games, or 11% of the season, from Boston's schedule.
[3] Clemens began the season, by contract, in June. In 2006, he was on the roster for 56% of the season.
[4] Clemens began the season, by contract, in June. In 2007, he was on the roster for 63% of the season.

Key

G – games pitched. **GS** – games started. **W** – wins. **L** – losses.
Pct. – percentage of decisions won. **ERA** – earned run average.

During his career Roger Clemens appeared in 709 regular-season games, all but two of which were in a starting role, and pitched a total of 4916.2 innings. His career won-lost record is 354-184, giving him a winning percentage of .658. Clemens' career earned run average, or ERA, is 3.12.

The awards and comments box that is displayed to the right of the statistical chart shows that Roger Clemens has received 19 significant honors, 16 in the American League and 3 in the National League. The box also reveals that he was on the official disabled list for some period of time in six seasons and that he played for shortened seasons in 2006 and 2007 by contractual agreements with the Astros and the Yankees. In the 12 years in which he did not win an award, he was a rookie in one season, played a partial season due to a work stoppage in one season, was on the disabled list for part of the season in six seasons, and was under contract for only a partial season of play in two seasons. In only three years, 1989, 1994, and 1996, was Clemens healthy and on a major league roster for the entire season without earning a significant pitching award.

I. Pitching Quality

This section will examine the quality of Roger Clemens' pitching over the course of his career. By examining his ERA and comparing it to the league average ERA, it is possible to analyze Roger Clemens' individual performance against the individual performance of other pitchers. This is a better way of determining how well a pitcher performs than is his won-lost record, because a won-lost record is more heavily dependent on how well the team around the pitcher performs.

The statistics in this section show that Clemens pitched extremely well some years, while in other seasons he was less effective. Similarly, there are some months in which he pitched extremely well and others in which he did not.

The 1996 season was the start of the best pitching span of his major league career, which continued into the 1999 season.

A comparison of Clemens' strikeout rates to those of other power pitchers with long careers shows that these pitchers had some of their best qualitative performances later in their careers.

A. ERA and League ERA Margin: Accurate and Reliable Measures of Pitching Quality

The central goal of every pitcher is to prevent the opposing team from scoring runs. Consequently, the most important basic measure of the quality of a starting pitcher is his earned run average (ERA) because it provides an accounting of his ability to prevent runs. ERA is calculated by dividing the total number of earned runs allowed by a pitcher by the number of innings he pitched, then multiplying that result by nine, to show how many earned runs he would give up over the course of a full nine inning game. A pitcher's ERA does not penalize a pitcher for unearned runs (typically the result of a fielding error by a player other than the pitcher), so it is a good measure of a pitcher's individual performance.

In modern statistical analysis, a starting pitcher's ERA is considered a better measure of his effectiveness than is his won-lost record, because wins and losses are heavily dependent upon factors outside the pitcher's control. A pitcher's won-lost record is affected not only by how well the pitcher performs but also by the levels of support that he receives from the hitters and relief pitchers on his team. (As shown in subsequent exhibits, many of the year-to-year won-lost records of Clemens have indeed been affected by the support provided by his teammates.) For this reason, the won-lost record is a product of all three of the basic elements of baseball:

pitching, hitting, and fielding. While a win or a loss in a given game is typically more dependent upon the performance of the starting pitcher than that of any other player, due to the fact that he usually pitches the most innings, it is better understood as a measure of overall team performance. By contrast, a pitcher's ERA is based much more on the pitcher's individual performance.

While ERA is generally a good measure of a starting pitcher's individual performance, it is affected by two important external elements of play, namely the league in which he plays and the home stadium in which he performs. Since the introduction of the designated hitter rule in the American League (A.L.) in 1973, which substitutes a hitter for the pitcher in the batting order, run production has naturally been higher in the A.L. than in the National League (N.L.). In fact, the N.L. ERA has been lower in each and every year since 1973. This gives N.L. pitchers a systemic advantage over their A.L. counterparts in raw ERA. A simple way of correcting for this advantage when comparing the ERAs of pitchers from different leagues is to determine the difference between the N.L. and A.L. ERAs and deduct that difference from all A.L. pitchers' ERA.

The differences between players' home stadiums are generally far smaller in magnitude than the league variations. There are, however, exceptions. For the first several years of play in Colorado, the effect of the Rockies' ballpark on run production was the most inflated in post-1900 baseball history. At the other end of the spectrum was the Houston Astrodome, where run production was at historical lows for most of the 35 years that it was home to the Astros. Roger Clemens pitched for the Boston Red Sox for the first 13 years of his career, pitching roughly half of his games in hitter-friendly Fenway Park. Over his career, his home parks have negatively affected his ERA by a net total of 2%.

ERA by itself is not able to predict wins and losses for a pitcher. For example, ERA does not reflect year-to-year changes in offensive run support by a starting pitcher's club, or how a pitcher performs compared to other pitchers. In 1988, Clemens had a 2.93 ERA with an 18-12 won-lost record, a .600 winning percentage. In 2000, he had a 3.78 ERA with a 13-8 record, a .619 winning percentage. One would expect a 2.93 ERA to produce a far higher winning percentage than a 3.78 ERA. It so happens, however, that the American League ERA in 1988 was 3.97, while the 2000 ERA was 4.91, nearly a full run higher. Therefore, in relative terms, Clemens outperformed the league average by a margin of 0.85 runs in 1988 and by 1.13 runs in 2000. Thus, it is not surprising that he had a slightly better winning percentage in 2000. (Chart Nos. 11 & 12, which appear on page 12, show that he received roughly average run support in both seasons, thereby removing that element as a meaningful factor in this comparison.)

ERA Margin is a sound and reliable measure of the quality of a starting pitcher's performance. ERA Margin is the difference by which a pitcher's ERA has exceeded or fallen short of his league's ERA. This enables one to compare pitchers across the two major leagues on essentially the same scale. A more pure statistical approach to calculating ERA Margin would be to apply percentage differences and to then recalculate the figures on that basis. But the raw differences are more accessible, easier to calculate, and more readily understood; and, the results are not substantially different.

In the chart that follows, the ERA Margins for Roger Clemens are displayed in the "Margins" column. They range from –0.33 runs in Clemens' 1984 rookie season to +2.52 runs in 1997, his best overall season in terms of performance quality and quantity. The chart shows that Clemens had a sub par ERA in just one other year, 1993.

Chart 2
Career Performance Record of Roger Clemens: 1984-2007

1984	Bos	21	20	133.1	9	4	.692	4.32	-0.33
1985	Bos	15	15	98.1	7	5	.583	3.29	+0.86
1986	Bos	33	33	254.0	24	4	.857	2.48	+1.70
1987	Bos	36	36	281.2	20	9	.690	2.97	+1.49
1988	Bos	35	35	264.0	18	12	.600	2.93	+1.04
1989	Bos	35	35	253.1	17	11	.607	3.13	+0.76
1990	Bos	31	31	228.1	21	6	.778	1.93	+1.98
1991	Bos	35	35	271.1	18	10	.643	2.62	+1.48
1992	Bos	32	32	246.2	18	11	.621	2.41	+1.53
1993	Bos	29	29	191.2	11	14	.440	4.46	-0.13
1994[1]	Bos	24	24	170.2	9	7	.563	2.85	+1.95
1995[2]	Bos	23	23	140.0	10	5	.667	4.18	+0.54
1996	Bos	34	34	242.2	10	13	.435	3.63	+1.37
1997	Tor	34	34	264.0	21	7	.750	2.05	+2.52
1998	Tor	33	33	234.2	20	6	.769	2.65	+2.00
1999	NYY	30	30	187.2	14	10	.583	4.60	+0.26
2000	NYY	32	32	204.1	13	8	.619	3.70	+1.21
2001	NYY	33	33	220.1	20	3	.870	3.51	+0.96
2002	NYY	29	29	180.0	13	6	.684	4.35	+0.11
2003	NYY	33	33	211.2	17	9	.654	3.91	+0.61
2004	Hou	33	33	214.1	18	4	.818	2.98	+1.32
2005	Hou	32	32	211.1	13	8	.619	1.87	+2.35
2006[3]	Hou	19	19	113.1	7	6	.538	2.30	+2.19
2007[3]	NYY	18	17	99.0	6	6	.500	4.18	+0.33

Margin = League ERA minus pitcher's ERA.

[1] MLB work stoppage eliminated 50 games, or 31% of the season, from Boston's schedule.
[2] MLB work stoppage eliminated 18 games, or 11% of the season, from Boston's schedule.
[3] Clemens began the season, by contract, in June. In 2006, he was on the roster for 56% of the season.
[4] Clemens began the season, by contract, in June. In 2007, he was on the roster for 63% of the season.

Clemens' Levels of Performance

Using ERA Margins, Clemens' 24 seasons are divided into six qualitative subgroups that are designated by tiers in the column headings in the following chart:

Chart 3
Rog r Clemens: Breakdown of Seasonal ERA Margins

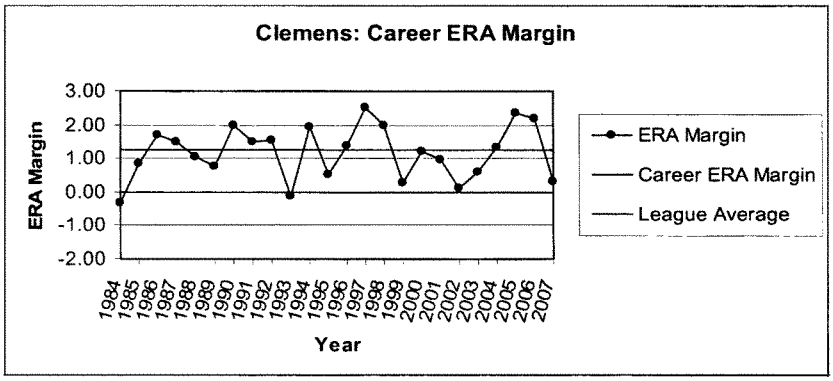
				+0.96	2001	+1.37	1996	+1.95	1994	+2.35	2005
		+0.61	2003	+1.04	1988	+1.48	1991	+1.98	1990	+2.52	1997
		+0.76	1989			+1.49	1987	+2.00	1998		
		+0.86	1985	+1.32	2004	+1.53	1992	+2.19	2006		
+0.33	2007					+1.70	1986				

– rookie season. – on the disabled list for some period.

Tier 1: up to +0.45; Tier 2: +0.46 to +0.90; Tier 3: +0.91 to +1.35;
Tier 4: +1.36 to +1.80; Tier 5: +1.81 to +2.25; Tier 6: +2.26 to +2.70

The chart reveals that Roger Clemens has performed in the average-to-good range for 9 years (Tiers 1 and 2), at a superior level for 9 years (Tiers 3 and 4), and at the highest levels for 6 years (Tiers 5 and 6). The fact that his different levels of performance are distributed more or less randomly throughout the 24 years in which Clemens has pitched indicates that he has experienced the largely unpredictable ups and downs that all long-term major league pitchers endure in their careers. The graph below helps illustrate the year-to-year variation in Clemens' ERA Margin in relation to his career average.

Chart 4



One simply does not find straight trend lines in performance in major league baseball. A baseball career mimics life, in that there are good days and bad days, hot streaks and cold spells, as well as good years and bad years, both within and across seasons. A wide variety of factors determine the success of a player, including the player's health, the quality of his team, and the pitcher or hitter he happens to be facing in a particular at bat. As the chart and graph above demonstrate, Roger Clemens' baseball career is no exception.

Clemens' best years, shown in the last two tiers of the chart above, occurred at different periods over the course of his career. Of the six years that feature Clemens' best ERA Margins, two occurred in Boston, after he had been in the major leagues for several years; two occurred in his

two years in Toronto; and two occurred after he switched leagues and pitched for the Houston Astros.

Clemens was effective throughout his career because he adapted his style of pitching to his physical abilities as he aged. In his younger years, Clemens threw an overpowering fastball in the range of 96 m.p.h. He accompanied the fastball with a curve, a slider and a changeup. By 1991 he had developed a good "split-finger" fastball to complement his high-velocity fastball. The downward movement of the split-finger fastball makes it an effectively deceptive pitch. By the mid 1990's, he had mastered the split-finger fastball, and the combination of Clemens' experience, his overpowering fastball, and his improved split-finger fastball led to two consecutive Cy Young Awards in what the record shows to be the best pitching of his career. As Clemens aged and the speed of his fastball slowed from the mid-90's to the low 90's, he relied increasingly on his control and his split-finger fastball. He also threw more two-seam fastballs that had a lot of lateral movement. This combination made him a superior pitcher, even as his velocity decreased to a roughly average rate for the major leagues.

After pitching for 20 years in the American League East Division, Clemens moved to the National League and pitched for the Houston Astros from 2004 through 2006. Clemens – now in his forties – was an extremely experienced and knowledgeable pitcher when he reached Houston. He was also pitching for his hometown team for the first time in his career.

Out of deference to Clemens' age and family commitments, the Astros allowed him to avoid travel when he was not pitching. This enabled him to reduce the fatigue that naturally follows extensive travel during the season. In 2006, Clemens did not begin pitching until June, which helped him to avoid wearing down over the course of a full season. These precautions helped Clemens enjoy a resurgence late in his career.

While the best years of Clemens' career occurred at different times throughout his career, so did his worst seasons. As should be expected, Clemens' ERA Margins dropped in seasons when he suffered injuries. Four of his six lowest margins came when he was placed on the disabled list, as indicated by the red highlighting for those seasons in Chart 3.

Clemens posted his worst ERA Margin in his rookie season, 1984. As it turns out, he was badly roughed up in five of his first six starts that year. His ERA stood at 7.13 after the sixth start, burdening him with an ERA Margin of -3.14. Over the rest of the regular season, encompassing 20 starts, one relief appearance, and 98.0 innings of work, he recorded a 3.31 ERA, which gave him a healthy ERA Margin of +0.68 for that period.

The year-to-year variations in Roger Clemens' ERA Margin are by no means unusual. An analysis of two distinguished contemporaries of Clemens, Randy Johnson and Curt Schilling, shows that year-to-year variations in ERA Margin are to be expected throughout the career of a starting pitcher.

Chart 5
Randy Johnson: Career Performance

1988	Mon	4	4	26.0	23	7	25	3	0	1.000	2.42	+1.03
1989	Mon-Sea	29	28	160.2	147	96	130	7	13	.350	4.82	-1.00
1990	Sea	33	33	219.2	174	120	194	14	11	.560	3.65	+0.26
1991	Sea	33	33	201.1	151	152	228	13	10	.565	3.98	+0.12
1992	Sea	31	31	210.1	154	144	241	12	14	.462	3.77	+0.17
1993	Sea	35	34	255.1	185	99	308	19	8	.704	3.24	+1.09
1994	Sea	23	23	172.0	132	72	204	13	6	.684	3.19	+1.61
1995	Sea	30	30	214.1	159	65	294	18	2	.900	2.48	+2.24
1996	Sea	14	8	61.1	48	25	85	5	0	1.000	3.67	+1.33
1997	Sea	30	29	213.0	147	77	291	20	4	.833	2.28	+2.29
1998	Sea-Hou	34	34	244.1	203	86	329	19	11	.633	3.28	+1.23
1999	Ari	35	35	271.2	207	70	364	17	9	.654	2.48	+2.09
2000	Ari	35	35	248.2	202	76	347	19	7	.731	2.64	+1.99
2001	Ari	35	34	249.2	181	71	372	21	6	.778	2.49	+1.87
2002	Ari	35	35	260.0	197	71	334	24	5	.828	2.32	+1.79
2003	Ari	18	18	114.0	125	27	125	6	8	.429	4.26	+0.02
2004	Ari	35	35	245.2	177	44	290	16	14	.533	2.60	+1.70
2005	NYY	34	34	225.2	207	47	211	17	8	.680	3.79	+0.56
2006	NYY	33	33	205.0	194	60	172	17	11	.607	5.00	-0.44
2007	Ari	10	10	56.2	52	13	72	4	3	.571	3.81	+0.62

Like Clemens, Randy Johnson's ERA margin has risen and fallen from year to year over the course of his career. The graph below shows the year-to-year variations of Johnson's career.

It reveals that Johnson's ERA Margin was below the league average on two occasions. His ERA Margins were below his career average in 10 different years and above his career average in 10 other years. Johnson did maintain a consistent ERA Margin for one period, from 1999 through 2002.

Chart 6

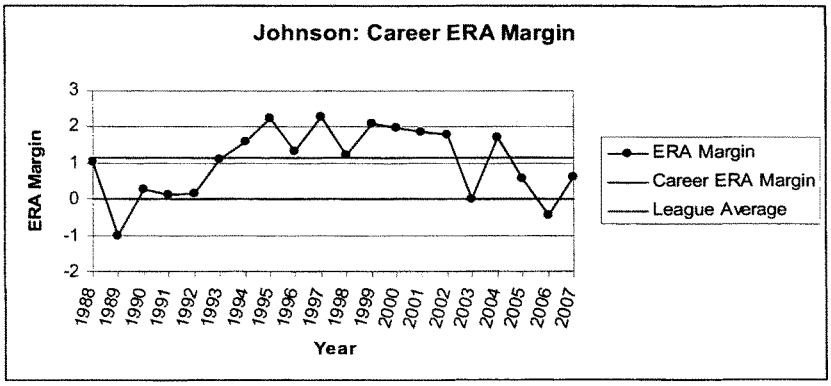
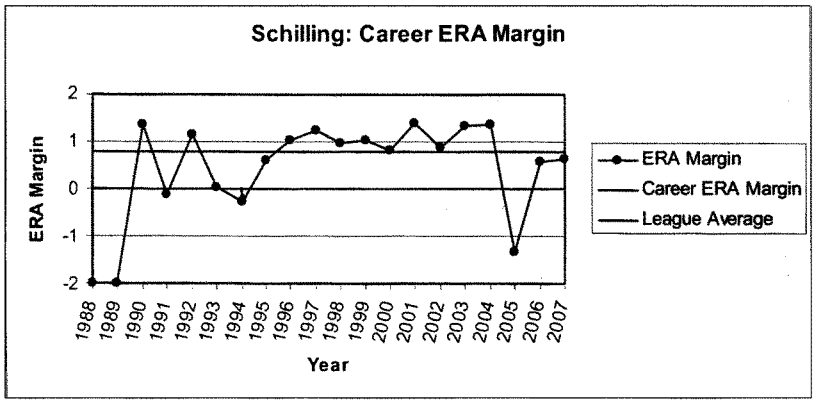


Chart 7
Curt Schilling: Career Performance

1988	Bal	4	4	14.2	22	10	4	0	3	.000	9.82	-5.85
1989	Bal	5	1	8.2	10	3	6	0	1	.000	6.23	-2.34
1990	Bal	35	0	46.0	38	19	32	1	2	.333	2.54	+1.37
1991	Hou	56	0	75.2	79	39	71	3	5	.375	3.81	-0.12
1992	Phi	42	26	226.1	165	59	147	14	11	.560	2.35	+1.16
1993	Phi	34	34	235.1	234	57	186	16	7	.696	4.02	+0.02
1994	Phi	13	13	82.1	87	28	58	2	8	.200	4.48	-0.26
1995	Phi	17	17	116.0	96	26	114	7	5	.583	3.57	+0.62
1996	Phi	26	26	183.1	149	50	182	9	10	.474	3.19	+1.03
1997	Phi	35	35	254.1	208	58	319	17	11	.607	2.97	+1.24
1998	Phi	35	35	268.2	236	61	300	15	14	.517	3.25	+0.98
1999	Phi	24	24	180.1	159	44	152	15	6	.714	3.54	+1.03
2000	Phi-Ari	29	29	210.1	204	45	168	11	12	.478	3.81	+0.82
2001	Ari	35	35	256.2	237	39	293	22	6	.786	2.98	+1.38
2002	Ari.	36	35	259.1	218	33	316	23	7	.767	3.23	+0.88
2003	Ari	24	24	168.0	144	32	194	8	9	.471	2.95	+1.33
2004	Bos	32	32	226.2	206	35	203	21	6	.778	3.26	+1.37
2005	Bos	32	11	93.1	121	22	87	8	8	.500	5.69	-1.34
2006	Bos	31	31	204.0	220	28	183	15	7	.682	3.97	+0.59
2007	Bos	24	24	151.0	165	23	101	9	8	.529	3.87	+0.64

Schilling's ERA Margin varied between a high of +1.38 and a low of -1.34 over the course of his career, excluding the 1988 and 1989 seasons, in which he pitched 14.2 and 8.2 innings, respectively. The graph below illustrates the year-to-year variations in Schilling's ERA Margin.

Chart 8



1988 and 1989 are placed at the bottom of graph due to scale.

As with Clemens and Johnson, Schilling's ERA Margin had ups and downs over the course of his career. While Schilling did not ever post an ERA Margin above +1.38, he did have a relatively consistent eight-year period between 1996 and 2004. But even within that period, the year-to-year variations ranged from a low of +0.82 to a high of +1.38, which is a gap of more than half a

run in ERA Margin. Schilling's sharpest variation occurred between 2004 and 2006, when his ERA Margin dropped from +1.37 to -1.34 and rose again to +0.59.

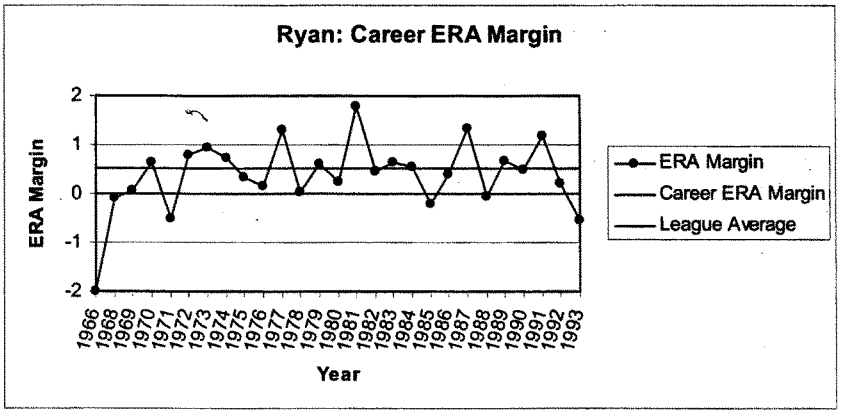
It is also useful to compare the variations in ERA Margin over the course of Clemens' career to the ERA Margin of a Hall of Fame pitcher whose major league career lasted 27 years, three years longer than the career of Roger Clemens. That pitcher is Nolan Ryan, the all-time strikeout leader in Major League Baseball.

The chart below reveals that Ryan's career ERA Margin was +0.52, less than half of Clemens' career ERA Margin of +1.25. Excluding his 1966 season in which he pitched a total of 3.0 innings, Ryan's ERA Margin varies between a high of +1.80 in an abbreviated season and a low of -0.56. Ryan's second best ERA Margin was in 1987, when he was the National League ERA champion with a 2.76 ERA.

Chart 9
Nolan Ryan: Career Performance

1966	NYM	2	1	3.0	5	3	6	0	1	.000	15.00	-11.39
1968	NYM	21	18	134.0	93	75	133	6	9	.400	3.09	-0.10
1969	NYM	25	10	89.1	60	53	92	6	3	.667	3.53	+0.06
1970	NYM	27	19	131.2	86	97	125	7	11	.389	3.42	+0.63
1971	NYM	30	26	152.0	125	116	137	10	14	.417	3.97	-0.50
1972	Cal	39	39	284.0	166	157	329	19	16	.543	2.28	+0.78
1973	Cal	41	39	326.0	238	162	383	21	16	.568	2.87	+0.95
1974	Cal	42	41	332.2	221	202	367	22	16	.579	2.89	+0.73
1975	Cal	28	28	198.0	152	132	186	14	12	.538	3.45	+0.33
1976	Cal	39	39	284.1	193	183	327	17	18	.486	3.36	+0.16
1977	Cal	37	37	299.0	198	204	341	19	16	.543	2.77	+1.29
1978	Cal	31	31	234.2	183	148	260	10	13	.435	3.72	+0.04
1979	Cal	34	34	222.2	169	114	223	16	14	.533	3.60	+0.62
1980	Hou	35	35	233.2	205	98	200	11	10	.524	3.35	+0.25
1981	Hou	21	21	149.0	99	68	140	11	5	.688	1.69	+1.80
1982	Hou	35	35	250.1	196	109	245	16	12	.571	3.16	+0.44
1983	Hou	29	29	196.1	134	101	183	14	9	.609	2.98	+0.65
1984	Hou	30	30	183.2	143	69	197	12	11	.522	3.04	+0.55
1985	Hou	35	35	232.0	205	95	209	10	12	.455	3.80	-0.21
1986	Hou	30	30	178.0	119	82	194	12	8	.600	3.34	+0.38
1987	Hou	34	34	211.2	154	87	270	8	16	.333	2.76	+1.32
1988	Hou	33	33	220.0	186	87	228	12	11	.522	3.52	-0.07
1989	Tex	32	32	239.1	162	98	301	16	10	.615	3.20	+0.68
1990	Tex	30	30	204.0	137	74	232	13	9	.591	3.44	+0.47
1991	Tex	27	27	173.0	102	72	203	12	6	.667	2.91	+1.18
1992	Tex	27	27	157.1	138	69	157	5	9	.357	3.72	+0.22
1993	Tex	13	13	66.1	54	40	46	5	5	.500	4.88	-0.56

Chart 10



1966 is placed at the bottom of graph due to scale; in minors in 1967.

The graph of Ryan's ERA Margin most closely resembles that of Clemens in that they both have more frequent variations between highs and lows. As shown in the graph, Ryan's peaks occur throughout his career. As with Clemens, Ryan posted two of his highest ERA Margins after the age of 40, from 1987 to 1993.

Another similarity between Ryan and Clemens is found by comparing Ryan's 1987 season to Clemens' 1996 season. In 1987, Ryan had the best ERA in the National League. His margin for the 1987 season was +1.32. Clemens' ERA Margin in 1996 was +1.37. In 1987, Ryan struck out 270 batters to lead the National League, while Clemens struck out 257 in 1996 to lead the American League. Despite the outstanding individual performances by both pitchers, Ryan posted a won-lost record of 8-16 in 1987, while Clemens posted a won-lost record of 10-13 in 1996.

The discussion of run support in the following section explains this discrepancy between won-lost record and individual performance.

B. The Effect of Run Support on Won-Lost Records

In order to determine how Roger Clemens' won-lost records correspond to his ERA margins, his seasonal performances must be placed in the context of the run support that he received from his offensive teammates.

Chart 11
Roger Clemens: Correlation of ERA Margins and Run Support to Won-Lost Records

1984	Bos	20	133.1	4.32	-0.33	n/a	9	4
1985	Bos	15	98.1	3.29	+0.86	n/a	7	5
1986	Bos	33	254.0	2.48	+1.70	n/a	24	4
1987	Bos	36	281.2	2.97	+1.49	n/a	20	9
1988	Bos	35	264.0	2.93	+1.04	4.2	18	12
1989	Bos	35	253.1	3.13	+0.76	5.2	17	11
1990	Bos	31	228.1	1.93	+1.98	4.5	21	6
1991	Bos	35	271.1	2.62	+1.48	4.4	18	10
1992	Bos	32	246.2	2.41	+1.53	4.2	18	11
1993	Bos	29	191.2	4.46	-0.13	3.7	11	14
1994	Bos	24	170.2	2.85	+1.95	4.1	9	7
1995	Bos	23	140.0	4.18	+0.54	5.9	10	5
1996	Bos	34	242.2	3.63	+1.37	4.3	10	13
1997	Tor	34	264.0	2.05	+2.52	5.0	21	7
1998	Tor	33	234.2	2.65	+2.00	5.0	20	6
1999	NYY	30	187.2	4.60	+0.26	4.9	14	10
2000	NYY	32	204.1	3.70	+1.21	5.4	13	8
2001	NYY	33	220.1	3.51	+0.96	6.6	20	3
2002	NYY	29	180.0	4.35	+0.11	5.1	13	6
2003	NYY	33	211.2	3.91	+0.61	5.8	17	9
2004	Hou	33	214.1	2.98	+1.32	4.8	18	4
2005	Hou	32	211.1	1.87	+2.35	3.6	13	8
2006	Hou	19	113.1	2.30	+2.19	4.3	7	6
2007	NYY	17	99.0	4.18	+0.33	3.9	6	6

Margin – league ERA minus Clemens' ERA. **RS/9** – run support per 9 innings for Roger Clemens.

Margin categories: Tier 1: Average, Tier 2: Good; Tiers 3 and 4: Superior; Tiers 5 and 6: Highest Level.

RS/9 categories, as compared to league average for the year:
Very low: below -0.9; low: -0.9 to -0.5; average: -0.4 to 0.4; high: 0.5 to 0.9; very high: 0.9 to 1.4; highest: 1.5 or higher

Chart 12
League Averages in Run Support per 9 Innings

A.L.	1988	4.4	A.L.	1998	5.0
A.L.	1989	4.3	A.L.	1999	5.2
A.L.	1990	4.3	A.L.	2000	5.3
A.L.	1991	4.5	A.L.	2001	4.8
A.L.	1992	4.3	A.L.	2002	4.8
A.L.	1993	4.7	A.L.	2003	4.9
A.L.	1994	5.2	N.L.	2004	4.7
A.L.	1995	5.1	N.L.	2005	4.5
A.L.	1996	5.4	N.L.	2006	4.8
A.L.	1997	4.9	A.L.	2007	4.8

Chart Revisions

Run support values have been added to the year-by-year statistics in the above chart so that each season can be observed in the context of both the ERA Margin and the run support that Roger Clemens has received. In the statistical section of the chart, on the left side, the games column (G) has been removed, and a column showing run support per 9 innings (RS/9) has been inserted.

Official run support figures are not available for the first four years of his career, through 1987. The box below the chart displays the year-by-year run support averages after 1987 for the relevant leagues.

In the "Margins" and "Run Support" columns in the right section of the chart are brief summaries of the levels of run support and the general quality of the corresponding ERA Margins for Clemens. In the right section of the main chart, the entry in the Margin column for 1988 is "Superior." This comment corresponds to the +1.04 ERA Margin that he posted in 1988. The comment in the Run Support column is "Average." It refers to the 4.2 runs of support that he received in that year. (The first line in the League Average RS/9 chart shows that American League pitchers received an average of 4.4 runs of support in 1988, which places the 4.2 rate in the average range).

The last column contains Clemens' won-lost records. It reveals that he won 18 games and lost 12 in 1988. And so the right section of the chart for 1988 can be translated as, "Clemens' superior ERA Margin (+1.04) and average run support (4.2 per 9) produced an 18-12 won-lost record."

Taken as a whole for the 20 years of Clemens' career for which run-support values are available, the chart demonstrates that his won-lost records are strongly correlated with the levels of his run support and ERA Margins in most seasons.

The Sources of Clemens' Career Won-Lost Record

For a starting pitcher, ERA Margin is the driving force behind his won-lost record in the long run. The higher the ERA Margin, the better his record will be. As noted, however, a starter's won-lost record can be distorted in any particular year by the amount of run support that his offensive teammates give him and by the quality of the relief pitchers who pitch behind him. In purely statistical terms, as the sample size grows, the external factors of run support and quality of relief pitching tend to regress to the mean. The longer one pitches, the greater the size of the statistical sample and the greater the agreement between his ERA Margin and his won-lost record. By the time a pitcher approaches 2000 innings pitched, his career ERA Margin and career won-lost record will be in close agreement.

The notion that run support heavily affects a starting pitcher's won-lost record is broadly accepted. For example, the Baltimore Orioles argued in a salary arbitration case in 2006 that Rodrigo Lopez' career won-lost record of 51-43 as of 2005 was a product not of Lopez' good pitching, but rather of the above average run support he received.

The last column in the "Totals" line on the above chart shows that Roger Clemens has compiled a career ERA margin of +1.25. This means that his actual career ERA of 3.12, shown in the next to last column, has been 1.25 earned runs better than the corresponding league ERA. This is one of the highest career ERA Margins ever recorded by a starting pitcher and is clearly the principal source of his 354-184 won-lost record.

As shown on the totals line, Clemens' run support per 9 innings has averaged 4.8 runs. The average number of runs scored per game in the leagues in which Clemens has performed over

the past 24 years has also been 4.8. Therefore, Roger Clemens has received average run support from his offensive teammates over the course of his career.

A detailed technical analysis would show that there is a high level of agreement between the won-lost records and the underlying ERA Margins and run support values for Roger Clemens in most years. One exception is Clemens' 2002 season with the Yankees, in which he chalked up a 13-6 record despite having an "average" ERA Margin and "average" run support. A review of the game logs for that season reveals that Clemens and his teammates were the beneficiaries of fortunate timing. For instance, he received a "no decision" in three particularly poor appearances.

The only way to evaluate the effect of the quality of relief pitching on a starting pitcher's career is to go through each and every game he pitched over his career. To make such comparisons to other starting pitchers would require an evaluation of each and every game they pitched. And so, to make such comparisons for the careers of many starting pitchers would require a review of game after game, year after year. While this task could be done, such a massive effort was impractical due to time constraints for this report.

Nevertheless, the above charts show that Roger Clemens' year-by-year wins and losses are generally in agreement with his ERA Margin and run support. The ebb and flow of his career can also be analyzed by reintroducing the above chart and adding shading to reflect his injury-marred seasons. The revised chart appears below.

Chart 13
Effect of Injuries (Official Disabled List) on Roger Clemens' Performance

1984	Bos	20	133.1	9	4	.692	----	4.32	-0.33	**Rookie year.**
1986	Bos	33	254.0	24	4	.857	----	2.48	+1.70	
1987	Bos	36	281.2	20	9	.690	----	2.97	+1.49	
1988	Bos	35	264.0	18	12	.600	4.2	2.93	+1.04	
1989	Bos	35	253.1	17	11	.607	5.2	3.13	+0.76	
1990	Bos	31	228.1	21	6	.778	4.5	1.93	+1.98	
1991	Bos	35	271.1	18	10	.643	4.4	2.62	+1.48	
1992	Bos	32	246.2	18	11	.621	4.2	2.41	+1.53	
1994	Bos	24	170.2	9	7	.563	4.1	2.85	+1.95	
1996	Bos	34	242.2	10	13	.435	4.3	3.63	+1.37	
1997	Tor	34	264.0	21	7	.750	5.0	2.05	+2.52	
1998	Tor	33	234.2	20	6	.769	5.0	2.65	+2.00	
2001	NYY	33	220.1	20	3	.870	6.6	3.51	+0.96	
2003	NYY	33	211.2	17	9	.654	5.8	3.91	+0.61	
2004	Hou	33	214.1	18	4	.818	4.8	2.98	+1.32	
2005	Hou	32	211.1	13	8	.619	3.6	1.87	+2.35	
2006	Hou	19	113.1	7	6	.538	4.3	2.30	+2.19	**On roster for 56% of season.**
2007	NYY	17	99.0	6	6	.500	3.9	4.18	+0.33	**On roster for 63% of season.**

DL – placed on the official disabled list for the indicated dates

As discussed earlier, a pitcher's ERA Margin is most often negatively affected in seasons in which he is injured. This is typically the result of poor performances turned in by the pitcher while suffering from an injury but prior to his being placed on the disabled list. Likewise, it can be caused by poor performances by a pitcher returning from the disabled list prior to full recovery. Moreover, the time missed on the disabled list gives a period of poor performance greater influence upon the season's statistics, because the missed time reduces the sample size.

In each of his two most recent seasons, Clemens pitched for shortened seasons through contractual agreements with the Astros and the Yankees. This approach worked extremely well in 2006 for the then 43-year-old pitcher, when he posted the third highest ERA margin of his career. He followed up with a personally sub par but quite respectable performance in New York in 2007. He had nagging injuries in the 2007 season that did not warrant a trip to the disabled list but that nonetheless caused him to miss starts and diminished his overall effectiveness.

C. Performance Peaks and Valleys: A Month-by-Month Analysis

The variations in performance between seasons are mirrored in a pitcher's performance in individual months. In nearly every season, a starting pitcher will have hot streaks and cold spells, and they are often more pronounced than season-to-season variations. The chart below describes the peaks and valleys of Roger Clemens' career since 1984 on a month-by-month basis.

Chart 14
Roger Clemens: Performance Peaks and Valleys since 1984

Peaks					Valleys				
1986	Apr	4	33.1	1.62	----	-----	--	-----	-----
1986	Jun	6	50.0	1.44	-----	-----	--	-----	-----
1986	Sep	5	39.0	1.85	1984	May-Jul	15	89.2	5.02
1987	Sep	6	50.2	1.78	1987	Jun	6	42.1	5.53
1988	Apr-May	12	104.0	1.82	1988	Aug	5	27.0	7.33
1988	Jul	6	49.1	1.64	1993	Jun	4	23.0	6.65
1989	Apr	6	46.0	1.96	1993	Aug-Sep	10	58.2	7.06
1990	Jul	6	45.0	1.00	1995	Jul	5	26.1	8.89
1990	Aug-Sep	8	60.2	1.19	1996	Apr-Jun	17	118.1	4.18
1991	Apr	4	32.0	0.28	1999	Apr	5	26.1	5.47
1991	Jun	5	41.2	1.94	1999	Jun-Jul	11	73.2	5.13
1991	Sep	5	43.0	1.67	1999	Sep	6	38.0	5.21
1992	Apr-May	11	90.0	1.60	2000	May-Jun	8	42.2	6.12
1992	Aug	6	47.1	1.90	2001	Apr	6	41.1	4.36
1993	Apr	5	38.1	1.64	2001	May	5	34.2	4.15
1994	May	5	35.0	1.80	2002	Apr	6	39.0	4.62
1994	Jul	5	36.2	1.96	2002	Jun	5	30.1	5.04
1996	Aug	5	39.0	1.85	2002	Aug	5	31.0	6.10
1997	Apr-Jul	22	171.1	1.52	2003	May	5	30.1	5.04
1998	Jul-Aug	11	86.1	1 25	2003	Jul-Aug	11	69.1	5.06
2000	Jul	6	42.1	1.91	2004	Aug	6	36.0	4.25
2004	Apr	5	32.1	1.95	2005	Sep	4	20.0	5.40
2005	Apr-Aug	28	184.1	1.52	2007	Jun	5	23.2	5.32
2006	Jun-Jul	8	47.1	2.09	2007	Aug-Sep	7	34.2	4.67

NOTES

The "Peaks" chart on the left is a record of all of the months in which Roger Clemens made at least four starts and had an ERA below 2.12 in the 24 seasons from 1984 through 2007. (In 1990, he made six starts in August and two in September. And in his abbreviated 2006 season, he made two starts in June and six starts in July. The values for those two pairs of months have been included among the peaks as single entries.)

The "Valleys" chart on the right contains all of the months in which Clemens made at least four starts and his ERA was above 4.12. (In 2007, he made five starts in August and two in September. The values for that pair of months are included among the valleys as a single entry.)

Data Limitations

In an ideal statistical environment, it would be possible to isolate the full periods during which Roger Clemens maintained an ERA below 2.12 or above 4.12. (For example, it is very likely that Clemens, who had a 0.28 ERA in April of 1992, sustained a sub-2.12 ERA through one or more of his starts in May of that year. Likewise, it can be assumed that he had numerous overlaps into other months when his monthly ERAs were extremely high.) As a result of this limitation, the peaks and valleys are limited to whole months. While this prevents a perfect accounting of Clemens' peaks and valleys, the chart provides an accurate picture of the highs and lows of his performance trends.

Findings

Observers of baseball are aware that pitchers and hitters have relatively good years and relatively bad years. They also know that players can experience extreme hot streaks and extreme cold spells during a major league season. The scoreless streaks of 50-plus innings pitched by Orel Hershiser and Brandon Webb are renowned examples, as is Joe DiMaggio's 56-game hit streak. There are also times when pitchers get torched by hitters for a solid month or two, and when batters hit in the .100's or the .400's for several weeks. The principal reason for the greater range of variation within seasons is very simply that the statistical samples are much smaller for months than they are for whole years.

The three entries for Roger Clemens in both the peak and the valley charts in 1988 are prime examples of extreme highs and lows in performance in a single season. Those charts show that his ERA was 1.82 from April through May. (Though his ERA in June did not exceed 4.12 and is not listed on the chart, it did rise to 4.08.) His ERA plummeted to 1.64 in July. Then it skyrocketed to 7.33 in August. (In September his ERA decreased sharply, once again, to 2.70, which also does not qualify for inclusion in the chart.) The four peak months covered 153.1 innings, while the August valley covered 27.0 innings. The charts of his yearly totals show that he finished the 1988 season with a 2.93 ERA. In the context of the three previous seasons and the four following seasons, 1988 looks like just another typical year. But the monthly breakdown of that year shows that Clemens' ERA actually varied sharply during the season.

The Peaks and Valleys chart also reveals that there were six other years in which Clemens experienced both high and low extremes within single seasons: 1987, 1993, 1996, 2000, 2004, and 2005. The "Totals" line on the chart shows that his peaks cover 1445.0 innings (29%) of his 4916.2-inning career, while his valleys cover 956.1 innings (19%). This lopsidedness at the positive end is, of course, to have been expected from such a high-quality pitcher, especially in light of the fact that the cutoff for his valleys has been set at an ERA of 4.12, which is better than the league average in every one of the 15 seasons that Clemens has pitched since 1993.

D. Performance Peaks and Valleys: Career Analysis

This section provides an in-depth analysis of the performance peaks and valleys of Roger Clemens' career over three different periods of time.

1. Boston: 1984 through 1996

Roger Clemens spent the first 13 years of his major league career with the Boston Red Sox. His statistical record for that period is displayed below.

Chart 15
Career Performance Record of Roger Clemens: 1984-1996

1984	Bos	21	20	133.1	9	4	.692	4.32	-0.33	rookie season
1985	Bos	15	15	98.1	7	5	.583	3.29	+0.86	disabled, underwent surgery
1986	Bos	33	33	254.0	24	4	.857	2.48	+1.70	**MVP, Cy Young, All-Star**
1987	Bos	36	36	281.2	20	9	.690	2.97	+1.49	**Cy Young**
1988	Bos	35	35	264.0	18	12	.600	2.93	+1.04	**All-Star**
1989	Bos	35	35	253.1	17	11	.607	3.13	+0.76	
1990	Bos	31	31	228.1	21	6	.778	1.93	+1.98	**All-Star**
1991	Bos	35	35	271.1	18	10	.643	2.62	+1.48	**Cy Young, All-Star**
1992	Bos	32	32	246.2	18	11	.621	2.41	+1.53	**All-Star**
1993	Bos	29	29	191.2	11	14	.440	4.46	-0.13	disabled
1994[1]	Bos	24	24	170.2	9	7	.563	2.85	+1.95	
1995[2]	Bos	23	23	140.0	10	5	.667	4.18	+0.54	disabled
1996	Bos	34	34	242.2	10	13	.435	3.63	+1.37	

[1] MLB work stoppage eliminated 50 games, or 31% of the season, from Boston's schedule.
[2] MLB work stoppage eliminated 18 games, or 11% of the season, from Boston's schedule.

In his 1984 rookie season, Clemens compiled an ERA Margin of -0.13. This is his lowest seasonal margin and one of only two times in his career that he did not outperform his league in ERA. Clemens' ERA stood at 7.13 after his sixth start of 1984, an ERA margin of -3.14. For the rest of the regular season, encompassing 20 starts, one relief appearance, and 98.0 innings of work, he recorded a 3.31 ERA, which gave him an ERA Margin of +0.68 for that period.

Although he pitched well through the first half of his 1985 sophomore season, Clemens was forced onto the disabled list with a sore shoulder in early July. After returning to the club in early August, he continued to struggle. Two weeks later, on August 21st, he was placed on the disabled list once again. The shoulder injury was severe and ultimately required a surgical repair by Dr. James Andrews, the famed orthopedic surgeon.

Clemens' comeback from surgery in 1986 was spectacular. In that first full season in the major leagues, he was selected to the All-Star team, won the Cy Young Award, and was crowned the American League's Most Valuable Player. His 24-4 won-lost record was driven by his +1.70 ERA margin. To put that margin in perspective, two other highly accomplished right-handed power pitchers, Curt Schilling and Hall of Fame member Nolan Ryan, never compiled an ERA margin greater than +1.38 in a full season of play. (Ryan posted a +1.80 margin in 149.0 innings in the strike-shortened 1981 season.)

Clemens would post seven more ERA Margins greater than 1.00 in his ten remaining years with Boston. Two of his margins below +1.00 came when he was officially disabled, in 1993 and 1995. The other instance was in 1989, when he finished the season with a +0.76 ERA margin and a 17-11 record.

Clemens also pitched a high number of innings in eight of the 11 seasons from 1986 through 1996. His innings pitched during those eight seasons ranged from 242.2 in 1996 to 281.2 in 1987. In 1993 and 1995, time on the disabled list left him with fewer innings pitched. Clemens also lost starts and innings to the 1994 work stoppage, which eliminated 50 games from Boston's regular-season schedule. The work stoppage continued for 18 games into the 1995 season and, in conjunction with Clemens' time on the disabled list, reduced his volume of innings pitched during the 1995 season.

In the six seasons from 1987 through 1992, he earned American League All-Star selections and/or Cy Young awards five times. The impressive but not exceptional 1989 season was the only one that went unaccompanied by a major honor or award.

In the abbreviated 1994 season, Clemens compiled a +1.98 ERA margin, the highest that he ever achieved in a Boston uniform. A severe lack of run support in 1994 led to only a 9-7 won-lost record for Clemens. If he had received merely average run support from the Red Sox in 1994, and if his +1.95 ERA margin had yielded a comparable winning percentage, he would have had a record of approximately 12-4, assuming he would have been credited with the same number of decisions.

The 1996 Season

Clemens would endure a similar lack of run support in 1996, his final year with the Red Sox. Clemens had a +1.37 ERA Margin for the season but only a 10-13 record. As shown in Section B of this report, the Red Sox hitters gave him only 4.3 runs per 9 innings, in a season in which the A.L. norm was 5.4 runs per 9. Clemens pitched extremely well in 1996, but given the lack of run support and the fact that Boston relievers blew six games in which Clemens left with the lead, his record is deceptive, particularly for those who place excessive emphasis on pitchers' wins and losses. In a December 1, 1996 article in the Boston Globe, noted baseball columnist Peter Gammons observed the misleading nature of Clemens' won-lost record, commenting that "everyone knows Clemens could have been 18-10 last season."

In 2004, Curt Schilling posted a +1.37 ERA Margin for the Red Sox, the same ERA Margin Clemens achieved in 1996. Schilling, however, emerged with a 21-6 record that propelled him to the A.L. All-Star team and to second place in the Cy Young Award voting, behind Johan Santana of the Minnesota Twins. Boston hitters treated Schilling to a colossal 7.5 runs of support per 9 innings in 2004, a full 2.5 runs and 50% higher than the A.L. average of 5.0. By comparison, Clemens received 4.3 runs of support per 9 innings in 1996, more than a full run less than the A.L. average of 5.4. This comparison takes nothing away from Schilling's 2004 performance, but it highlights the fact that Clemens would have had a far better won-lost record in 1996 if he had received merely average support from the Red Sox hitters.

Clemens was far from being in the "twilight of his career" or "washed up" in 1996, as some have speculated. During the 1996 season Clemens ranked first in strikeouts in the American League and tied his own record by striking out 20 batters in Detroit on September 18, 1996. In addition, he ranked sixth in the American League in ERA, second in the A.L. in hits per nine innings, and fifth in innings pitched. This performance cannot be reasonably categorized as a "twilight."

Peter Gammons, in the same Boston Globe article, commented on the overall quality of Clemens' performance in 1996 and over the course of his career in Boston, stating, "Clemens is so much more important than anyone else to the Red Sox." In making his case to re-sign Clemens, Gammons wrote, "The Red Sox need him not only because he is, as (Dan) Duquette says, 'the best pitcher in the history of the franchise', but also because he is the lead horse for a pitching staff they hope will be far better than last year's."

The historical context of Roger Clemens' Boston career

Gammons' opinion is supported by Clemens' performance in Boston. During his time with Boston, Roger Clemens pitched a total of 2776.0 innings in 382 starts. Taken together, the innings and starts comprise more than half of his full career totals. More important is that he had compiled a cumulative ERA margin of +1.31, which was the primary source of his won-lost record of 192-111 and his winning percentage of .634. Compare Clemens' statistics in Boston to those of eight starting pitchers who have been enshrined in the Major League Baseball Hall of Fame.

Chart 16
The Boston Totals of Roger Clemens Compared to the Career Totals of Eight Hall-of-Fame Starting Pitchers

Sandy Koufax	397	314	2324.1	165	87	.655
Lefty Gomez	368	320	2503.0	189	102	.649
Dizzy Dean	317	230	1967.1	150	83	.644
Addie Joss	286	260	2327.0	160	97	.623
Ed Walsh	430	315	2964.1	195	126	.607
Jack Chesbro	392	332	2896.2	198	132	.600
Dazzy Vance	442	347	2967.0	197	140	.585
Rube Waddell	407	340	2961.1	193	143	.574

This chart is a list of Hall-of-Fame starting pitchers whose career innings roughly correspond to Roger Clemens' innings through his final season in Boston. The chart is presented in descending order of winning percentage. We have not calculated the ERA margins for the Hall of Fame members, whose careers span the period from 1897 to 1996. However, by the time starting pitchers have neared or exceeded the 2,000-innning mark, as these nine pitchers did, their won-lost records are highly consistent with their ERA margins.

Clemens ranks first in games started, fifth in innings pitched, and fourth in winning percentage. This comparison firmly establishes that he had already attained Hall of Fame quality and quantity in statistical terms before he became a free agent in November of 1996. Moreover, Roger Clemens tied the legendary Cy Young with 192 Boston victories, the highest total ever amassed by a pitcher in a Red Sox uniform.

2. The Apex of Clemens' Career: August 11, 1996 through April 10, 1999

Overview

Much commentary has been devoted to Clemens' outstanding performance in 1997 and 1998, when he won two Cy Young Awards with the Toronto Blue Jays. While some have suggested that Clemens' career was in doubt after the 1996 season, Clemens in fact began an excellent stretch of pitching on August 11, 1996, while still with the Boston Red Sox. Prior to August 11, Clemens was having a respectable season, but due to the inadequate support that he received, his record was a paltry 4 wins, 11 losses. Beginning on August 11th, Clemens started 10 games, pitched 77.2 innings, recorded a 2.09 ERA and posted a 6-2 won-lost record, despite receiving only 3.9 runs of support per game. As noted earlier, it was during this period that Clemens matched his record-setting feat of striking out 20 batters in a single game on September 18, 1996 against the Tigers in Detroit, on his way to leading the American League in strikeouts.

He continued this excellent stretch into 1997, when he won his 4th Cy Young Award, this time with the Toronto Blue Jays. In 1997, Clemens had 21 wins, an ERA of 2.05, and 292 strikeouts, all of which were the best in the American League, thereby achieving the unofficial pitching Triple Crown. Clemens repeated this Triple Crown performance in 1998, when he recorded 20 wins, an ERA of 2.65, and 271 strikeouts. These accomplishments earned Clemens his 5th Cy Young Award.

It has been suggested that Clemens' performance during July and August of 1998 was unusual. The Peaks and Valleys chart above shows that Clemens has had 24 peak periods totaling 36 peak months over the course of his career. That is an average of 1.5 peak months per year. The two-month, 86.1-inning peak period in his performance in 1998 is therefore well within the normal range for Clemens. The chart shows that the 1998 peak in ERA ranks only fifth in duration and only fourth in quality among the 24 peak periods in his career.

Equally significant is that Clemens put together a stretch of 171.1 innings with an ERA of 1.58 from April through July of 1997. This period of excellence in 1997 was twice as long as his peak period in 1998, again showing that the 1998 spike in performance was not unusual for a pitcher of Roger Clemens' caliber.

Chart 17
Roger Clemens' Performance Peak: August 11, 1996 through April 10, 1999

08-11	1	0	7.0	0	
08-17	1	0	9.0	0	9
08-22	1	0	9.0	1	
08-27	1	0	8.0	0	7
09-02	0	0	6.0	3	4
09-07	0	1	8.0	4	8
09-13	1	0	7.0	5	4
09-18	1	0	9.0	0	
09-23	0	0	7.0	1	
09-28	0	1	7.2	4	
04-02	1	0	9.0	1	9
04-09	1	0	5.2	0	
04-19	1	0	7.0	0	4
04-25	0	0	7.0	6	2
04-30	1	0	8.0	0	7
05-05	1	0	9.0	1	
05-10	1	0	7.0	4	
05-16	1	0	7.0	1	4
05-21	1	0	8.0	1	
05-26	1	0	7.0	1	7
05-31	1	0	8.0	2	4
06-06	1	0	8.0	0	8
06-11	0	1	7.0	4	5
06-16	0	1	9.0	3	
06-21	0	0	7.0	0	
06-26	1	0	7.1	0	
07-01	0	1	8.1	2	8
07-06	1	0	9.0	0	
07-12	1	0	8.0	1	
07-17	1	0	9.0	1	
07-23	1	0	8.0	0	7
07-28	0	1	8.0	1	
08-02	0	0	6.0	6	
08-07	1	0	9.0	0	
08-12	1	0	9.0	1	
08-17	1	0	7.0	4	
08-22	1	0	7.1	2	4
08-28	0	0	9.0	0	7
09-02	0	1	6.0	6	7
09-07	1	0	9.0	0	
09-12	0	1	7.0	6	5
09-18	0	0	7.0	1	
09-23	0	1	8.0	3	
09-28	0	0	8.1	2	8

04-01	1	0	7.0	1	3	
04-07	0	1	0.0	2	0	**Injured in 1st inning.**
gap	--	--	----	--	--	**Missed a start.**
04-17	1	0	6.2	1	7	
04-22	0	1	6.2	6	6	
04-27	0	1	7.0	1		
05-02	1	0	7.0	0	7	
05-07	1	0	7.0	0	6	
05-13	0	1	8.0	1		
05-18	0	1	5.0	9	5	
05-23	1	0	8.0	2		**Back on**
05-29	0	1	7.0	4		**track, with**
06-03	1	0	9.0	1		**strikeouts**
06-08	0	0	7.0	3		**on the rise.**
06-14	1	0	5.1	4	3	**6.75 ERA, win.**
06-19	0	0	5.0	3		**5.40 ERA, no decision.**
06-24	1	0	7.0	5	4	**6.43 ERA, win.**
06-30	1	0	9.0	3		
07-05	0	0	7.1	1	7	
07-12	1	0	7.1	2		
07-17	1	0	7.0	1		
07-22	1	0	8.0	0	4	
07-28	1	0	6.2	3	4	**4.05 ERA, win.**
08-02	1	0	8.0	1		
08-09	0	0	7.0	2		
08-15	0	0	8.0	2		
08-20	1	0	9.0	0		
08-25	1	0	9.0	0		
08-30	1	0	9.0	0	7	
09-05	1	0	8.0	2		
09-11	0	0	5.0	3		**5.40 ERA, no decision.**
09-16	1	0	7.2	1		
09-21	1	0	8.0	1		
09-26	0	0	8.0	4		**4.50 ERA, no decision**
04-05	0	0	6.1	3		
04-10	1	0	7.2	0		

– average of 10 or more strikeouts per 9 innings. ERA in "1998 Notes" is for that game, only.

The four sections in the above chart contain the game-by-game statistics for Roger Clemens for the period that comprises the apex of his career. The period begins on August 11, 1996 and extends through April 10, 1999. His cumulative record for that time is as follows:

Chart 18
Career Apex Totals: 8/11/96 through 4/10/99

79	48	15	.762	590.1	2.21	10.2

Strikeout peaks and valleys

An analysis of Roger Clemens' performance as a strikeout pitcher also demonstrates that the peaks and valleys of performance occur month to month as well as year to year. The strikeouts that are displayed in blue boxes represent games in which Clemens averaged 10 or more strikeouts per 9 innings. They begin to appear with great regularity around the time of the 20-strikeout game that he pitched for the Red Sox against the Tigers in Detroit on September 18, 1996.

In 1997, Clemens did not achieve much consistency with his strikeouts until after his 13th start of that season, on June 11th. Though he did not have good outings on April 25th (6 earned runs in 7.0 innings) and May 10th (4 earned runs in 7.0 innings), he was able to emerge from his first 12 starts with a 1.69 ERA and an 11-0 record. Nearly all such win streaks depend on ample run support from one's teammates. Clemens was the beneficiary of 5.8 runs of support per 9 innings from the Toronto hitters during the streak, in a year in which the American League average was 4.9.

From June 16th through the rest of the 1997 season, he met or exceeded a strikeout rate of 10.0 per 9 innings 14 times in 21 games. For the year, his strikeout rate was 10.0 per 9 innings, as indicated on the "Avgs." line at the bottom of the 1997 section of the chart.

As in 1997, Clemens' 1998 season began slowly in terms of overall effectiveness and strikeouts. As noted on the last column of the 1998 section, he came out of his April 7th start due to an injury. In that game he surrendered 2 earned runs and did not retire a batter (0.0 innings pitched). The notes also show that he missed a start between April 7 and April 17. Clemens rebounded nicely in his April 17 start. However, as the notes indicate, he pitched erratically for another month, through May 18, due to the lingering effects of his injury.

From May 23 through June 8, 1998, he showed distinct signs that he had regained his form of the last two-thirds of the previous season. His strikeouts were over the 10.0 average per 9 innings for all four of those games, and his ERA was 2.90. Clemens would experience another dip, this time for the three games from June 14 to June 24.

Much as in 1997, he was completely on top of his game beginning with his June 30th start – a complete game with 11 strikeouts. Over the final 17 games of the 1998 season, starting with the June 30th outing, he registered 13 high-strikeout games and a 1.77 ERA. His record during that stretch was 12-0. Because he had notched wins in his three previous decisions, he finished the season with 15 wins without a loss. Clemens' ERA was 0.08 runs higher than the 1.69 ERA that drove his 11-win streak in 1997. He also had six sub par outings for which he posted 4 wins and 2 no-decisions. These sub par outings are identified in the "1998 Notes," as are the earned run averages that he registered in each of the games. Once again, Clemens needed help from his Toronto teammates to put together the streak. This time, however, it depended a bit more on timing, as his run support was only 4.3 per 9 innings. And the timing was indeed excellent. In the six sub par games, the Blue Jays averaged 6.0 runs per 9. Included in those games was a no-

decision for Clemens that the Blue Jays lost. Furthermore, the club lost 2 of his other 6 no-decision games during the win streak.

1998 Season Summary

Roger Clemens' performance in 1998 was a continuation of the success that began on August 11, 1996. The high point of this remarkable stretch of pitching came in the first two-thirds of the 1997 season, when he maintained a 1.58 ERA in 22 games and 171.1 innings of pitching. The statistics below show that in 1997 Clemens made one more start, pitched 29.1 more innings, and posted an ERA Margin 0.52 runs better than he did in 1998.

Chart 19
Roger Clemens: Statistics for 1997-1998

1997	Tor	34	264.0	21	7	.750	5.0	2.05	+2.52
1998	Tor	33	234.2	20	6	.769	5.0	2.65	+2.00

The 11- and 15-game win streaks that he put together in 1997 and 1998, respectively, were dependent on exceptional support from his Toronto teammates at critical times.

Beginning of the 1999 Season

Roger Clemens opened the 1999 season with two strong starts in which he recorded a 1.93 ERA, a 10.3 strikeout rate, and a 1-0 record. It looked like Clemens was beginning 1999 much the same way that he had ended 1998. Unfortunately, he would suffer an injury in late April of 1999 that would place him on the disabled list for more than three weeks. As the statistics for 1999 reveal, his overall performance after the first two starts in 1999 was well below his personal norms, marking the end of his career-best period.

3. New York and Houston: 1999 through 2007

Joining the Yankees

The 1999, 2000 and 2001 Seasons

After the two starts that opened his 1999 season, Clemens struggled in two of his next three starts, posting a 9.48 ERA in 12.1 innings of work. In the third outing, on April 27th, he was taken out of the game after surrendering 5 earned runs in just 2.0 innings. On the next day, Clemens was placed on the disabled list, where he would remain until May 22nd.

Chart 20
Monthly Breakdown for Roger Clemens in 1999

1999	April	5	26.1	5.47	8.9	5.8	14.7	1.7	7.9
1999	May	2	13.0	1.38	5.5	2.8	8.3	0.0	7.6
1999	June	6	36.1	4.95	12.1	3.2	15.3	0.7	9.7
1999	July	6	37.1	5.30	9.6	4.1	13.7	1.0	6.0
1999	August	5	36.2	3.44	7.9	3.7	11.5	0.7	6.1
1999	Sep/Oct	6	38.0	5.21	7.1	5.7	12.8	0.7	9.5

NOTE: The boxes on the right contain Clemens's rates per 9 innings in hits, walks, baserunners, and home runs allowed and in strikeouts recorded.

The two starts that he made in May went well. He recorded a 1.38 ERA and was credited with 2 wins. In his next three starts, through June 12th, he was credited with 2 wins and 1 loss, but his ERA for the three games was 7.05. At that point, Clemens's ERA for the season stood at 5.27 in 10 starts and 54.2 innings pitched. Thanks to timely support from the Yankees' hitters, who averaged 5.8 runs per game through his tenth start, he managed to post a 6-1 won-lost record despite having an ERA margin of -0.41.

From June 17th through the end of the season, Clemens' ERA for 20 games started and 133.0 innings pitched was 4.33, a +0.53 ERA margin. In normal circumstances this would have yielded a winning percentage distinctly above .500. However, the Yankees scored only 76 runs in those games, or 3.8 per game, and only 47 runs in 17 of the games, or 2.8 per game. As a result of this lack of support, his record was 8-9.

Clemens finished the season with a 14-10 record and a +0.26 ERA margin. This was the fourth lowest margin of his career and clearly a product of the sharp decline that he experienced in most of the games leading up to his disablement.

Chart 21
Monthly Breakdowns for Roger Clemens in 2000 and 2001

2000	April	6	38.2	3.26	8.6	4.7	13.3	0.7	8.4
2000	May	5	31.2	4.83	8.5	2.3	10.8	2.0	9.7
2000	June	3	11.0	9.82	13.9	7.4	21.3	2.5	9.0
2000	July	6	42.1	1.91	6.8	3.4	10.2	0.4	7.2
2000	August	6	41.2	3.23	7.3	4.1	11.4	1.1	7.6
2000	Sept.	6	39.0	3.92	7.8	2.8	10.6	1.4	8.8

2001	April	6	41.1	4.36	8.1	3.0	11.1	0.7	6.8
2001	May	5	34.2	4.15	8.8	2.9	11.7	1.0	10.4
2001	June	6	41.2	2.38	8.4	2.6	11.0	0.6	9.7
2001	July	5	30.2	3.52	8.5	2.6	11.2	1.5	9.1
2001	August	6	40.2	3.10	8.4	2.2	10.6	0.2	8.6
2001	Sep/Oct	5	31.1	3.73	8.1	4.6	12.6	0.9	7.8

Summary

After his injury-affected 1999 season, Roger Clemens posted ERA Margins of +1.21 and +0.96 in the next two seasons. These Margins were somewhat below his career average Margin of +1.25.

The above charts track his performances on a month-by-month basis. In June of 2000, Clemens posted his worst month of the year. He was injured and placed on the disabled list during that month and pitched quite poorly in the three starts that he did make, as evidenced by the 9.82 ERA that he compiled. Clemens then put together an exceptional July before settling into the level of effectiveness that he showed for the year.

Clemens had a similar experience in 2001. After a sub par beginning in April and May, he rebounded in June with a 2.38 ERA. For the rest of the season, he once again resumed a normal, steady pace of distinctly better-than-average pitching. Although Clemens had posted a higher ERA margin in 2000 and was only 0.96 runs better than the American League's ERA of 4.47 in 2001, the Yankees' hitters produced a prolific 6.6 runs of support per 9 innings. As noted earlier, this played a major role in his amassing a 20-3 won-lost record. One could argue that the Yankees' hitters could have shared in the Cy Young Award that he won that year, just as one could argue that the lack of run support from Boston hitters cost him an opportunity to win the Cy Young Award in 1994.

The 2002 and 2003 Seasons

Chart 22
Monthly Breakdowns for Roger Clemens in 2002 and 2003

2002	April	6	39.0	4.62	7.8	3.5	11.3	0.5	8.8
2002	May	6	39.1	2.97	8.0	3.2	11.2	0.2	10.7
2002	June	5	30.1	5.04	9.2	3.3	12.5	1.5	10.4
2002	July	2	10.0	2.70	4.5	0.9	5.4	1.8	5.4
2002	August	5	31.0	6.10	11.6	3.5	15.1	1.5	9.9
2002	Sept.	5	30.1	3.86	8.0	3.0	11.0	0.9	9.5
2003	April	5	34.0	3.18	8.5	2.6	11.1	1.1	9.0
2003	May	5	30.1	5.04	10.4	3.3	13.6	0.6	11.0
2003	June	6	42.0	2.79	6.0	1.9	7.9	1.1	9.2
2003	July	5	31.1	5.17	9.8	2.0	11.8	1.4	7.2
2003	August	6	38.0	4.97	9.2	2.8	12.1	1.2	6.6
2003	Sept.	5	30.0	3.30	8.4	2.4	10.8	0.9	5.4

Summary

Roger Clemens began the 2002 season with a solid first 15 starts, posting a 3.57 ERA and an 8-2 won-lost record through June 9th. At that point, however, his performance took a decided downturn. In the four games and 20.1 innings that he pitched from June 15th through July 2nd, he recorded a 7.08 ERA. He then pitched well in a 5-inning start on July 12th, but he was injured and removed from the game. The Yankees placed him on the disabled list after that start, where he

remained until August 7th. As revealed in the 2002 chart, below, Clemens struggled in August, posting a 6.10 ERA before he returned to form in September and compiled a 3.86 ERA.

Although Clemens's 4.35 ERA for the season was only 0.11 runs better than the American League norm of 4.46, he finished the season with a 13-6 won-lost record, good for a .684 winning percentage. As noted earlier, this was one of three instances in his career in which his ERA Margin and his run support are out of sync with his wins and losses. Clemens received timely support from his Yankees' teammates in 2002. This timely support is in contrast to 1996, when Clemens left six games while the Red Sox were leading, only to have Boston's relief pitching later surrender the lead, resulting in six "no decisions" instead of wins.

In the 2003 chart, Clemens' ERA varied from month to month. Nonetheless, Clemens pitched well in September and finished the season with a 3.91 ERA. This was 0.61 runs better than the A.L. average of 4.52. His won-lost record was 17-9 in 2003, giving him a winning percentage of .654. His improved ERA Margin accounts for a portion of the 154 points by which his win percentage exceeds .500. But more of it is owed to the 5.8 runs of support that he received, which was 9/10 of a run greater than the A.L. average of 4.9.

Houston: The 2004 to 2006 Seasons

Chart 23
Monthly Breakdowns for Roger Clemens in 2004, 2005 and 2006

2004	April	5	32.1	1.95	5.8	3.9	9.7	0.8	8.9
2004	May	5	32.0	2.81	7.0	3.4	10.4	0.6	12.4
2004	June	6	38.1	3.05	8.5	4.0	12.4	0.7	7.3
2004	July	5	33.2	3.21	6.4	2.9	9.4	1.1	9.1
2004	August	6	36.0	4.25	9.0	3.3	12.3	0.5	7.8
2004	Sept.	6	42.0	2.57	5.8	2.6	8.4	0.2	9.9
2005	April	5	35.0	1.03	5.9	2.1	8.0	0.5	9.3
2005	May	6	41.0	1.54	4.8	2.6	7.5	0.2	8.8
2005	June	5	32.0	1.97	7 0	3.4	10.4	0.6	7.9
2005	July	5	34.0	1.32	6.9	2.4	9.3	0.0	6.1
2005	August	6	42.1	1.70	5.1	1.7	6.8	0.6	8.5
2005	Sep/Oct	5	27.0	4.33	10.3	4.3	14.6	1.0	6.0
2006	April	dnp	----	-----	----	----	----	----	----
2006	May	dnp	----	-----	----	----	----	----	----
2006	June	2	11.1	2.38	7.1	3.2	10.3	0.0	5.6
2006	July	6	36.0	2.00	7.3	1.8	9.0	0.5	8.3
2006	August	6	39.0	2.54	7.8	1.6	9.5	0.9	7.6
2006	Sept.	5	27.0	2.33	5.7	3.7	9.3	0.3	9.7

After announcing his retirement to much fanfare during the World Series in 2003 in Florida, Clemens decided to "unretire" and pitch for his hometown Houston Astros. The change to the

National League was good for Clemens. The use of pitch counts and his unique contractual arrangement with the Houston Astros allowed him to avoid some of the fatiguing travel of the regular season and kept him fresh throughout the year. His ERA Margin increased to +1.32, and he compiled an 18-4 record in 2004. For this effort, Clemens received his 7th Cy Young Award.

Clemens' success continued in 2005, as he posted an ERA Margin of +2.35; however, below average run support resulted in a 13-8 record. This lack of run support from the Houston Astros during the 2005 season became one of the selling points used by the Texas Rangers in their efforts to sign Clemens prior to the 2006 season. Attached hereto as Exhibit "A" is a one page report prepared by the Texas Rangers showing that if Clemens had received the run support the Rangers provided their pitchers on the dates of each of Clemens' 2005 starts, he would have had a won-lost record of 24-3 and, in the estimation of the Rangers, would have won an 8th Cy Young Award.

In 2006 Clemens agreed to a contract beginning in June, shortening his season to keep him fresh after his participation in the World Baseball Classic for Team USA during the spring. His ERA Margin for 2006 was +2.19, but due to another year of low run support, he posted only a 7-6 record.

Hall-of-Fame starting pitcher Tom Seaver, in his book "The Art of Pitching", describes "location", "movement", and "speed", in that order, as the most important components of successful pitching. Roger Clemens was fortunate to be a teammate of Seaver in Boston in 1986, and has said that Seaver was an influence on his career. Location is throwing a pitch exactly where a pitcher intends it to go. Movement on a pitch makes it more difficult for a hitter to calculate the path of the ball and to judge its destination relative to the strike zone. Speed is simply velocity as measured in miles per hour. Clemens was on top of his game in Houston because of the excellent downward movement on his deceptive split-finger fastball. While the velocity on his regular fastball was usually in the 90-91 m.p.h. range, as opposed to the mid-90's level that it routinely reached earlier in his career, Clemens' location and movement more than compensated for that decline in speed.

In his 2.6-seasons in Houston, spanning a bit less than 16 months of pitching, he compiled 10 peak months. From April of 2004 through August of 2005, Clemens made 33 starts and pitched 223.2 innings. His ERA for that period was 1.53. And his ERA in the three-plus months from the latter part of June through September of 2006 was 2.30.

Return to New York: The 2007 Season

Chart 24
Monthly Breakdown for Roger Clemens in 2007

2007	April	dnp	----	------	----	----	----	----	----
2007	May	dnp	----	------	----	----	----	----	----
2007	June	5	23.2	5.32	10.3	3.0	13.3	1.5	8.4
2007	July	6	40.2	3.10	7.3	2.2	9.5	0.2	4.6
2007	August	5	24.2	4.74	10.6	3.2	13.9	1.1	6.9
2007	Sept.	2	10.0	4.50	9.0	3.6	12.6	0.9	5.4

Summary

Roger Clemens returned to the New York Yankees in 2007 for a shortened season, starting in June.

In his last tune-up in preparation for the major league season, Clemens injured his hamstring, delaying his first start with the Yankees and setting the tone for his 2007 season. The monthly breakdown of that season, displayed above, mirrors his physical status.

By July, Clemens was on track. His hit, walk, and home run rates were all superior to his career averages, giving him a 3.10 ERA and a +1.41 ERA Margin. Unfortunately, he got an average of only 2.7 runs of support per game from Yankees batters in July and had only a 2-2 record to show for the excellent quality of his pitching.

In August and September, Clemens struggled with nagging injuries and was limited to only seven starts. His ERA and rates per 9 innings were all in the average range for the American League.

In the end, Clemens' ERA of 4.18 for the 2007 season was +0.33 runs better than the league average. Given the low level of run support that he received from the Yankees' offense for the season, his won-lost record was only 6-6, making it one of only three seasons in his 24 years in the major leagues in which Clemens and his teammates did not produce a winning record in games that he started.

E. Prime Strikeout Ages of Selected Power-Pitching Starters

Roger Clemens and several notable pitchers have shown the ability to excel at striking out hitters at an older age. The two charts that follow show the year-by-year innings totals and strikeout rates per 9 innings of Roger Clemens, Randy Johnson, Curt Schilling, and Nolan Ryan. Their birth dates are shown after their names. Their statistics are presented year by year and are aligned with the ages displayed in bold numbers in the charts. (The seasonal ages for the players are determined as of June 30th, which is the midpoint of the calendar year and of the major league season.)

The rank column (Rk) includes the top five strikeout rates for each pitcher. Thus, for example, Roger Clemens' highest ranked seasonal strikeout rate of 10.4 came in 1998, which is marked "1st". The age column shows that his age as of June 30th of that year was 35.

Chart 25
The Ages f Roger Clemens, Randy Johnson, and Curt Schilling
When They Recorded Their Top Five Seasonal Strikeout Rates

Roger Clemens: 8/4/62 Randy Johnson: 9/10/63 Curt Schilling: 11/14/66

1984	133.1	8.5		**21**					**21**	1988	14.2	2.5	
1985	98.1	6.8		**22**					**22**	1989	8.2	6.2	
1986	254.0	8.4		**23**					**23**	1990	46.0	6.3	
1987	281.2	8.2		**24**	1988	26.0	8.7		**24**	1991	75.2	8.4	
1988	264.0			**25**	1989	160.2	7.3		**25**	1992	226.1	5.9	
1989	253.1	8.2		**26**	1990	219.2	8.0		**26**	1993	235.1	7.1	
1990	228.1	8.2		**27**	1991	201.1	10.2		**27**	1994	82.1	6.3	
1991	271.1	8.0		**28**	1992	210.1	10.3		**28**	1995	116.0	8.8	
1992	246.2	7.6		**29**	1993	255.1	10.9		**29**	1996	183.1	8.9	
1993	191.2	7.5		**30**	1994	172.0	10.7		**30**	1997	254.1		
1994	170.2	8.9		**31**	1995	214.1			**31**	1998	268.2		
1995	140.0	8.5		**32**	1996	61.1			**32**	1999	180.1	7.6	
1996	242.2			**33**	1997	213.0			**33**	2000	210.1	7.2	
1997	264.0			**34**	1998	244.1	12.1		**34**	2001	256.2		
1998	234.2			**35**	1999	271.2	12.1		**35**	2002	259.1		
1999	187.2	7.8		**36**	2000	248.2			**36**	2003	168.0		
2000	204.1	8.3		**37**	2001	249.2			**37**	2004	226.2	8.1	
2001	220.1	8.7		**38**	2002	260.0	11.6		**38**	2005	93.1	8.4	
2002	180.0			**39**	2003	114.0	9.9		**39**	2006	204.0	8.1	
2003	211.2	8.1		**40**	2004	245.2	10.6		**40**	2007	151.0	6.0	
2004	214.1	9.2		**41**	2005	225.2	8.4		**41**				
2005	211.1	7.9		**42**	2006	205.0	7.6		**42**				
2006	113.1	8.1		**43**	2007	56.2	11.4		**43**				
2007	99.0	6.2		**44**					**44**				

Summary

Roger Clemens had three of his top five seasons in strikeout rate, including his two best, between the ages of 33 and 35. Randy Johnson's top two rates came at ages 36 and 37, and all of his top five occurred in his thirties. The first of Curt Schilling's top five strikeout rates came at age 30. All of his top five rates occurred from the ages of 30 to 36, with two of his best three coming at ages 35 and 36. It is notable that Johnson's strikeout rate of 10.6 at age 40 is better than any strikeout rate recorded by Clemens in his career. Schilling's third best strikeout rate of 10.4 at age 36, matches Clemens' best strikeout rate, which he posted at the age of 35.

Chart 26
The Ages of Roger Clemens and Nolan Ryan When Th y Recorded Their Top Five Seasonal Strikeout Rates

Roger Clemens: 8/4/62 Nolan Ryan: 1/16/47

			19	1966	3.0	18.0	
			20	1967	------	----	
1984	133.1	8.5	**21**	1968	134.0	8.9	
1985	98.1	6.8	**22**	1969	89.1	9.3	
1986	254.0	8.4	**23**	1970	131.2	8.5	
1987	281.2	8.2	**24**	1971	152.0	8.1	
1988	264.0		**25**	1972	284.0		
1989	253.1	8.2	**26**	1973	326.0		
1990	228.1	8.2	**27**	1974	332.2	9.9	
1991	271.1	8.0	**28**	1975	198.0	8.5	
1992	246.2	7.6	**29**	1976	284.1		
1993	191.2	7.5	**30**	1977	299.0	10.3	
1994	170.2	8.9	**31**	1978	234.2	10.0	
1995	140.0	8.5	**32**	1979	222.2	9.0	
1996	242.2		**33**	1980	233.2	7.7	
1997	264.0		**34**	1981	149.0	8.5	
1998	234.2		**35**	1982	250.1	8.8	
1999	187.2	7.8	**36**	1983	196.1	8.4	
2000	204.1	8.3	**37**	1984	183.2	9.7	
2001	220.1	8.7	**38**	1985	232.0	8.1	
2002	180.0		**39**	1986	178.0	9.8	
2003	211.2	8.1	**40**	1987	211.2		
2004	214.1	9.2	**41**	1988	220.0	9.3	
2005	211.1	7.9	**42**	1989	239.1		
2006	113.1	8.1	**43**	1990	204.0	10.2	
2007	99.0	6.2	**44**	1991	173.0		
			45	1992	157.1	9.0	
			46	1993	66.1	6.2	

Summary

Three of Nolan Ryan's top five strikeout rates occurred when he was in his forties, with his very best season coming at the age of 40. It should be noted that Roger Clemens has stated for many years that his idol was Nolan Ryan, who had a well-known work ethic somewhat ahead of his time. Roger diligently noted Ryan's approach to his profession, including his pitching mechanics and workout routine, with a special emphasis on the use of his legs to generate power.

Conclusions

The above charts demonstrate that three of the most accomplished power pitchers in the active major league population, Roger Clemens, Randy Johnson and Curt Schilling, registered all but two of their highest strikeout rates between the ages of 31 and 37. And the pitcher with the highest career strikeout total in history, Nolan Ryan, did not attain his top three rates until after he turned 40.

II. Pitching Quantity

The first section of this report evaluated the quality of Roger Clemens' pitching over the course of his career. This section will evaluate the quantity of his pitching over his career.

Chart 27
Roger Clemens: Innings per Start and Pitches per Start
1984-2007

1986	Bos	33	33	254.0	7.7	n/a
1987	Bos	36	36	281.2	7.8	n/a
1988	Bos	35	35	264.0	7.5	119.6
1989	Bos	35	35	253.1	7.2	120.4
1990	Bos	31	31	228.1	7.4	113.2
1991	Bos	35	35	271.1	7.8	115.2
1992	Bos	32	32	246.2	7.7	119.4
1996	Bos	34	34	242.2	7.1	125.3
1997	Tor	34	34	264.0	7.8	120.8
1998	Tor	33	33	234.2	7.1	115.3
2001	NYY	33	33	220.1	6.7	109.2
2003	NYY	33	33	211.2	6.4	104.8
2004	Hou	33	33	214.1	6.5	104.0
2005	Hou	32	32	211.1	6.6	100.1

Rk. – Rank in league for Innings Pitched

The most obvious effect of Roger Clemens' loss of playing time to injuries and rookie status is the reduction of his innings pitched. In the 1980s and 1990s, before pitch counts and relief specialists became more in vogue, Clemens typically pitched in the neighborhood of 250 innings in seasons in which he remained healthy.

Clemens maintained nearly the same high level of volume through 1998, except when he was injured in 1993 and 1995 and when seasons were cut short by work stoppages in 1994 and 1995. From 1999 through 2005 his seasonal average dropped to approximately 215 innings pitched per year when he was not on the disabled list. This was due, in part, to Clemens being placed on a pitch count, like most pitchers. Being on a pitch count means that a club will chart the total number of pitches a starting pitcher throws, and when the pitcher reaches a prescribed limit, usually around 100 pitches, the club will consider replacing him in the game with a relief pitcher. This trend has led to an increased emphasis on the quality of relief pitching and has helped preserve the health of starting pitchers, young and old.

By excluding the years in which Clemens suffered from injury, a clear trend emerges in Clemens quantity of starts, innings pitched, innings pitched per start, and pitches per start.

Chart 28
Roger Clemens: Innings per Start
and Pitches per Start in Years Unaffected by Injuries

1986	Bos	33	33	254.0	7.7	n/a
1987	Bos	36	36	281.2	7.8	n/a
1988	Bos	35	35	264.0	7.5	119.6
1989	Bos	35	35	253.1	7.2	120.4
1990	Bos	31	31	228.1	7.4	113.2
1991	Bos	35	35	271 1	7.8	115.2
1992	Bos	32	32	246.2	7.7	119.4
1996	Bos	34	34	242.2	7.1	125.3
1997	Tor	34	34	264.0	7.8	120.8
1998	Tor	33	33	234.2	7.1	115.3
2001	NYY	33	33	220.1	6.7	109.2
2003	NYY	33	33	211.2	6.4	104.8
2004	Hou	33	33	214.1	6.5	104.0
2005	Hou	32	32	211.1	6.6	100.1

1 Rookie Season
2 MLB work stoppage
3 Season shortened by contract

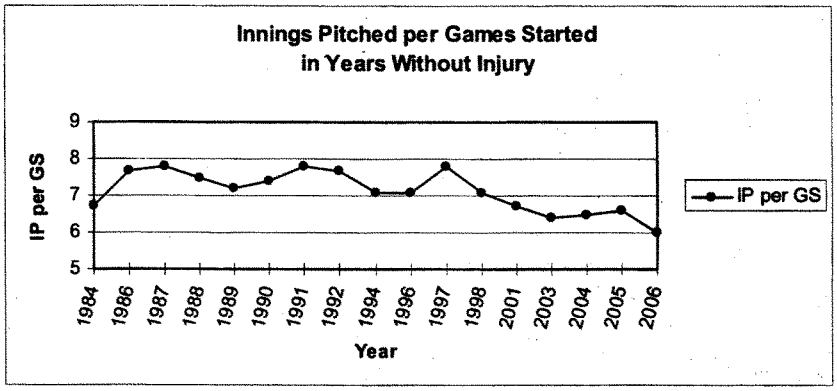
As shown above, there was a decline in the quantity of Clemens' pitching as he got older. This trend is evident in each statistical category. For innings pitched, it is not appropriate to include abbreviated seasons in this analysis as there was a predictable shortfall due to Clemens'

participating in only a partial season. It is appropriate, however, to include the data regarding the rates of innings pitched and pitches per game started, as these rates would not be significantly affected by abbreviated seasons absent an injury.

There was a decline in the total number of innings pitched by Clemens per season. Clemens averaged 254 innings pitched per full season between 1986 and 1998. Between 2001 and 2004, Clemens averaged 214 innings pitched per full season.

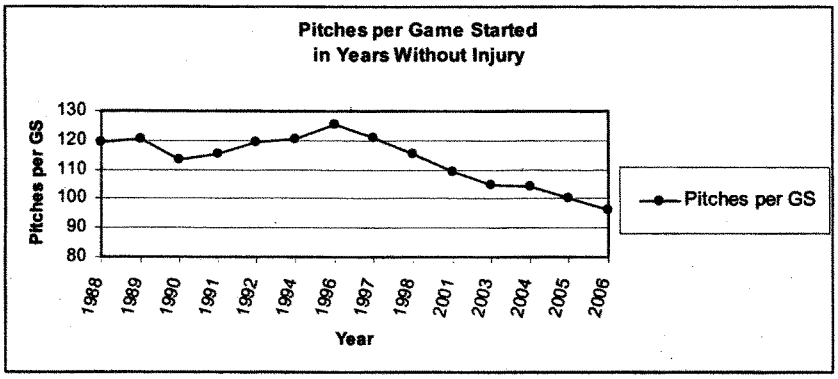
In addition to declines in the innings pitched on a season-by-season basis, as the chart above and the graphs below show, there was also a decline in the quantity of pitching that Clemens was able to provide on a per-start basis as he grew older.

Chart 29



The graph above demonstrates that Clemens averaged between 7.0 and 8.0 innings per start in seasons in which he avoided injury during the early portion of his career. After averaging 7.8 innings per start in his best professional season, 1997, Clemens' rate generally declined with age. 1998 was the last year Clemens averaged more than 7.0 innings per start.

Chart 30



The number of pitches per start is a good measure of the combined effects of declining stamina and pitch-count limitations. Clemens averaged 116.6 pitches per start from 1988 thru 1996. His rate peaked at 125.3 in 1996 when he was 34 years old. After 1997, his pitch count declined in each season, with his rate dropping from 120.8 to 92.4.

It is not unusual for starting pitchers to pitch fewer innings as they get older. By comparing the quantity of pitching of Roger Clemens to those of Randy Johnson, Curt Schilling and Nolan Ryan, it is clear that Clemens' career is consistent with these fine pitchers' careers.

Chart 31
Randy Johnson: Innings per Start and Pitches per Start

1988	Mon	4	4	26.0	6.5	107.3
1989	Mon-Sea	29	28	160.2	5.7	99.3
1990	Sea	33	33	219.2	6.7	112.2
1991	Sea	33	33	201.1	6.1	112.6
1993	Sea	35	34	255.1	7.5	123.7
1997	Sea	30	29	213.0	7.3	119.7
1998	Sea-Hou	34	34	244.1	7.2	119.5
1999	Ari	35	35	271.2	7.8	120.2
2000	Ari	35	35	248.2	7.3	115.0
2001	Ari	35	34	249.2	7.3	116.6
2002	Ari	35	35	260.0	7.4	114.2
2004	Ari	35	35	245.2	7.0	103.8
2005	NYY	34	34	225.2	6.6	100.8
2006	NYY	33	33	205.0	6.2	98.8

As with Clemens, Johnson had a decline in his quantity of innings and pitches per game as he got older. From his peak of 7.8 IP per game started and 120.2 pitches per game started in 1999, Johnson pitched less and less with age.

Chart 32
The Ages of Roger Clemens and Randy Johnson When They Recorded Their Top Five Innings Pitched Per Game Started

Roger Clemens: 8/4/62 Randy Johnson: 9/10/63

1984	20	133.1	6.7		**21**					
1985	15	98.1	6.6		**22**					
1986	33	254.0			**23**					
1987	36	281.2			**24**	1988	4	26.0	6.5	
1988	35	264.0	7.5		**25**	1989	28	160.2	5.7	
1989	35	253.1	7.2		**26**	1990	33	219.2	6.7	
1990	31	228.1	7.4		**27**	1991	33	201.1	6.1	
1991	35	271.1			**28**	1992	31	210.1	6.8	
1992	32	246.2			**29**	1993	34	255.1		
1993	29	191.2	6.6		**30**	1994	23	172.0		
1994	24	170.2	7.1		**31**	1995	30	214.1	7.1	
1995	23	140.0	6.1		**32**	1996	8	61.1	n/a	
1996	34	242.2	7.1		**33**	1997	29	213.0		
1997	34	264.0			**34**	1998	34	244.1	7.2	
1998	33	234.2	7.1		**35**	1999	35	271.2		
1999	30	187.2	6.3		**36**	2000	35	248.2		
2000	32	204.1	6.4		**37**	2001	34	249.2		
2001	33	220.1	6.7		**38**	2002	35	260.0		
2002	29	180.0	6.2		**39**	2003	18	114.0	6.3	
2003	33	211.2	6.4		**40**	2004	35	245.2	7.0	
2004	33	214.1	6.5		**41**	2005	34	225.2	6.6	
2005	32	211.1	6.6		**42**	2006	33	205.0	6.2	
2006	19	113.1	6.0		**43**	2007	10	56.2	5.7	
2007	17	99.0	5.8		**44**					

As shown in the chart above, Johnson maintained his innings per game started at high levels for longer than Clemens, posting several of his best seasons after the age of 35.

Chart 33
The Ages of Roger Clemens and Randy Johnson Wh n
They Recorded Their Top Five Pitches per Game Started

Roger Clemens: 8/4/62 Randy Johnson: 9/10/63

1984	20	133.1	n/a		**21**					
1985	15	98.1	n/a		**22**					
1986	33	254.0	n/a		**23**					
1987	36	281.2	n/a		**24**	1988	4	26.0	107.3	
1988	35	264.0			**25**	1989	28	160.2	99.3	
1989	35	253.1			**26**	1990	33	219.2	112.2	
1990	31	228.1	113.2		**27**	1991	33	201.1	112.6	
1991	35	271.1	115.2		**28**	1992	31	210.1		
1992	32	246.2	119.4		**29**	1993	34	255.1		
1993	29	191.2	109.3		**30**	1994	23	172.0		
1994	24	170.2			**31**	1995	30	214.1		
1995	23	140.0	106.7		**32**	1996	8	61.1	104.4	
1996	34	242.2			**33**	1997	29	213.0	119.7	
1997	34	264.0			**34**	1998	34	244.1	119.5	
1998	33	234.2	115.3		**35**	1999	35	271.2		
1999	30	187.2	110.9		**36**	2000	35	248.2	115.0	
2000	32	204.1	107.3		**37**	2001	34	249.2	116.6	
2001	33	220.1	109.2		**38**	2002	35	260.0	114.2	
2002	29	180.0	103.3		**39**	2003	18	114.0	100.6	
2003	33	211.2	104.8		**40**	2004	35	245.2	103.8	
2004	33	214.1	104.0		**41**	2005	34	225.2	100.8	
2005	32	211.1	100.1		**42**	2006	33	205.0	98.8	
2006	19	113.1	96.2		**43**	2007	10	56.2	90.6	
2007	17	99.0	92.4		**44**					

As with innings per game, Johnson's number of pitches per game declined with age, but he maintained high pitch counts for slightly longer than Clemens at comparable ages. After the 1999 season, Johnson showed a decline in pitches per game started.

Chart 34
Curt Schilling: Innings per Start and Pitches per Start

1988	Bal	4	4	14.2	3.7	71.3
1989	Bal	5	1	8.2	2.1	57.0
1990	Bal	35	0	46.0	–	–
1991	Hou	56	0	75.2	–	–
1992	Phi	42	26	226.1	7.6	108.3
1993	Phi	34	34	235.1	6.9	107.5
1997	Phi	35	35	254.1	7.3	118.1
1998	Phi	35	35	268.2	7.7	120.4
2001	Ari	35	35	256.2	7.3	106.0
2002	Ari	36	35	259.1	7.4	105.9
2004	Bos	32	32	226.2	7.1	106.6
2006	Bos	31	31	204.0	6.6	104.8

Schilling pitched his highest number of innings and pitches per game in the 1998 season. Since 1998, his quantity has declined in both categories.

Chart 35
The Ages of Roger Clemens and Curt Schilling When They Recorded Their Top Five Innings Pitched per Game Started

Roger Clemens: 8/4/62 Curt Schilling: 11/14/66

1984	20	133.1	6.7		**21**	1988	4	14.2	3.7	
1985	15	98.1	6.6		**22**	1989	1	8.2	2.1	
1986	33	254.0			**23**	1990	0	46.0	--	
1987	36	281.2			**24**	1991	0	75.2	--	
1988	35	264.0	7.5		**25**	1992	26	226.1		
1989	35	253.1	7.2		**26**	1993	34	235.1	6.9	
1990	31	228.1	7.4		**27**	1994	13	82.1	6.3	
1991	35	271.1			**28**	1995	17	116.0	6.8	
1992	32	246.2			**29**	1996	26	183.1	7.1	
1993	29	191.2	6.6		**30**	1997	35	254.1		
1994	24	170.2	7.1		**31**	1998	35	268.2		
1995	23	140.0	6.1		**32**	1999	24	180.1		
1996	34	242.2	7.1		**33**	2000	29	210.1	7.2	
1997	34	264.0			**34**	2001	35	256.2		
1998	33	234.2	7.1		**35**	2002	35	259.1		
1999	30	187.2	6.3		**36**	2003	24	168.0	7.0	
2000	32	204.1	6.4		**37**	2004	32	226.2	7.1	
2001	33	220.1	6.7		**38**	2005	11	93.1	6.3	
2002	29	180.0	6.2		**39**	2006	31	204.0	6.6	
2003	33	211.2	6.4		**40**	2007	24	151.0	6.3	
2004	33	214.1	6.5		**41**					
2005	32	211.1	6.6		**42**					
2006	19	113.1	6.0		**43**					
2007	17	99.0	5.8		**44**					

As shown in the chart above, Schilling had his highest rates of innings per game started between the ages of 25 and 35. He maintained a rate of more than 7.0 innings per game started until the age of 37. Clemens did not average more than 7.0 innings per game started after the age of 35.

Chart 36
The Ages of Roger Clemens and Curt Schilling When They Recorded Their Top Five Pitches per Game Started

Roger Clemens: 8/4/62 Curt Schilling: 11/14/66

1984	20	133.1	n/a		**21**	1988	4	14.2	71.3
1985	15	98.1	n/a		**22**	1989	1	8.2	57.0
1986	33	254.0	n/a		**23**	1990	0	46.0	--
1987	36	281.2	n/a		**24**	1991	0	75.2	--
1988	35	264.0			**25**	1992	26	226.1	
1989	35	253.1			**26**	1993	34	235.1	107.5
1990	31	228.1	113.2		**27**	1994	13	82.1	102.2
1991	35	271.1	115.2		**28**	1995	17	116.0	106.6
1992	32	246.2	119.4		**29**	1996	26	183.1	
1993	29	191.2	109.3		**30**	1997	35	254.1	
1994	24	170.2			**31**	1998	35	268.2	
1995	23	140.0	106.7		**32**	1999	24	180.1	
1996	34	242.2			**33**	2000	29	210.1	105.8
1997	34	264.0			**34**	2001	35	256.2	106.0
1998	33	234.2	115.3		**35**	2002	35	259.1	105.9
1999	30	187.2	110.9		**36**	2003	24	168.0	102.3
2000	32	204.1	107.3		**37**	2004	32	226.2	106.6
2001	33	220.1	109.2		**38**	2005	11	93.1	104.6
2002	29	180.0	103.3		**39**	2006	31	204.0	104.8
2003	33	211.2	104.8		**40**	2007	24	151.0	94.8
2004	33	214.1	104.0		**41**				
2005	32	211.1	100.1		**42**				
2006	19	113.1	96.2		**43**				
2007	17	99.0	92.4		**44**				

The pitch counts of Curt Schilling and Roger Clemens follow a similar pattern of decline with age. Both men peaked in their early thirties and underwent declines in pitches per game started for the rest of their careers.

Chart 37
Nolan Ryan: Innings per Start

1966	NYM	2	1	3.0	n/a
1970	NYM	27	19	131.2	n/a
1971	NYM	30	26	152.0	n/a
1972	Cal	39	39	284.0	7.3
1973	Cal	41	39	326.0	8.4
1974	Cal	42	41	332.2	8.1
1975	Cal	28	28	198.0	7.1
1976	Cal	39	39	284.1	7.3
1977	Cal	37	37	299.0	8.1
1979	Cal	34	34	222.2	6.5
1980	Hou	35	35	233.2	6.7
1982	Hou	35	35	250.1	7.2
1985	Hou	35	35	232.0	6.6
1987	Hou	34	34	211.2	6.2
1988	Hou	33	33	220.0	6.7
1989	Tex	32	32	239.1	7.5

n/a – pitcher had significant relief appearances

Analyzing Nolan Ryan's quantity over the course of his career is helpful because he has one of the longest careers for a starting pitcher in the history of baseball. Pitch count information is unavailable prior to 1988, so Ryan's quantity must be measured in innings per game started. As displayed in the chart above, Ryan was able to average more than 8.0 innings per start three

times in his career. After 1982, Ryan consistently pitched less than 7.0 innings per game started, with exception of his 7.5 rate in 1989.

Chart 38
The Ages of Roger Clemens and Nolan Ryan When They Recorded Their Top Five Innings Pitched per Game Started

Roger Clemens: 8/4/62 Nolan Ryan: 1/16/47

					19	1966	1	3.0	n/a	
					20	1967	0	0.0	n/a	
1984	20	133.1	6.7		**21**	1968	18	134.0	n/a	
1985	15	98.1	6.6		**22**	1969	10	89.1	n/a	
1986	33	254.0			**23**	1970	19	131.2	n/a	
1987	36	281.2			**24**	1971	26	152.0	n/a	
1988	35	264.0	7.5		**25**	1972	39	284.0	7.3	
1989	35	253.1	7.2		**26**	1973	39	326.0		
1990	31	228.1	7.4		**27**	1974	41	332.2		
1991	35	271.1			**28**	1975	28	198.0	7.1	
1992	32	246.2			**29**	1976	39	284.1	7.3	
1993	29	191.2	6.6		**30**	1977	37	299.0		
1994	24	170.2	7.1		**31**	1978	31	234.2		
1995	23	140.0	6.1		**32**	1979	34	222.2	6.5	
1996	34	242.2	7.1		**33**	1980	35	233.2	6.7	
1997	34	264.0			**34**	1981	21	149.0	7.1	
1998	33	234.2	7.1		**35**	1982	35	250.1	7.2	
1999	30	187.2	6.3		**36**	1983	29	196.1	6.8	
2000	32	204.1	6.4		**37**	1984	30	183.2	6.1	
2001	33	220.1	6.7		**38**	1985	35	232.0	6.6	
2002	29	180.0	6.2		**39**	1986	30	178.0	5.9	
2003	33	211.2	6.4		**40**	1987	34	211.2	6.2	
2004	33	214.1	6.5		**41**	1988	33	220.0	6.7	
2005	32	211.1	6.6		**42**	1989	32	239.1		
2006	19	113.1	6.0		**43**	1990	30	204.0	6.8	
2007	17	99.0	5.8		**44**	1991	27	173.0	6.4	
					45	1992	27	157.1	5.8	
					46	1993	13	66.1	5.1	

n/a – pitcher had significant relief appearances

Ryan pitched more than 8.0 innings per start in several seasons during the 1970's, a feat unlikely to be repeated by a pitcher in the modern era given the increased use of relief specialists and pitch counts in today's game. While Clemens never reached an average of 8.0 innings per start, Ryan and Clemens both generally averaged more than 7.0 innings per start until the age of 35.

Summary of Quantity

Roger Clemens' pitching career shows a decline in quantity over time. As demonstrated above, after the 1996 and 1997 seasons, Clemens pitched fewer innings per season as he aged. Moreover, this decline in Clemens' quantity is also seen in his innings and pitches per game.

Conclusion

Over the course of his career, Roger Clemens was able to maintain a high quality of pitching by continuing to work on his technique and adjusting his style of pitching to his physical abilities. Had he not mastered the split-finger fastball, it is unlikely that he would have maintained the high level of effectiveness that he displayed during his 24 years on the mound. If pitchers cannot adapt to changing circumstances and maintain the quality of their pitching, then they tend to retire or to be replaced. Therefore, one would expect that any pitcher who has a long career would continue to pitch well late in life, as Clemens, Randy Johnson, Curt Schilling and Nolan Ryan did.

Clemens' ERA Margin and strikeout rates were extremely good by any measure. But like all pitchers, Clemens had hot streaks and cold spells, as well as good seasons and bad seasons, over the course of his career. Some mistakenly view 1996 as a down season because of his 10-13 won-lost record, when in fact Clemens had an excellent season, leading the American League in strikeouts and posting an excellent ERA Margin of +1.37. In fact, 1996 began the best period of pitching in Clemens' career, a period that would continue until he suffered an injury in the beginning of 1999.

While Clemens maintained high performance quality throughout his career, the quantity of his pitching declined as he aged. Reducing the amount that Clemens pitched through the use of pitch counts, and contractually shortening the 2006 and 2007 seasons, contributed to his ability to continue to pitch at a high level by preserving his stamina. The reduction of travel to avoid fatigue also helped Clemens continue to pitch well later in his career.

Finally, it is noteworthy that the following Hall-of-Fame pitchers pitched during or after the year of their 40th birthday:

Alexander, Grover 43 years old
Bender, Chief 41
Brown, Mordecai 40
Bunning, Jim 40
Carlton, Steve 44
Eckersley, Dennis 44
Faber, Red 45
Gibson, Bob 40
Grimes, Burliegh 41
Grove, Lefty 41
Haines, Jesse 44
Hubbell, Carl 40
Jenkins, Fergie 40
Johnson, Walter 40
Lyons, Ted 46
Niekro, Phil 48
Paige, Satchel 46
Pennock, Herb 40
Perry, Gaylord 45
Plank, Eddie 42
Rixey, Eppa 42
Roberts, Robin 40
Ruffing, Red 43
Ryan, Nolan 46
Seaver, Tom 42
Spahn, Warren 44
Sutton, Don 43
Vance, Dazzy 44
Wilhelm, Hoyt 49
Wynn, Early 43
Young, Cy 44

Randal A. Hendricks

Randy Hendricks has been a player representative since 1971, prior to free agency in professional sports. He is a veteran of many record setting contracts and has played a substantial role in other important matters in the baseball industry. He holds the best lifetime winning percentage in salary arbitration and collusion cases. He has argued over 60 such cases. He has been ranked near the top of Baseball America power brokers and has been named its top agent. He has been named to the Sporting News list of the 100 Most Powerful People in Sports.

Hendricks served as a member of the Houston/Harris County Sports Facility Public Advisory Committee, which led to new baseball, football and basketball arenas in Houston.

Hendricks authored "Inside the Strike Zone", an intimate look at the inner workings of baseball at the highest levels, published in 1994.

Randy has been a member of ten Major/Major Plus Division national and world championship senior softball teams, including most recently in 2007. He is a member of the Senior Softball Hall of Fame.

Hendricks received a Bachelor of Science degree in Finance, with honors, from the University of Houston. He also received a Doctor of Jurisprudence degree, with honors, from the University of Houston, where he was Articles Editor of the Houston Law Review. He practiced law with the national firm of Baker & Botts before founding Hendricks Sports Management.

Stephen L. Mann

Stephen Mann is Director of Player Evaluation at Hendricks Sports Management. He first was employed by the Houston Astros in 1979 and 1980 as a statistical analyst. In 1980 and 1981, Mann spearheaded the construction of a play-by-play computer system for the Oakland Athletics. Four years later, he designed and directed the development of a more comprehensive software system for the Atlanta Braves and the Philadelphia Phillies.

After working for club management in the salary arbitration arena with Tal Smith Enterprises from 1982 through 1986, Steve joined Hendricks Sports Management in representing players in 1988. In his 25 years as an arbitration advocate, he has played a substantial role in the design and delivery of 55 arbitration cases. He also assisted in the preparation and presentation of 74 damage claims and more than 20 appeals in the collusion damage claims process.

Mann is the author of seven baseball statistics books, five of them published by Harper-Collins, the other two by McGraw-Hill and The Sporting News.

Steve played freshman soccer and freshman and varsity baseball at the University of Pennsylvania. He then served in the United States Army as a motion picture photographer in 1968 and 1969.

Mann earned a Bachelor of Arts in International Relations at the University of Pennsylvania in 1968. He served for two years (1970-72) as an Assistant Director of Undergraduate Admissions at Penn. He earned a doctoral degree in educational philosophy at Temple University in 1980, where he was twice elected president of the graduate student government. He has also served as the ombudsman for the 7,700 administrators, faculty members, and students of Temple's College of Education, which at the time was the nation's largest education school.

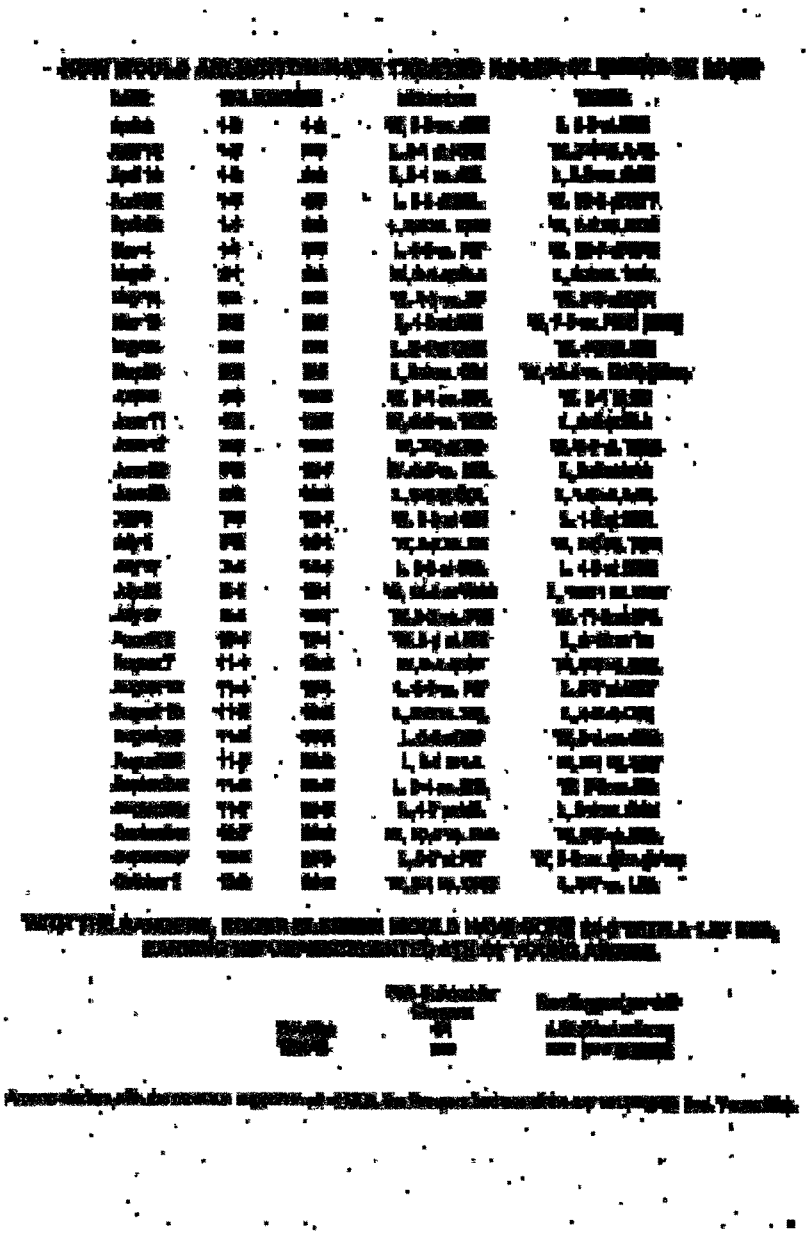
Bret R. Larson-Hendricks

Bret Larson-Hendricks began working for Hendricks Sports Management on arbitration and collusion cases in the 1990's. He joined the firm full time as counsel and as a player representative in 2005. Bret previously worked as a defense attorney in civil litigation in Houston, and was admitted to practice in both state and federal court, including the United States Court of Appeals for the Fifth Circuit.

Bret earned a black belt in the martial arts sport of Tae Kwon Do.

Bret was Texas state debate champion and a recognized top national debater in high school at The Kinkaid School in Houston. He graduated magna cum laude from the University of Houston with a Bachelor of Arts degree in History. He later received his Doctor of Jurisprudence degree from the University of Houston, where he was inducted into the Order of the Barristers, a distinction reserved for the top advocates in law school.

Exhibit "A"



Chairman WAXMAN. Mr. McNamee? Be sure the button is pushed on the mic, and it is close enough to you so that we can hear every word.

STATEMENT OF BRIAN McNAMEE, FORMER MAJOR LEAGUE BASEBALL STRENGTH AND CONDITIONING COACH

Mr. MCNAMEE. Thank you, Chairman Waxman, Ranking Member Davis, and other members of the committee. My name is Brian Gerard McNamee, and I was once the personal trainer for one of the greatest pitchers in the history of baseball, Roger William Clemens.

During the time that I worked with Roger Clemens, I injected him on numerous occasions with steroids and human growth hormone. I also injected Andy Pettitte and Chuck Knoblauch with HGH. The Mitchell Report documented the pervasiveness of steroids and HGH in Major League Baseball, and I was unfortunately part of that problem.

I want to be clear that what I did was wrong. I want to apologize to the committee and to the American people for my conduct. I have helped taint our national pastime. I hope that my testimony here today allows me in some small way to be part of the solution.

I am not proud of what I have done, and I am not proud to testify against a man I once admired. To those who have suggested that I take some personal satisfaction in bringing down Roger Clemens, let me assure you nothing could be further from the truth. I take responsibility for my actions in the hopes that others may learn from my mistakes.

My father, who served for 24 years with the New York City Police Department, instilled in me that people are human and make mistakes, and I should always step up and acknowledge my mistakes despite the consequences.

And so, here we are. Providing information to Federal investigators has been very painful for me, and I did not seek out Federal investigators. They sought me out. I did not want to cooperate, because I knew that if I told the truth, I would be providing damaging information against people who I worked for. And in the end, I cooperated with Federal investigators and with Senator Mitchell.

Make no mistake, when I told Senator Mitchell that I injected Andy Pettitte with performance-enhancing drugs, I told the truth. Andy Pettitte, who I know to be honest and decent, has since confirmed this.

And make no mistake, when I told Senator Mitchell that I injected Chuck Knoblauch with performance-enhancing drugs, I told the truth. Chuck Knoblauch has also confirmed this as well.

And make no mistake, when I told Senator Mitchell that I injected Roger Clemens with performance-enhancing drugs, I told the truth. I told the truth about steroids and human growth hormone. I injected those drugs into the body of Roger Clemens at his direction. Unfortunately, Roger has denied this and has led a full-court attack on my credibility. And let me be clear, despite Roger Clemens' statements to the contrary, I never injected Roger Clemens or anyone else with Lidocaine or B–12.

I have no reason to lie and every reason not to. If I do lie, I will be prosecuted.

I was never promised any special treatment or consideration for fingering star players. I was never coerced to provide information against anyone. All that I was ever told to do was to tell the truth to the best of my ability; and that is what I have done. I told the investigators that I injected three people, two of whom I know confirmed my account. The third is sitting at this table.

When I first provided information to Federal investigators, I had not spent much time going back over these facts and trying to piece together the details. And I guess maybe I wanted to downplay the extent of their use because I felt I was betraying the players I had trained.

In the following weeks and months, I have had the opportunity to think about these events and consider the specific drug regimens we used. As a result, I now believe that the numbers of times I injected Roger Clemens and Chuck Knoblauch was actually greater than I initially stated.

Additionally, I recently provided physical evidence to Federal investigators that I believe will confirm my account, including syringes that I used in 2001 to inject Roger Clemens with performance-enhancing drugs. This evidence is 100 percent authentic, and the DNA and chemical analysis should bear this out.

To put in context, the issue of steroids and performance-enhancing drugs in baseball was starting to pick up steam in 2000. While I liked and admired Roger Clemens, I don't think that I ever really trusted him. Maybe my years as a New York City police officer had made me wary, but I just had the sense if this ever blew up and things got messy, Roger would be looking out for No. 1. I viewed the syringes as evidence that would prevent me from being the only fall guy.

Despite my misgivings about Roger, I have always been loyal to a fault, a trait that has gotten me into trouble in the past. Even though I saved the material, I never considered using it.

When I met with Federal investigators, I still did not want to destroy Roger Clemens. I was hoping this issue would just fade away. It has not faded away, and everything changed for me on January 7th, when Roger Clemens' lawyer played a secretly tape-recorded conversation between me and Roger, in which my son's medical condition was discussed on national TV. It was despicable.

The next day I retrieved the evidence and contacted my lawyers and the Federal investigators.

The whole experience has been a nightmare for my family. I have had to revisit and read about, in the press, mistakes I have made in the past and serious mistakes concerning an incident that happened in Florida in 2001, when I was a member of the Yankee organization. I lied to police officers to protect friends, ballplayers, coaches, and myself with whom I worked. I was wrong, and I deeply regret my actions.

Today, my livelihood is in ruins, and it is painful beyond words to know that my name will be forever linked with scandal in the sport I love. Yet the spotlight generated by Senator Mitchell's report and this hearing can help clean up the drug culture in baseball so that young people no longer see performance-enhancing drugs as a necessary shortcut to success. Maybe, just maybe, all the pain and shame will have served a greater good.

Thank you, and I will be happy to answer all your questions.

Chairman WAXMAN. Thank you very much, Mr. McNamee.

[The prepared statement of Mr. McNamee follows:]

OPENING STATEMENT OF BRIAN GERALD MCNAMEE

BEFORE THE HOUSE OVERSIGHT AND GOVERNMENT REFORM COMMITTEE

"THE MITCHELL REPORT: THE ILLEGAL USE OF STEROIDS IN MAJOR LEAGUE BASEBALL, DAY 2"

FEBRUARY 13, 2008

THANK YOU, CHAIRMAN WAXMAN, RANKING MEMBER DAVIS, AND OTHER MEMBERS OF THE COMMITTEE. MY NAME IS BRIAN GERARD MCNAMEE, AND I WAS ONCE THE PERSONAL TRAINER FOR ONE OF THE GREATEST PITCHERS IN THE HISTORY OF BASEBALL, ROGER WILLIAM CLEMENS. DURING THE TIME THAT I WORKED WITH ROGER CLEMENS I INJECTED HIM ON NUMEROUS OCCASIONS WITH STEROIDS AND HUMAN GROWTH HORMONE. I ALSO INJECTED ANDY PETTITTE AND CHUCK KNOBLAUCH WITH HGH.

THE MITCHELL REPORT DOCUMENTED THE PERVASIVENESS OF STEROIDS AND HGH IN MAJOR LEAGUE BASEBALL, AND I WAS, UNFORTUNATELY, PART OF THAT PROBLEM. I WANT TO BE CLEAR THAT WHAT I DID WAS WRONG. I WANT TO APOLOGIZE TO THE COMMITTEE, AND TO THE AMERICAN PEOPLE FOR MY CONDUCT. I HAVE HELPED TAINT OUR NATIONAL PASTIME. I HOPE THAT MY TESTIMONY HERE TODAY ALLOWS ME, IN SOME SMALL WAY, TO BE PART OF THE SOLUTION.

I AM NOT PROUD OF WHAT I HAVE DONE, AND I AM NOT PROUD TO TESTIFY AGAINST A MAN I ONCE ADMIRED. TO THOSE WHO HAVE SUGGESTED THAT I

TAKE SOME PERSONAL SATISFACTION IN BRINGING DOWN ROGER CLEMENS, LET ME ASSURE YOU THAT **NOTHING** COULD BE FURTHER FROM THE TRUTH. I TAKE RESPONSIBILITY FOR MY ACTIONS IN THE HOPES THAT OTHERS MAY LEARN FROM MY MISTAKES.

MY FATHER, WHO SERVED FOR OVER 24 YEARS WITH THE NEW YORK CITY POLICE DEPARTMENT, INSTILLED IN ME THAT PEOPLE ARE HUMAN AND MAKE MISTAKES, AND THAT I SHOULD ALWAYS STEP UP AND ACKNOWLEDGE MY MISTAKES DESPITE THE CONSEQUENCES. AND SO HERE WE ARE.

PROVIDING INFORMATION TO FEDERAL INVESTIGATORS HAS BEEN VERY PAINFUL FOR ME. I DID NOT SEEK OUT FEDERAL INVESTIGATORS; THEY SOUGHT ME OUT. I DID NOT WANT TO COOPERATE BECAUSE I KNEW THAT IF I TOLD THE TRUTH, I WOULD BE PROVIDING DAMAGING INFORMATION AGAINST PEOPLE WHO I WORKED FOR. IN THE END, I COOPERATED WITH FEDERAL INVESTIGATORS AND WITH SENATOR MITCHELL.

MAKE NO MISTAKE: WHEN I TOLD SENATOR MITCHELL THAT I INJECTED ANDY PETTITTE WITH PERFORMANCE ENHANCING DRUGS, I TOLD THE TRUTH. ANDY PETTITTE -- WHO I KNOW TO BE HONEST AND DECENT -- HAS SINCE CONFIRMED THIS.

MAKE NO MISTAKE: WHEN I TOLD SENATOR MITCHELL THAT I INJECTED CHUCK KNOBLAUCH WITH PERFORMANCE ENHANCING DRUGS, I TOLD THE TRUTH. CHUCK KNOBLAUCH, I BELIEVE, WILL CONFIRM THIS AS WELL.

AND MAKE NO MISTAKE: WHEN I TOLD SENATOR MITCHELL THAT I INJECTED ROGER CLEMENS WITH PERFORMANCE ENHANCING DRUGS, I TOLD THE TRUTH. I TOLD THE TRUTH ABOUT STEROIDS AND HUMAN GROWTH HORMONE. I INJECTED THOSE DRUGS INTO THE BODY OF ROGER CLEMENS AT HIS DIRECTION. UNFORTUNATELY ROGER HAS DENIED THIS AND HAS LED A FULL COURT ATTACK ON MY CREDIBILITY. AND LET ME BE CLEAR, DESPITE ROGER CLEMENS'S STATEMENTS TO THE CONTRARY, I NEVER INJECTED ROGER CLEMENS -- OR ANYONE ELSE -- WITH LIDOCAINE OR B-12.

I HAVE NO REASON TO LIE, AND **EVERY REASON NOT TO**. IF I DO LIE I WILL BE PROSECUTED. I WAS NEVER PROMISED ANY SPECIAL TREATMENT OR CONSIDERATION FOR FINGERING STAR PLAYERS. I WAS NEVER COERCED TO PROVIDE INFORMATION AGAINST ANYONE. ALL THAT I WAS EVER TOLD, WAS TO TELL THE TRUTH TO THE BEST OF MY ABILITY, AND THAT IS WHAT I HAVE DONE. I TOLD THE INVESTIGATORS THAT I INJECTED THREE PEOPLE, TWO OF WHOM, I BELIEVE, CONFIRM MY ACCOUNT. THE THIRD IS SITTING AT THIS TABLE.

WHEN I FIRST PROVIDED INFORMATION TO FEDERAL INVESTIGATORS, I HAD NOT SPENT MUCH TIME GOING BACK OVER THESE FACTS AND TRYING TO PIECE TOGETHER THE DETAILS. AND I GUESS MAYBE I WANTED TO DOWNPLAY THE EXTENT OF THEIR USE BECAUSE I FELT I WAS BETRAYING THE PLAYERS I HAD TRAINED. IN THE FOLLOWING WEEKS AND MONTHS, I HAVE HAD THE OPPORTUNITY TO THINK ABOUT THESE EVENTS AND CONSIDER THE SPECIFIC

DRUG REGIMENS WE USED. AS A RESULT, I NOW BELIEVE THAT THE NUMBER OF TIMES I INJECTED ROGER CLEMENS AND CHUCK KNOBLAUCH WAS ACTUALLY GREATER THAN I INITIALLY STATED.

ADDITIONALLY, I RECENTLY PROVIDED PHYSICAL EVIDENCE TO FEDERAL INVESTIGATORS THAT I BELIEVE WILL CONFIRM MY ACCOUNT, INCLUDING SYRINGES THAT I USED IN 2001 TO INJECT ROGER CLEMENS WITH PERFORMANCE ENHANCING DRUGS. THIS EVIDENCE IS 100% AUTHENTIC, AND THE DNA AND CHEMICAL ANALYSIS SHOULD BEAR THIS OUT.

TO PUT IT IN CONTEXT, THE ISSUE OF STEROIDS AND PERFORMANCE ENHANCING DRUGS IN BASEBALL WAS STARTING TO PICK UP STEAM IN 2000. WHILE I LIKED AND ADMIRED ROGER CLEMENS, I DON'T THINK THAT I EVER REALLY TRUSTED HIM. MAYBE MY YEARS AS A NEW YORK CITY POLICE OFFICER HAD MADE ME WARY, BUT I JUST HAD THAT SENSE THAT IF THIS EVER BLEW UP AND THINGS GOT MESSY, ROGER WOULD BE LOOKING OUT FOR NUMBER ONE. I VIEWED THE SYRINGES AS EVIDENCE THAT WOULD PREVENT ME FROM BEING THE ONLY FALL GUY.

DESPITE MY MISGIVINGS ABOUT ROGER, I HAVE ALWAYS BEEN LOYAL TO A FAULT, A TRAIT THAT HAS GOTTEN ME INTO TROUBLE IN THE PAST. EVEN THOUGH I SAVED THE MATERIAL, I NEVER CONSIDERED USING IT. WHEN I MET WITH FEDERAL INVESTIGATORS, I STILL DID NOT WANT TO DESTROY ROGER CLEMENS. I WAS HOPING THIS ISSUE WOULD JUST FADE AWAY.

IT HAS NOT FADED AWAY, AND EVERYTHING CHANGED FOR ME ON JANUARY 7, WHEN ROGER CLEMENS'S LAWYER PLAYED A SECRETLY TAPE-RECORDED CONVERSATION BETWEEN ME AND ROGER IN WHICH MY SON'S MEDICAL CONDITION WAS DISCUSSED ON NATIONAL TELEVISION. IT WAS DESPICABLE. THE NEXT DAY, I RETRIEVED THE EVIDENCE AND CONTACTED MY LAWYERS AND THE FEDERAL INVESTIGATORS.

THIS WHOLE EXPERIENCE HAS BEEN A NIGHTMARE FOR MY FAMILY. I HAVE HAD TO REVISIT -- AND READ ABOUT IN THE PRESS -- MISTAKES I HAVE MADE IN THE PAST. ONE SERIOUS MISTAKE CONCERNS AN INCIDENT THAT HAPPENED IN FLORIDA IN 2001 WHEN I WAS A MEMBER OF THE YANKEES ORGANIZATION. I LIED TO POLICE OFFICERS TO PROTECT FRIENDS, BALLPAYERS, AND COACHES WITH WHOM I WORKED. I WAS WRONG, AND I DEEPLY REGRET MY ACTIONS.

TODAY, MY LIVELIHOOD IS IN RUINS. IT IS PAINFUL BEYOND WORDS TO KNOW THAT MY NAME WILL BE FOREVER LINKED TO A SCANDAL IN THE SPORT I LOVE. YET, IF THE SPOTLIGHT GENERATED BY SENATOR MITCHELL'S REPORT AND THIS HEARING CAN HELP CLEAN UP THE DRUG CULTURE IN BASEBALL -- SO THAT YOUNG PEOPLE NO LONGER SEE PERFORMANCE ENHANCING DRUGS AS A NECESSARY SHORTCUT TO SUCCESS -- MAYBE, JUST MAYBE, ALL OF THE PAIN AND SHAME WILL HAVE SERVED A GREATER GOOD.

THANK YOU. I WILL HAPPY TO ANSWER YOUR QUESTIONS.

Chairman WAXMAN. Under the previous unanimous consent agreement, we will control 15 minutes in the first round and Mr. Davis, 15 minutes on his side.

And I would like to yield at this time 5 minutes to Mr. Cummings. I would like to yield the full 15 minutes to Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

And thank you, gentlemen, for being with us this morning.

And I was very pleased to hear both of the witnesses talk about children, because that is what this was all about when we started, so many children trying to emulate their sports stars.

I am going to ask you a few questions, Mr. Clemens, and I first want to make sure that you are very clear. You understand that you are under oath; is that correct?

Mr. CLEMENS. That's correct.

Mr. CUMMINGS. And you know what that means; is that correct?

Mr. CLEMENS. That's correct.

Mr. CUMMINGS. Very well.

First of all, Mr. Pettitte, Andy Pettitte, is one of the most respected players in the major leagues, and commentator after commentator has said that he is one of the most honest people in baseball. Would you agree with that?

Mr. CLEMENS. I would agree with that, yes, sir.

Mr. CUMMINGS. Keep your voice up.

Mr. CLEMENS. I would agree with that, yes, sir.

Mr. CUMMINGS. In fact, this is what your own lawyer, Rusty Hardin, said about Mr. Pettitte in the New York Times, "We have nothing to fear about what Andy may testify to. Everyone says that Andy is honest. We have no reason to believe he will lie."

Would you agree with that statement your lawyer made?

Mr. CLEMENS. I would agree with that, yes.

Mr. CUMMINGS. Very well.

Now, Mr. Clemens, I want to ask you just one thing. In his deposition, Mr. Pettitte told the committee that he had a conversation with you in 1999 or 2000 in which you admitted that you used human growth hormones.

Is this true?

Mr. CLEMENS. It is not.

Mr. CUMMINGS. So you did not tell Mr. Pettitte at this time that you used human growth hormones?

Mr. CLEMENS. I did not.

Mr. CUMMINGS. And—but at the same time you just said that he is a very honest fellow; is that right?

Mr. CLEMENS. I believe Andy to be a very honest fellow, yes.

Mr. CUMMINGS. Very well. Let's continue.

In his deposition, Mr. Pettitte was honest and forthcoming with the committee. He told us things that were embarrassing, that we had no way of knowing except through his own testimony.

First, he confirmed that Mr. McNamee injected him with HGH in 2002, which is in the Mitchell Report.

You understand that, right?

Mr. CLEMENS. I do.

Mr. CUMMINGS. Then he told us that he injected himself, again, in 2004. We did not know about the 2004 injection, but he volun-

teered that information because he wanted the committee to know the entire truth.

It was hard for Mr. Pettitte to tell the committee about the 2004 injections. The circumstances which he described in length were exceptionally personal and embarrassing. But it was even harder for him to talk about you, Mr. Clemens. He is friends with both you and Mr. McNamee, and he felt caught in the middle.

During his deposition, he was asked how he would resolve the conflict between two friends. Here is what he said, "I have to tell you all the truth. And 1 day I have to give an account to God, and not to nobody else, of what I have done in my life. And that is why I said and shared the stuff with y'all that I would not like to share with y'all."

Now, Mr. Clemens, I reminded you that you are under oath. Mr. Clemens, do you think Mr. Pettitte was lying when he told the committee that you admitted using human growth hormones?

Mr. CLEMENS. Mr. Congressman, Andy Pettitte is my friend. He will—he was my friend before this. He will be my friend after this. And again, I think Andy has misheard.

Mr. CUMMINGS. I am sorry, I didn't hear you?

Mr. CLEMENS. I believe Andy has misheard, Mr. Congressman, on his comments about myself using HGH, which never happened.

The conversation that I can recall, that I had with Andy Pettitte, was at my house in Houston, while we were working out. And I had expressed to him about a TV show something that I have heard about three older men that were using HGH and getting back their quality of life from that. Those are the conversations that I can remember.

Andy and I's friendship and closeness was such that, first of all, when I learned when he was—when he said that he used HGH, I was shocked. I had no idea.

When I just heard your statement and Andy's statement about that he also injected himself, I was shocked. I had no idea that Andy Pettitte had used HGH.

My problem with what Andy says, and why I think he misremembers, is that if Andy Pettitte knew that I had used HGH, or I had told Andy Pettitte that I had used HGH, before he would use the HGH, what have you, he would have come to me and asked me about it. That is how close our relationship was. And then when he did use it, I am sure he would have told me that he used it.

And I say that for the fact that we also used a product called Hydroxycut and ThermaCore. It had ephedra in it, from what I understand to be a natural tree root. I believe ephedra was banned in 2004, something of that nature. A player in Baltimore passed away because of it.

Andy and I talked openly about this product. And so there is no question in my mind that we would have talked, if he knew that I had tried or done HGH, which I did not, he would have come to me to ask me those questions.

Mr. CUMMINGS. Well, let's continue.

In the deposition, we wanted to make absolutely sure, because we knew the significance of this, that Mr. Pettitte had a clear recollection. And let me read another excerpt from the deposition, and this was a question to Mr. Pettitte: "you recollect a conversation

with Mr. Clemens. Your recollection is that he said he was taking human growth hormone?" Answer: "yes." "And you have no doubt about that recollection?" "I mean, no, he told me that."

Now, Mr. Clemens, you know Mr. Pettitte well. You just again described your relationship. You described him as a close friend in your deposition. Would he tell the Congress that one of his close friends was taking an illegal, performance-enhancing drug if there were any doubt in his mind about the truth of what he was saying?

Mr. CLEMENS. Mr. Congressman, once again, I believe——

Mr. CUMMINGS. Please.

Mr. CLEMENS. I am sorry?

Mr. CUMMINGS. No, I just want you to go ahead and answer that. Do you think he would do that?

Mr. CLEMENS. I think he misremembers——

Mr. CUMMINGS. Very well.

Mr. CLEMENS [continuing]. Our conversation.

And let me add, in 2006—in 2006, he and I had a conversation in Atlanta's locker room when this L.A. Times report became public about a Grimsley report, and they said that Andy's and my name were listed in that. And I remember him coming into that room, the coach's room, the main office there of the clubhouse attendant, and sitting down in front of me, wringing his hands and looking at me like he saw a ghost.

And he looked right at me and said, What are you going to tell them? And I told him that I am going out there and I am going to tell them the truth, I did none of this. I never worked out with Jason Grimsley. He was a teammate of mine, and I never worked out with him. And I am going to go out there and tell them the truth.

That alone should have confirmed Andy's misunderstanding that I have ever told him that I used HGH.

Mr. CUMMINGS. Very well. Let's continue, because I want to make sure that I get through some——

Mr. CLEMENS. Yes, sir.

Mr. CUMMINGS [continuing]. Very key points.

Mr. Clemens, you have been very critical of Mr. McNamee's motives. You just did it a few minutes ago.

What possible motive would Mr. Pettitte have to fabricate a story about you, his friend?

Mr. CLEMENS. Andy would have no reason to.

Mr. CUMMINGS. Very well.

This was so important we went back to Mr. Pettitte a third time, a third time. We asked him to submit an affidavit to the committee. This gave him a chance to express his recollection clearly, without the pressures of a deposition. I want to read to you what he wrote.

It says, In 1999 or 2000, I had a conversation with Roger Clemens in which Roger told me that he had taken human growth hormones. This conversation occurred at his gym in Memorial, Texas. He did not tell me where he got the HGH or from whom, but he did tell me that it helped the body recover.

It is not just Mr. Pettitte who recollects this conversation. During his deposition, Mr. Pettitte told us that he tells his wife everything. So we asked his wife to give us an affidavit about what she knew.

And understand, this is under oath. Let me read to you what his wife said in her affidavit.

I, Laura Pettitte, do depose and state, in 1999 or 2000, Andy told me he had a conversation with Roger Clemens in which Roger admitted to him using human growth hormones.

Mr. Clemens, once again I remind you. You are under oath. You have said your conversation with Mr. Pettitte never happened. If that was true, why would Laura Pettitte remember Andy telling her about the conversation?

Mr. CLEMENS. Once again, Mr. Congressman, I think he misremembers the conversation that we had.

Andy and I's relationship was close enough to know that if I would have known that he was—had done HGH, which I now know, that he—if he was knowingly knowing that I had taken HGH, we would have talked about the subject. He would have come to me to ask me about the effects of it.

Mr. CUMMINGS. Well, the fact is, Mr. Clemens, that apparently now you know he knew it and he didn't tell you.

Has your mind changed about his credibility?

Mr. CLEMENS. Andy's a fine gentleman. I have no reason, again——

Mr. CUMMINGS. Very well.

Mr. CLEMENS. I think he misremembers.

Mr. CUMMINGS. Very well.

Mr. CLEMENS. I know it. Again, our relationship was close enough that if I knew—if he knew that I had tried HGH, which I hadn't, he would have come to me and talked to me and discussed this subject.

Mr. CUMMINGS. I understand.

The 1999 or 2000 conversation is not the only conversation that Mr. Pettitte remembers having with you about HGH. He also remembers a second conversation very clearly. This conversation took place in 2005. Let me read to you what he wrote about this conversation in his affidavit:

> In 2005, around the time of the congressional hearings into the use of performance-enhancing drugs in baseball, I had a conversation with Roger Clemens in Kissimmee, Florida. I asked him what he would say if asked by reporters if he had ever used performance-enhancing drugs.
>
> When he asked what I meant, I reminded him that he had told me that he had used HGH. Roger responded by telling me that I must have misunderstood him. He claimed that it was his wife Debbie who used HGH; and I said, "OK," or words to that effect, not because I agreed with him, but because I wasn't going to argue with him.

This conversation happened just 3 years ago, and it is the kind of conversation that most people would remember. It is hard for me to imagine that Mr. Pettitte made up this conversation.

Did you have a conversation with him to this effect?

Mr. CLEMENS. I don't believe I had a conversation in 2005 with him in Kissimmee, FL. We would have been with the Houston Astros at the time.

But I don't remember that conversation whatsoever.

Mr. CUMMINGS. Are you saying that you don't remember it, or are you telling us that you didn't have it? Do you know?

And the reason why I am asking you that is because we are dealing with some serious matters here, and I want to give you—you

wanted a fair chance to address this committee; and I am just wondering, are you telling us under oath that it didn't happen, or are you saying you just don't remember it?

Mr. CLEMENS. I don't remember that. And again, I will address the—any conversation about my wife Debbie using HGH.

I know that at one point she read a USA Today article about that. I don't know the year. It sure could have been 2005 when this article came about, and they just—it was just general talk——

Mr. CUMMINGS. All right.

Mr. CLEMENS [continuing]. About HGH.

Mr. CUMMINGS. Let me go on.

Laura Pettitte also has a clear recollection of being told about this conversation by her husband. Let me read what she wrote:

> A few years later, I believe in 2005, Andy again told me of a conversation with Roger Clemens about HGH. Andy told me that he had been thinking that if a reporter asked him, he would tell the reporter of his own use of HGH in 2002. He said that he told Roger Clemens this and asked Roger what he would say, if asked.
>
> Andy told me that in the 2005 conversation Roger denied using HGH and told Andy that Andy was mistaken about the earlier conversation. According to Andy, Roger said that it was his wife Debbie who used HGH.

Now, the timeline is very important here. According to Mr. Pettitte, his first conversation with you, Mr. Clemens, occurred in 1999 or 2000. But you told us that your wife did not use HGH until 2003. That makes it impossible that you could have been referring to your wife's use of HGH in the first conversation.

These aren't the only relevant conversations that Mr. Pettitte told us about. He told us that after his first conversation with you, Mr. Clemens, he spoke with Mr. McNamee. Let me read what—let me read to you again that affidavit: "Shortly after my conversation with Roger, I spoke with Brian McNamee. Only he and I were parties to the conversation. I asked Roger about HGH, and told him that Roger said he had used it. Brian McNamee became angry. He told me that Roger should not have told me about his use of HGH because it was supposed to be confidential."

Mr. McNamee, do you remember that conversation?

Mr. MCNAMEE. Yes, sir.

Mr. CUMMINGS. Did it happen?

Mr. MCNAMEE. Yes, sir.

Chairman WAXMAN. Mr. Cummings, your time has expired.

Mr. CUMMINGS. Thank you very much.

Chairman WAXMAN. The Chair will recognize Mr. Davis for 15 minutes.

Mr. DAVIS OF VIRGINIA. Thank you very much.

The good news is everybody, I think, understands the dangers of steroids and HGH, and it is the one thing I think you both agree on.

Mr. McNamee, let me start with you just because they asked all the questions of Mr. Clemens. I have questions for both of you.

You mentioned in your earlier statement how the number of times that the players—you injected the players has constantly risen every time you have testified somewhere. You have alleged Mr. Clemens' steroid use to at least five groups of people—your lawyers, Federal agents, Senator Mitchell and his staff, private in-

vestigators for Mr. Clemens, and then our staff—during depositions.

Why has the number continued to change if we are coming clean each time?

Mr. MCNAMEE. Thank you for the question.

The beginning of the investigation with the Federal Government, I didn't know what questions they were going to ask me about specific players and injections. I had no recollection of the amounts of times because it wasn't part of my regimen where I would mark it down. It was pretty much, you know, done by the players; they would tell me when, and I would do it.

But it came because I downplayed at the beginning where I didn't want to hurt the players, even though I told the truth about their injections and their use.

And then, as I lived this for the last 2 months and—then I had realized, as I said in my opening statement about the regimens—there were specific different types of regimens for testosterone, Winstrol, and growth hormone that—I started to think more about it.

Even though I can't be accurate, you know, these are just ballpark numbers, or best guesstimate as far as low end, high end, as I thought about the regimen over time.

Mr. DAVIS OF VIRGINIA. I mean, the ballpark for Knoblauch went from seven times to nine types to 50 times.

Mr. MCNAMEE. Yes.

You have to understand, every time I met, sir, with investigators, Senator Mitchell, with the congressional panel, I had more time to think about it. And the regimen for growth hormone was four times a week, so then I just did the math.

Mr. DAVIS OF VIRGINIA. So you didn't keep any records or anything? This is just going back——

Mr. MCNAMEE. Every time I met, each individual time, did it go up? Anything change? Did it go up? And I was specifically living this every single day, as opposed to, I didn't think about it for years.

Mr. DAVIS OF VIRGINIA. Did you reinform the Federal Government about these changes as you went forward?

Mr. MCNAMEE. Yes, sir.

Mr. DAVIS OF VIRGINIA. Mr. Clemens, shortly after the call—I am going to ask some questions about the January 4th call between you and Mr. McNamee.

Shortly after your call with Brian McNamee on Friday, January 4th, you sent him an e-mail. In the e-mail you very clearly tell Mr. McNamee there is nothing to talk about unless he admits he is lying.

Did you ever get a response to this e-mail?

Mr. CLEMENS. I am sorry?

Mr. DAVIS OF VIRGINIA. To the e-mail, did you ever get a response to your e-mail to Mr. McNamee on Friday, January 4th?

This was after your phone call.

Mr. CLEMENS. Congressman, after the phone call that was taped, I believe I sent an e-mail back to him saying that unless you are going to come forward and tell the truth, we have nothing to discuss.

Mr. DAVIS OF VIRGINIA. Did he ever respond?

Mr. CLEMENS. He did not.

Mr. DAVIS OF VIRGINIA. That's what I am asking you.

During the phone call, Mr. McNamee, during that call that you had with Mr. Clemens, Mr. Clemens said, I just need you to come out and tell the truth. And you didn't respond.

Why didn't you just tell Mr. Clemens during the course of that conversation, Roger, I did tell the truth. I had to tell the truth. I am not trying to hurt anybody. That is all you needed to say in this conversation.

This was a conversation between the two of you. It seems to me, this would have been the time where, if this was a friend and you felt pained about having to expose him, you would have said, Roger, I had to tell the truth.

Why, in that conversation, didn't you say that?

Mr. MCNAMEE. Because at the state of that conversation I realized that it was being taped, and I also didn't know if anyone else was listening, so—I also was trying not to hurt him if it wasn't just him taping me.

But if you listen to it and you know my jargon, I did say that. It is what it is.

Mr. DAVIS OF VIRGINIA. How in your jargon did you say that?

Mr. MCNAMEE. I said, It is what it is, meaning that I did tell the truth.

Mr. DAVIS OF VIRGINIA. And you knew it was, I mean, for posterity and everything else? I would have thought this would have been a good opportunity for you to step forward. But you were afraid of hurting others at this point.

Mr. MCNAMEE. I was afraid of hurting Roger Clemens.

Mr. DAVIS OF VIRGINIA. In your testimony—Mr. McNamee, in your testimony about 2001, you added an additional substance, parabolen on the list of steroids you injected into Mr. Clemens. You didn't tell Senator Mitchell about that. Is that again because you weren't focused on that at the time and you hadn't had time to think about it?

Mr. MCNAMEE. That's accurate, sir. I just—it wasn't until—I don't remember actually that question being asked, if it was any other steroids being injected by anybody else except for the congressional panel. And they—I thought about it, I thought about it and it just—like—like increasing the numbers of injections, it just came to me that parabolen was also another steroid used by Mr. Clemens.

Mr. DAVIS OF VIRGINIA. You testified in your deposition that Mr. Clemens on one occasion bled through his designer pants and a player noticed it and that's when he bought Band-Aids. There weren't a lot of—there wasn't a lot of blood a lot of times. But since he was wearing his dress pants, he bled through and Mike Stanton had noticed it and made a comment. So he then—he always traveled now with those little Band-Aids for his butt if he bled. That's your quote. He said something to Roger about growth hormone. I think it was Stanton started taking growth hormone and he said something about knowing that, and I walked right into Roger and just turned around to Stanton, and said, hey, man, whatever I can do to get the edge. And Stanton was asking him, thinking that I

told him he was taking steroids growth hormone etc. Do you recall any—let me ask this, Mr. Clemens. Do you recall any bleeding through your pants in 2001?

Mr. CLEMENS. I don't.

Mr. DAVIS OF VIRGINIA. Do you recall Mike Stanton ever talking to you about growth hormone?

Mr. CLEMENS. And I don't and I had no knowledge that Mike Stanton was using growth hormone.

Mr. DAVIS OF VIRGINIA. Do you recall him asking you about blood on your pants?

Mr. CLEMENS. No.

Mr. DAVIS OF VIRGINIA. Do you ever recall saying anything to him about getting an edge, and even as a joke, could that have occurred?

Mr. CLEMENS. Congressman, when I'm on the mound, I want an edge, so——

Mr. DAVIS OF VIRGINIA. Let me ask you, Mr. McNamee, could you describe that a little clearer, what happened at that point?

Mr. MCNAMEE. Involving Mr. Stanton?

Mr. DAVIS OF VIRGINIA. Yes. The incident involving him and bleeding through his pants.

Mr. MCNAMEE. Excuse me. My best recollection was that I didn't witness, Mr. Stanton witnessed him bleeding through the pants. It was just a comment that Mr. Clemens had told me. That's why he started buying Band-Aids, those little Band-Aids to cover up any blood that might bleed. And on a separate occasion, if not the same occasion on the plane I had walked in to Mr. Stanton talking to Roger about growth hormone. And I was upset that—I believed that Mike Stanton duped Roger into thinking I had told Stanton about his growth hormone use and Roger's response was, I'll do anything to take an edge. And I didn't respond to it.

Mr. DAVIS OF VIRGINIA. You didn't witness any of this?

Mr. MCNAMEE. I witnessed the conversation as Roger had turned around and said, I'll do whatever it takes to get an edge. And then I figured out because I also trained Mike Stanton on a somewhat one-on-one basis that the conversation that he duped him into telling him because I wouldn't tell Stanton.

Mr. DAVIS OF VIRGINIA. Did Stanton use steroids?

Mr. MCNAMEE. I know he used growth hormone, yes.

Mr. DAVIS OF VIRGINIA. Did you tell the Mitchell Report that?

Mr. MCNAMEE. I believe so, yes.

Mr. DAVIS OF VIRGINIA. OK. The Mitchell Report talks about the party at Jose Canseco's house on or about June 8th through 10th, 1998. This was toward the end of the road trip and it included a Marlin series after the Blue Jays returned home to Toronto. This is allegedly—Mr. Clemens then approached you and for the first time, brought up the subject of steroids. I think that was your testimony. I want to ask some questions about that because the Canseco barbecue is a key event in 1998 where your testimonies differ significantly. You described the barbecue as potentially the time and place where Roger Clemens comes into possession of anabolic steroids. You told us in your deposition you have a vivid recollection of Clemens being at the barbecue. Do you stand by that?

Mr. MCNAMEE. Yes, sir.

Mr. DAVIS OF VIRGINIA. Now all the evidence the committee's obtained goes the other way. For example, Jose Canseco completed an affidavit and he was interviewed by the staff. He said he remembers the barbecue as if it were yesterday. Canseco says, Clemens was not there. He remembers being disappointed that Mr. Clemens wasn't there. He specifically remembers having his high school baseball coach at the barbecue and being disappointed he was unable to introduce the coach to Clemens.

Canseco's affidavit reads, on Tuesday June 9, 1998, I hosted a barbecue at my house for my teammates and other Blue Jays staff members. It was an honor for me to host a luncheon for my new team. During that luncheon, there were approximately 30 to 40 people present. I specifically recall that Clemens did not come to the barbecue. I remember this because I was disappointed that he did not attend. According to news reports, Blue Jays catcher at the time Darrin Fletcher doesn't remember seeing Clemens there. The Blue Jays trainer at the time, Tommy Craig and Scott Shannon, told us they don't remember Clemens being at the barbecue. The Blue Jays' traveling secretary at the time specifically remembers Clemens not being on the team bus to travel to the barbecue and does not remember Clemens being there.

Mr. Canseco's wife at the time, the then-Jessica Canseco, now Jessica Fisher, has supplied an affidavit to the committee that she does not remember Clemens being there. And audio from the television broadcast of two different games during the three-game series has the announcers talking about the barbecue and how Roger Clemens did not attend. And Mr. Clemens has produced a golf receipt showing that he played golf that day. Now how do you explain—you're the only person that remembers him that day and is that a critical juncture.

Mr. MCNAMEE. I don't think it's that critical in regards to Mr. Clemens's steroid use. But I guess as far as asking me is it critical in my recollection, I have two distinct memories of that party. And one of them is as I was eating a sandwich next to Mr. Canseco's pool by myself, I noticed a young child running toward the pool. And as I looked up, there was a woman chasing after the young child and she was wearing a peach bikini with green in it with board shorts and she was a thin probably mid to late 30's woman, and she grabbed the kid, the child, who was about 2 years old at the time, if not younger.

And I later found out from one of the ball players, I said who's that? And they said, it's Roger's nanny. And I had turned around to see Roger and Debbie Clemens talking in the middle and then they went inside the house. I did believe I said hello to Roger, and I know Roger showed up a little bit later, and I also have—

Mr. DAVIS OF VIRGINIA. How do you know he showed up later, because you saw him there?

Mr. MCNAMEE. I saw him at the house of Jose Canseco's. And I believe—we've had numerous conversations about how great that party would have been if it wasn't for the fact that we had a game that night and all we had was sandwiches and ice tea because Jose had a really nice house.

Mr. DAVIS OF VIRGINIA. Mr. Clemens, your golf receipt that day is time stamped 8:58. Do you recall at what time you teed off?

Mr. CLEMENS. Well, the time I would get out of the pro shop and get ready to tee off, it had been a good 30, 40 minutes probably. The time was 8—again, I'm sorry?

Mr. DAVIS OF VIRGINIA. 8:58. So it would have been after 9 you would have teed off. How long does it generally take to you play a round?

Mr. CLEMENS. Maybe 4, every bit of 4 hours, 4–1/2.

Mr. DAVIS OF VIRGINIA. How far was the golf course from Mr. Canseco's house, any idea?

Mr. CLEMENS. I don't. I would think it was 20 minutes at best.

Mr. DAVIS OF VIRGINIA. Did you eat lunch after your round of golf that day, do you remember?

Mr. CLEMENS. I don't remember.

Mr. DAVIS OF VIRGINIA. You pitched 7 innings the night before. What would have been your pattern of practice on the day after pitching? What time do you ordinarily show up at the ballpark the day after you started?

Mr. CLEMENS. Well the day after—well, obviously the day after I enjoy playing golf. I usually enjoy playing golf the day before I pitch and the day after when I can. I like—you know obviously getting outdoors anytime I can, especially when we're on the road, I do not like hanging in the hotel room.

Mr. DAVIS OF VIRGINIA. The night before the barbecue, the Blue Jays lost 4–3 in 17 innings. Does that ring a bell? Does that——

Mr. CLEMENS. It does. And you said earlier I threw that game. So obviously there was a no decision involved I would imagine.

Mr. DAVIS OF VIRGINIA. Were your wife and children in Miami for this series?

Mr. CLEMENS. Yes.

Mr. DAVIS OF VIRGINIA. You think you might have gone on—onto the barbecue after the golf?

Mr. CLEMENS. I don't remember his party.

Mr. DAVIS OF VIRGINIA. OK. Is it possible your wife and some of your kids could have gone without you?

Mr. CLEMENS. I believe my wife Debbie was in my golf foursome and the kids sure could have been. I don't remember that they were——

Mr. DAVIS OF VIRGINIA. But you don't remember being there at all?

Mr. CLEMENS. I don't.

Mr. DAVIS OF VIRGINIA. The reason I ask this is because this was brought up and this was the beginning I think of—as I look at the testimony of your starting to ask about these questions right at that time or right thereafter.

We've also spoken to a number of medical professionals inside and outside of baseball. This is about the vitamin B–12 shots. And I know a lot of players seem to take it. We had a hearing on this yesterday. Most of them say B–12 is not beneficial unless you have a dire medical need for it, like if you had anemia. What's your experience been through injecting B–12?

Mr. CLEMENS. I was encouraged to take B–12 all the way back since 1988. My mother encouraged me to take B–12. I think it's beneficial. I take vitamins every other day. I take B–12 in the tablet form. I take vitamin E, I take a multivitamin. Again, just about

every other day. And I think it was most common if anybody was sick on the team or if your energy felt run down and so on and so forth. I don't know the technical benefits for it. But I've always assumed that it was a good thing to have.

Mr. DAVIS OF VIRGINIA. Did you inject yourself with B–12 or would Mr. McNamee ever inject you or do you remember?

Mr. CLEMENS. I have never injected myself. Mr. McNamee's given me three shots—when we were traveling, three shots of B–12, two in New York.

Mr. DAVIS OF VIRGINIA. OK. Mr. McNamee, do you concur with that?

Mr. MCNAMEE. The first time I heard of Roger taking B–12 was on 60 Minutes. I've never given Roger Clemens B–12. And had never heard of B–12 really before.

Mr. DAVIS OF VIRGINIA. Is my time up? OK.

Chairman WAXMAN. Thank you, Mr. Davis. The Chair recognizes Mr. Tierney for 10 minutes.

Mr. TIERNEY. Thank you, Mr. Chairman. Mr. Chairman, my questions I guess are going to be a little bit about who's telling the truth here as well. I have questions for both Mr. McNamee and Mr. Clemens about whether or not they've been telling the truth to us or to investigators. Mr. McNamee, let me start with you if we could. We know that in some previous investigations you haven't always been honest. You were involved in a criminal investigation in Florida in 2001, you told committee investigators that you provided the police in that investigation with statements that were not truthful. Mr. McNamee, were you truthful to government investigators in Florida in 2001?

Mr. MCNAMEE. No, sir.

Mr. TIERNEY. You also told the committee that you withheld information from Federal prosecutors who were investigating the steroid use by professional baseball players. You didn't give prosecutors the whole truth about the number of injections that you gave Mr. Knoblauch and Mr. Clemens and you now say that there were more injections than you previously admitted to. And you withheld physical evidence, syringes, needles and gauze pads that you claimed you used to inject Mr. Clemens in 2001. Mr. McNamee were you truthful to Federal investigators last year?

Mr. MCNAMEE. No, sir.

Mr. TIERNEY. Why did you mislead the investigators?

Mr. MCNAMEE. The part about the injections were part recollection and part withholding, trying not to hurt these players. And about the evidence. Once again, I really felt bad for the situation that I was in. I felt bad for having to be confronted to—with the Federal investigators and Senator Mitchell. But everything I told them about their use was true.

Mr. TIERNEY. Well, I think it's important that we establish that on the record. You've admitted credibility problems in the past. And I think we have to keep that in mind as we move forward. But Mr. Clemens, let me turn to you if I might.

Mr. CLEMENS. Yes.

Mr. TIERNEY. I know you've been visiting Members of Congress recently and the Members seem to be impressed by your apparent credibility in person. But we know that some of the things you told

us with great earnestness appear to not be accurate. And this raises questions about your own credibility. Let me read to you from page 66 of your deposition.

Mr. CLEMENS. OK.

Mr. TIERNEY. You were asked, did you ever speak with Mr. McNamee about human growth hormone? And you answered, I have not. Then you were asked, never asked him any questions about it? You answered, never asked him. You were then asked the question a third time, the question was, do you recall a specific instance where you did speak with Mr. McNamee about HGH? And your answer was, I don't remember. The only thing I remember about the topic was, there was an article or show about some elderly man that had a curve in the spine and then later on in the show he was able to play golf. And that's basically the conversation we had. When you gave those answers in your deposition, you seemed earnest, you seemed credible, according to those who were questioning you, much like you do today. Were your answers truthful?

Mr. CLEMENS. Yes, they were.

Mr. TIERNEY. With respect to you, we know that you didn't give the committee the truthful answers much later in your deposition then because you were asked whether any members of your family had taken HGH. In answering that question later in your deposition, you told the committee staff about two specific conversations that you had with Mr. McNamee about HGH. So I want to walk you through that testimony about the time your wife was injected with HGH by Mr. McNamee.

At the outset it doesn't appear to be any dispute between you and Mr. McNamee about whether your wife Debbie Clemens was injected with HGH by Mr. McNamee in 2003. You both told the committee about this in your depositions, but you gave very different accounts of what actually happened.

Mr. Clemens, according to your account, Mr. McNamee injected your wife in your bedroom without your knowledge. Here's what you said on page 174 of your deposition. I was not present at the time. I found out later in the evening, and the reason I had found out is she was telling me that something was going wrong with her circulation and this concerned me. You also said on page 176 of your deposition, the next day, she still was not feeling comfortable, something about her circulation. You told us you had a very strong reaction. You told us you were so concerned about what happened that you searched the luggage of Mr. McNamee that he had stored at your house, looking for other evidence of drugs. Do I have that right so far.

Mr. CLEMENS. That is correct, sir, yes.

Mr. TIERNEY. You then told us about two specific conversations you had with Mr. McNamee with about your wife and HGH. The first happened that night when you called him on the telephone. So let me read that part of the transcript to you. That is on page 174. You said we had a pretty heated discussion about it, that I don't know enough about it and that we don't know enough about it.

You then told the committee, I also called him the next day because she still was not feeling comfortable, something about her circulation. I wasn't happy about it. I said, we don't know anything

about this. He says that it's legal. There's no law against it. Mr. Clemens, you told the committee that you had no conversations with Mr. McNamee about HGH. You did that three times in the early part of your deposition. But your own statements now showed that you had two specific and memorable conversations with him about HGH.

So when you were asked on three specific occasions why didn't you tell the committee about those conversations when you were asked, did you ever speak with Mr. McNamee about human growth hormone.

Mr. CLEMENS. Prior to he injecting my wife, Mr. Congressman, we had no conversation about HGH in any substance or any detail whatsoever. And definitely, again, I'm going to read a statement from my wife here in just a minute. But we never discussed HGH in detail. I go back to, again, Andy Pettitte. If I was a part of using HGH or a user of HGH, Brian McNamee would have come and told me that Andy was a part of this. I would—I'm certain, again, I would have known about all this.

Mr. TIERNEY. Well, help us out, Mr. Clemens, if I might. Later in your deposition is when you talked about your wife. The earlier part of your deposition three times, very clear and unambiguous questions and answers, did you ever speak with Mr. McNamee about human growth hormone? I have not. The question, did you ever. Second time you said you never asked him about any questions? You answered, never asked him. The third time, do you recall a specific instance where you did speak with Mr. McNamee about HGH? You said I don't remember. Then later on you go to recall two very specific conversations. How do you reconcile three times saying you didn't and then later when somebody specifically finally asks you about your wife you have a recollection of two very distinct and memorable conversations?

Mr. CLEMENS. Mr. Congressman, again, I never had any detailed discussions with Brian McNamee about HGH.

Mr. TIERNEY. Well, didn't you call him on the phone after your wife had told you that she had taken HGH?

Mr. CLEMENS. That very much is detailed conversation.

Mr. TIERNEY. It certainly is.

Mr. CLEMENS. It sure is. And if I may——

Mr. TIERNEY. Well, I just want to know if you can reconcile that. How can you say three times that you never did speak to him about it, and then later on acknowledge that you had, in fact, a pretty heated conversation you said.

Mr. CLEMENS. Very heated conversation about it. And again, prior to that, we had not had discussions about HGH.

Mr. TIERNEY. But Mr. Clemens, come on, the questions early in the morning hadn't been prior to your wife. The questions were had you ever. You can see where that leaves us with some credibility issues here. You have three times said never and then only when somebody really presses you on a specific instance you have a recollection of two memorable conversations.

Mr. CLEMENS. Again, prior to Mr. Congressman, we had no detailed discussion about HGH.

Mr. TIERNEY. Prior to what?

Mr. CLEMENS. During my testimony with the committee. And I believe the committee ran down when they were asking me the question about front office people, other employees and that's when they said family on the question.

Mr. TIERNEY. That's all helpful, but these questions I'm reading to you right from the transcript. What you are referring to all happened later. The three distinct questions were specifically about whether you ever spoke with Mr. McNamee. And three times you said never. Later somebody brought up the fact about your wife. And that's the inconsistency that we have. Let me go on a little bit. It's not the only area where we've got some question. I will read to you another excerpt from your deposition.

You were asked—it's on page 67, if you want. Did you do any research on your own about human growth hormone? And you answered no, I haven't. I've never researched it. I couldn't tell you the first thing about it. It seems a little difficult to believe. You testified that your wife was injected by Mr. McNamee without your knowledge of HGH. She didn't feel well and started to have circulation problems. You felt so strongly about what Mr. McNamee had done that you searched his luggage to make sure there were no drugs in the house. What did your doctor say about this?

Mr. CLEMENS. I talked to Deborah about calling our doctor, and she said she was just feeling very uncomfortable and in her words, wigged out about it. And not only did the reason I searched his luggage for the fact that he would always leave his luggage behind and have us mail out his luggage and leave without his luggage at my house, no differently than when I spoke to him about bringing alcohol onto my property. I had young kids. That is the conversation that was about. I was comfortable with my wife's reaction.

Mr. TIERNEY. She told you she had circulation problems?

Mr. CLEMENS. She felt that she was having circulation problems, yes.

Mr. TIERNEY. But you never called a doctor. Certainly it seems, with most reasonable people I think if that were the case, your wife told you she was having a reaction, circulation problems and particularly if it was administered by a fitness trainer without your knowledge that you would have called a doctor to find out what the consequences were. You never did that?

Mr. CLEMENS. We did not and I did talk to Deb about that, if we should call our doctor.

Mr. TIERNEY. What steps did you take to learn about the effects of HGH after you learned that your wife had taken the injection?

Mr. CLEMENS. I didn't take a lot of steps, Mr. Congressman. To be—in the last 2 months since this has been going on, I've learned more about HGH than I—than I ever thought. I still don't know enough about it. I—you know I've heard—I've seen things on TV that these guys talk about how it helps them, actors and different things of that nature. I don't know anything about it.

Mr. TIERNEY. Well, I guess—that's where the question comes in, if I might, Mr. Chairman. If you want us to believe that Mr. McNamee injected your wife without your knowledge, that she started suffering serious side effects of the drug, that you were upset enough to call Mr. McNamee and then search his luggage. But despite all that you never made inquiry of a doctor and you

never even looked up to see what the effects might be, is that right?

Mr. CLEMENS. Mr. Congressman, I don't believe I ever said serious effects. She said she was having itching and she had some type of circulation problem that she was feeling.

Chairman WAXMAN. The gentleman's time has expired. The chair yields to Mr. Davis 10 minutes to control.

Mr. BURTON. Thank you, Mr. Chairman. The tapes of the Toronto Blue Jays-Florida Marlins game has several comments on it about Mr. Clemens not being at that Canseco party. And Mr. Canseco provided a sworn affidavit, stating that Clemens did not attend that party. And you indicated that he came to the party late. Now how do you square that with what was on television on the radio and what the sworn affidavit of Canseco's was? I mean there's some inconsistency there.

Mr. MCNAMEE. My recollection is not inconsistent. What they said they said. I recall Roger Clemens being at that party.

Mr. BURTON. Why did you keep those gauze pads?

Mr. MCNAMEE. I'm sorry?

Mr. BURTON. Why did you keep the needles and the gauze pads?

Mr. MCNAMEE. Like had I mentioned in my opening statement——

Mr. BURTON. I want to read to you what you said in the sworn testimony. OK? And this was 2000, 2001 that these pads were accumulated, right?

Mr. MCNAMEE. 2001, 2002, sir.

Mr. BURTON. OK. 2001 2002. And you worked for Clemens up until what, 2006?

Mr. MCNAMEE. 2007.

Mr. BURTON. 2007. So you stayed with him 5 years after you kept these materials, right?

Mr. MCNAMEE. Yes, sir.

Mr. BURTON. I want to read this to you. It says, I kept them well because throughout my time with Roger Clemens, it was there always somewhat in the back of my mind that I distrusted him to a degree. And my gut feeling and the fact that I was an ex-cop, I just felt that—and I think there were bits and pieces coming out in the paper. Why in the world would you work for somebody that you thought was unethical and would lie? And why would you keep this information for 5 years if you—if he was your friend and you thought that he was to be distrusted?

Mr. MCNAMEE. He was my employer.

Mr. BURTON. Do you do this to all your employers? I mean, is this the kind of employer he was, to keep gauze pads and needles and everything for 5 years and go on and keep working for him?

Mr. MCNAMEE. It wasn't something I thought about. It was just there and it kept coming up. It was in the basement. And as I—as I thought about it, more things came up. And as you saw in 2000, I wrote an article in the New York Times regarding the more stuff that kept coming out about steroid use in baseball. So for the fact that I would—I never felt good about what I was doing, the fact that it was illegal, I figured because I've done things before for other people and have gotten hurt by it, I might as well hold onto these things. It wasn't something I dwelled on.

Mr. BURTON. How many other people did you treat that you kept their gauze pads and needles?

Mr. MCNAMEE. Possibly one other.

Mr. BURTON. And who was that?

Mr. MCNAMEE. Chuck Knoblauch.

Mr. BURTON. Do you still have them?

Mr. MCNAMEE. I believe it's in the possession of the Federal Government.

Mr. BURTON. Why did you not give those to the Mitchell Report committee immediately when you were contacted by them?

Mr. MCNAMEE. Because I felt horrible about being in the position that I was in.

Mr. BURTON. Now let me get—I want to make sure I got this straight. Your friend, Roger Clemens, you allegedly gave him these shots. You kept the pads and the needles for 5 years and went on and kept working for him because he was your employer. And then you said you felt bad, you felt bad about proposing and giving these to the Mitchell Committee when you first started talking to them?

Mr. MCNAMEE. Yes, sir.

Mr. BURTON. Gee whiz, are you kidding me?

Mr. MCNAMEE. No, sir.

Mr. BURTON. My goodness. As I understand from my colleague here, you told the New York Times that you had no direct proof at the beginning of this investigation, right?

Mr. MCNAMEE. I'm sorry?

Mr. BURTON. You told the New York Times that you had no direct evidence, like the gauze and needles at the beginning of all this?

Mr. MCNAMEE. I told the—I didn't talk to the New York Times. I told the Federal investigators and the Mitchell people that I had no direct evidence as far as physical evidence.

Mr. BURTON. On January 5th—so you didn't tell the truth then initially to them?

Mr. MCNAMEE. No, sir.

Mr. BURTON. You lied?

Mr. MCNAMEE. Yes, sir.

Mr. BURTON. There's several things here that really bother me. First of all, you lied about him being at Canseco. Canseco said he wasn't there in a sworn affidavit. On the radio, on television they said he wasn't there. And yet you still maintain that he did come there. And now you admit you lied about this. Are you lying about anything else? I mean why don't you tell us?

Mr. MCNAMEE. No, sir. I'm not lying about Jose Canseco's house.

Mr. BURTON. So you just lie when it's convenient for you?

Mr. MCNAMEE. No, sir.

Mr. BURTON. No. Can you pull the microphone a little bit closer, please?

Mr. Clemens, in your defamation lawsuit against McNamee, it says that according to McNamee, he originally made his allegations of Federal authorities after being threatened with criminal prosecution if he did not implicate you. That's an allegation of coercion. Why do you consider McNamee trustworthy on this point? And how do you have this kind of information that he might have been coerced into his testimony?

Mr. CLEMENS. I just—what I've heard on different occasions about what he said and what he hasn't said, there was a—a tape that I heard. The timeline would have been 4 or 5 days before the report came out. It was a taped conversation from Jim Murray. And that's basically where I heard the allegations that were being said by Brian McNamee about myself and Andy Pettitte also, which again, that's the first time that I heard Andy Pettitte's name. And—about using HGH, I said absolutely no way. Of course, now that I've learned that Andy has done it, I was shocked.

Mr. BURTON. Mr. McNamee, I'm going to read to you a series of prior statements attributed to you regarding steroid use or the lack thereof by Mr. Clemens or Mr. Pettitte. I never gave Clemens or Pettitte steroids. They never asked me for steroids. The only thing they asked me for were vitamins. That was William, Sherman and TJ Quinn, Andy Totes Baggage to Bronx, New York Daily News December 10, 2006. Did you say that?

Mr. MCNAMEE. Yes, I did.

Mr. BURTON. Is that a lie?

Mr. MCNAMEE. Yes, it is.

Mr. BURTON. Oh, it's another one. OK. I told Federal investigators twice that Roger and Andy had nothing to do with it. Is that right?

Mr. MCNAMEE. Yes, sir.

Mr. BURTON. Is that a lie?

Mr. MCNAMEE. Yes, sir.

Mr. BURTON. OK. I said, Roger and Andy, you know what, you have to talk to them. I don't know anything about that. I don't know anything about that. Transcript of interview by Jim Yarborough and Billy Belk. Is that correct?

Mr. MCNAMEE. I'm sorry can you repeat that please?

Mr. BURTON. I said, Roger and Andy, you know what, you have to talk to them. I don't know anything about that. I don't know anything about that. That's a transcript of the interview by Jim Yarborough and Billy Belk and Brian McNamee, December 12, 2007. Is that correct?

Mr. MCNAMEE. I'm not sure. What are you referring to? What am I saying I don't know anything about, sir?

Mr. BURTON. Well, let's pass on that because—oh, this is a quote she told the investigators. We'll pass on that.

Mr. McNamee, I'm going to read you a series of statements attributed to you regarding your involvement with steroids. "I don't have any dealings with steroids or amphetamines. I don't buy it, sell it, condone it or recommend it. I don't make money from it. It's not part of my livelihood and not part of my business." Did you say that?

Mr. MCNAMEE. Yep.

Mr. BURTON. That's a lie, right?

Mr. MCNAMEE. Partial.

Mr. BURTON. Partial?

Mr. MCNAMEE. Partial lie.

Mr. BURTON. McNamee pleads guilty to knowing the ins and outs of steroids but says I have no involvement as far as supplying it, getting it, selling it, telling them to use it. John Hayman, the sixth man. Clemens' trainer denies links to Grimsley. Is that a lie?

Mr. MCNAMEE. Yes, sir.

Mr. BURTON. You know, I'm not going to read any more of this. This is really disgusting. You're here as a sworn witness. You're here to tell the truth. You're here under oath. And yet we have lie after lie after lie after lie of where you—you've told this committee and the people of this country that Roger Clemens did things, and I don't know what to believe. I know one thing I don't believe and that's you. The other thing I want to say is that—and I want to say this about this whole investigation. You know, Donovan, who was the Secretary of Labor, was accused of wrongdoing and went to trial. And he was found innocent within about 20 minutes. And he came out and said, how do I get my reputation back?

You know, Roger Clemens, unless it's proven that he used steroids—and so far I haven't seen anything like it, if he did, he ought to be held accountable. But Roger Clemens is a baseball—he's a titan in baseball. And you and with all these lies, if they're not true, are destroying him and his reputation. Now how does he get his reputation back if this is not true? And how can we believe you because you've lied and lied and lied and lied?

And the thing I want to say is that we have this penchant in the country of trial by media. I mean, I understand the media has a right to come to these things and to get all the information that they can. But until—in this country, until a man is proven guilty, he's innocent. And this kind of a hearing and this kind of a circus that I call it really bothers me. If he's done something wrong he ought to be indicted, he ought to be prosecuted and he ought to be punished for it. But I don't see any evidence of that so far. And with that, I'll stop.

Chairman WAXMAN. The gentleman's time has expired. The Chair recognizes the gentleman from Massachusetts for 10 minutes.

Mr. LYNCH. Thank you, Mr. Chairman and the ranking member. Since the testimony is so contradictory in this case, I'd like to at least refer to some of the physical evidence that we have before the committee. Mr. Clemens, earlier in the investigation you provided the committee with a transcript of a secretly taped interview by—conducted by two of your investigators. The interview was of Brian—with Brian McNamee and it took place at Mr. McNamee's home on December 12, 2007. Is that correct?

Mr. CLEMENS. That's correct.

Mr. LYNCH. OK. During the interview, Mr. McNamee, you told investigators that you had injected Mr. Clemens with Windstrol, a steroid, in 1998. And your exact testimony is that—well, actually, that he probably developed an abscess on his buttocks as a result of the injection. And you said, "it was probably my fault because Windstrol, I learned later, that you're not supposed to inject it quickly. You're supposed to do it very slowly. That way it dispenses slowly. If you do it quickly, then it settles in a pool of fat and that is how an abscess is formed and that's what happened. So it was probably my fault." Now, being under oath today, is that basically correct as far as your testimony goes regarding that incident?

Mr. MCNAMEE. Yes, sir.

Mr. LYNCH. OK. In pursuit of further information on this, we and the committee asked for medical records during this time period.

And a medical record from July 28, 1998 was provided by the Toronto Blue Jays at the time that said that there was a palpable mass "on the right buttock of Mr. Clemens." On another record, it also noticed a similar mass on the left buttock. And the July 28th record said also that Roger received a B–12 injection approximately 7 to 10 days ago into his right buttock from Dr. Taylor at the Skydome.

So we brought in Dr. Taylor and asked him some questions about this. He said that he did give a B–12 shot to Mr. Clemens but he could not remember exactly when. We also asked Mr. Clemens about it. And in his previous testimony he said, it says right here, Dr. Taylor had given me a B–12 shot so that surely could have happened. Mr. Clemens, you also told us that the palpable mass could have had other causes. For example, you said that the muscle strain—that a muscle strain, which you called a strained glute, could have led to the problem. The medical records indicated that after the July 28th diagnosis, Mr. Clemens was sent to have an MRI. And this MRI was not provided in the original set of documents that the committee received.

And in fact, it was not easy for the committee to receive—to obtain the MRI from counsel for Mr. Clemens. And repeated requests were made for this MRI. And we only received the MRI report on Monday after the committee informed counsel for Mr. Clemens that the committee would consider stronger options if the document were not provided to the committee voluntarily. The MRI report provides important additional information about the injury to Mr. Clemens and the palpable mass on his buttocks. According to the report, the injury was "likely related to the patient's prior attempted intramuscular injections." I want to repeat that. It says "it was likely related to the patient's prior attempted intramuscular injections."

And to get more insight into the significance of this MRI, we actually stripped the name, we redacted the report from the records and provided them to the chief of muscular—excuse me, musculoskeletal radiology at the Armed Forces Institute of Pathology, Dr. Mark Murphy, he is one of the country's leading experts on MRI. And we asked him to review the records and give us his opinion. He issued a report, which I'd like to make part of the hearing record. The MRI report——

Chairman WAXMAN. Without objection, so ordered.

[The information referred to follows:]

Congressional Consult

These responses correlate to the numbered congressional inquiries:

1. The MR report describes a crescentic fluid collection intimately related to the superficial fascia (perifascial) and surrounding nonlocalized (reticular) edema. These are typical findings of an inflammatory or reactive process. The crescentic shape or morphology of the fluid collection is also typical of an inflammatory or reactive process as opposed to a true infection or abscess formation which is usually round or oval.
2. I have been asked to evaluate the MR imaging appearance on the basis of two theoretical alternate possibilities: a commonly used water-based drug that is well-known to cause very few reactions and can be given subcutaneously or into the muscle, or a suspension of solid particles that are known to be more prone to be cause local site irritation and should be injected into the muscle. While it is difficult to be definitive and surrounding reaction is variable in each individual, of these two theoretic possibilities it is my opinion that the history and MR imaging descriptions are more compatible with the Winstrol injection as the inflammatory component is prominent by report. It would be helpful to view the images and measure the overall size of the inflammatory reaction on the T2-weighted images as only the crescentic fluid collection was quantitated as to size. In addition, multiple injections of the irritant, as anticipated with Winstrol, might be expected to yield a higher volume of inflammatory tissue reaction than a single injection.

3. Injection sites are not typically imaged by MR as the vast majority are not associated with clinically significant untoward effects. However, fat necrosis and surrounding edema or inflammation can occur to a variable degree in response to subcutaneous and intramuscular injections (to the material or associated binding agents). I have personally observed inflammatory reaction related to injection on MR imaging.
4. The MR imaging description of this case is not typical of either hematoma or abscess. Both hematoma and abscess usually reveal mass effect, a wall of variable thickness and a round to oval configuration, none of which is described in the MR imaging report of this case. In addition, hematoma frequently demonstrates high signal intensity on both T1- and T2-weighting also which is not described in this MR report.
5. Yes, the clinical finding of "skin redness" is further confirmation of the prominence of the inflammatory reaction. Again while not definitive due to the variability of tissue reaction from patient to patient, this prominent degree of inflammatory reaction in my opinion is consistent with a more irritative or caustic material as the causative agent. I also suspect that the prominent clinical degree of inflammatory reaction is what led to the initial performance of MR imaging.
6. It is possible to deduce from MR multiple versus a single injections in some cases. I would search for several linear tracts extending from the skin as evidence of multiple injection paths. However, the time of those injections (one setting, multiple tracts versus differing episodes with single injections) would likely be very difficult to differentiate by MR imaging.
7. The reported MR abnormality would not have been caused by a muscular injury or strain as no intramuscular edema was mentioned on the MR report. In fact, the report

specifically identifies lack of associated gluteal musculature edema. Similarly a direct blunt blow/injury would be expected to cause edema from the skin surface and superficial subcutaneous tissue to the deeper subcutaneous areas, likely decreasing in severity/extent as the force was progressively dissipated.

8. The specific buttock location of the abnormality on the MR report and knowing that this is by far the most common site of medical injection makes this the logical explanation of the imaging appearance. The MR report identifying the deeper subcutaneous tissue as the primary site of edematous abnormality is also certainly typical of the pattern seen with deep subcutaneous injection.

Mark D. Murphey MD (2/12/2008)

Chief, Musculoskeletal Radiology

Department of Radiologic Pathology, AFIP

Mr. LYNCH. The MRI report we received said the injury—and this is a quote from Dr. Murphy. It says it was likely related to the patient's prior attempted intramuscular injections. And Mr.—excuse me. That Mr. Murphy agreed with that—Dr. Murphy agreed with that diagnosis. He said that the MRI showed that the muscles of the buttocks showed no strain or trauma. So he concluded that the injury was not a strained muscle. Next he gave his opinion about whether the injury was more likely caused by B–12, as you've asserted, or steroids, as Mr. McNamee claims. And to be fair, Dr. Murphy stated that he could not be definitive without seeing the films and he cautioned that the patient's reaction can vary. He said it wasn't a true abscess. But he did say this, and this is a quote. It is my opinion that the history and the MRI imaging descriptions are more compatible with a Windstrol injection, as the inflammatory component is prominent by report.

Mr. BREUER. Mr. Chairman, I know it's highly irregular. May I as counsel to Roger Clemens please address the point of the Congressman for one moment, please?

Chairman WAXMAN. The rules of the committee provide that counsel may advise their clients but not speak directly to the hearing itself.

Mr. BREUER. Well, Mr. Chairman——

Mr. LYNCH. Reclaiming my time, Mr. Chairman.

Mr. BREUER. Mr. Chairman, I would request that I be permitted——

Chairman WAXMAN. I'm sorry. The rules don't provide it. Please talk to your client and have him answer any questions that are outstanding.

Mr. LYNCH. Thank you, Mr. Chairman. Reclaiming my time if I may. During our investigation we also asked Dr. Taylor about whether he thought the B–12 shots that he gave to Mr. Clemens could have caused the mass on his buttocks. He told us that this was unlikely. He stated that he had given close to 1,000 B–12 shots in his medical career and that he had never seen a complication like the one presented with Mr. Clemens. The head trainer, we also questioned Tommy Craig, the head trainer. He also told—he had never seen a side effect like the one exhibited from Mr. Clemens from a B–12 shot in 30 years as a trainer.

As well we asked the assistant trainer, Scott Shannon, in a career of almost 20 years he said that he had never seen a B–12 shot cause that kind of reaction. Based on the MRI results, it also appears definitive that the mass was not caused by a strained glute or other muscle strain. In addition, we have Mr. Canseco's testimony that on numerous occasions, he had conversations with Mr. Clemens regarding cycling and stacking of steroids as well.

Given the—given the physical testimony—the physical evidence that we've had there that seems to be consistent with much of what Mr. McNamee is saying, Mr. Clemens, how am I supposed to receive this—this testimony? As someone who's simply looking for the truth and looking for it to be supported by the physical evidence, how—this is not—this is not supportive of your claim. Much of this is supportive of Mr. McNamee's assertions. And I just want, as someone who went through all of this, I want you to explain to

me the import of this evidence. How can this all be wrong? Help me here.

Mr. DAVIS OF VIRGINIA. Mr. Chairman, could I just ask a second, he's inserted into the record a report by Mr. Murphy. We ask unanimous consent to insert into the record a report by Dr. Burt O'Malley, professor and chair of molecular and cellular biology, who comes to a much different conclusion.

Chairman WAXMAN. We will take whatever you want into the record. But this is Mr. Lynch's time.

Mr. DAVIS OF VIRGINIA. OK.

Mr. CLEMENS. Congressman Lynch, if I may, from what I understand, we provided everything that we could possibly provide to the staff. We've fully cooperated with everything that was asked of us. I know obviously by looking at the medical records, I got a B–12 shot and it obviously gave me some discomfort. I hate to get on Dr. Taylor who gave the shot, but if he gave me a bad shot, he gave me a bad shot. I don't know how to explain that. But looking at my medical records and fully cooperating, you know anytime I need an MRI—I've had many MRIs on my body. So that's—I have—again, I don't have any idea. I don't know who the gentleman is that you're expressing this today. But all's I can tell you is what I know by my medical reports. We've had a Dr. O'Malley review everything and he concludes there was no steroids.

So I don't—I'm doing every due diligent thing that I can possibly think of. And given the staff everything I could possibly think of to look wherever they need to look about this subject. So I—I have not heard that we weren't cooperating on giving you everything that you could possibly need to look into this in any way shape or form.

Mr. LYNCH. Well, and again, there was difficulty—some of the information came over quite readily. It was difficult to obtain others, especially this MRI report. But let's get back to the simple fact that——

Chairman WAXMAN. You'll have to conclude. Your time has expired.

Mr. LYNCH. This is not the report of some unknown physician that we're contesting here. This is the reports of Dr. Taylor, this is the reports of the trainer, Mr. Shannon and others who have said that in over—Scott Shannon, Dr. Ron Taylor and Melvin Thomas Craig, these are these are people who are very familiar with this, probably 60 years of experience here in giving B–12 shots.

Chairman WAXMAN. The gentleman's time has expired. Mr. Davis.

Mr. DAVIS OF VIRGINIA. Thank you. I ask unanimous consent that a commission study look at the same MRI records done by Burt W. O'Malley M.D. professor and chair of molecular and cellular biology at Baylor University be admitted into the record.

Chairman WAXMAN. Was this given to you by Mr. Clemens's——

Mr. DAVIS OF VIRGINIA. It was. They had this done.

Chairman WAXMAN. Without objection the request would be——

[The information referred to follows:]

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February 11, 2008

Rusty Hardin
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Dear Mr. Hardin:

I have examined the large series of records provided to me by your office and which relate to Mr. Roger Clemens, dating from 4/11/95 to 8/24/08. I have been requested to search these records for any signs, symptoms and afflictions secondary and related to steroid administration. Some general types of symptoms/signs normally associated with steroid abuse are listed below. My examination emphasized specifically the following signs and symptoms:

Specific Changes (Acute or Chronic):

Elevated blood pressure
Acne and increased sebaceous activity; facial hair; deeper voice
Cholesterol abnormalities: Increased LDL; Decrease HDL
Coronary artery disease; arrythmias; left ventricle size increase
Sudden death (rare and not applicable)
Liver damage; enzyme elevations (and bilirubin); liver cancer
Increased red cell mass (hemoglobin, hematocrit, MCV, etc,)
Gynecomastia; infertility; decreased testes size; oligospermia (not recorded)
Aggressive and hostile tendencies; mood swings
Increased appetite and weight gain; increased lean body mass
Increased large muscle size; acute muscle definition (biceps/pectorals); neck size
Increased strength and endurance
Decrease in recovery time from injuries
Possible injection site inflammation; abscesses
Blood sugar; hyperirritability; carpal tunnel (more related to GH abuse)

I have not found any of the above listed positive indications of steroid abuse during this period of time for Mr. Clemens. The record is remarkably uniform and devoid of suspicious indications.

In addition, during this time period, Mr. Clemens has suffered a remarkable number of yearly injuries to body parts, including but not limited to shoulders, back, groin, thighs, calves, hands, fingers, wrists, and upper arms. Notably, the injuries are temporally consistent in number over time, and there is no major deviation from

the pattern and number of the injuries and the time of recovery from such during this time period.

In short, my examination of the records provided to me by the Hardin office is completely negative and remarkably within normal limits for an athlete of his physique and age.

Sincerely,

Bert W. O'Malley, M.D.
Tom Thompson Professor and Chairman

/gbe

BCM
Baylor College of Medicine

Bert W. O'Malley, M.D.

- Back to list
- Next

Professor and Chairman, Department of Molecular and Cellular Biology
M.D., University of Pittsburgh

Research Interests:

My laboratory group is interested in determining the fundamental mechanisms for regulation of eucaryotic gene expression. Our early work defined the "primary molecular endocrine pathway" by which steroid hormones act in target cells. We showed that steroid hormones regulate de novo synthesis of specific proteins by regulating the levels of specific mRNAs in target cells. Using cell-free transcription methods, we substantiated "initiation of transcription" as the rate-limited step at which nuclear receptors regulate gene expression and defined steroid hormone receptors as transcription factors.

As a model system we study genes regulated by the Nuclear Receptor (steroid/thyroid/vitamin/orphan receptor) Superfamily. These intracellular receptors comprise the largest (~49) family of human transcription factors. They are cell- and gene-specific transcriptional regulators that act by binding to enhancers in the 5'-flanking region of DNA of target genes.

When bound to DNA, the transactivation domains of the receptor dimer are exposed and available to interact with coregulator proteins (coactivators and corepressors). Our lab pioneered the discovery of corepressors-coactivators and the coactivation theory for gene activation. These proteins include SRC-1, a nuclear receptor family coactivator cloned in our laboratory which forms a complex with receptors, other coactivators and CBP/p300 to greatly enhance gene expression. The coactivators are power boosters (amplifiers) of the transcriptional regulation exerted by nuclear receptors; our lab has cloned/studied 15 different subfamilies of these molecules.

Coactivators stimulate transcription by two mechanisms: 1) via enzymatic activity which, for example, modifies local chromatin and other proteins in the regulatory complex to permit access of general transcription factors (GTFs) to the promoter; and 2) via interactions with other coactivators and GTFs which stabilize the complex of TATA-based transcription factors and lead to repeated initiations of transcription at the target gene by RNA polymerase. The steps in gene expression currently thought to be affected by steroid receptors/coactivators are initiation, re-initiation, mRNA processing, and termination.

Recent work in our laboratory has demonstrated that steroid receptors also regulate alternative mRNA splicing by recruiting coactivators to the target genes that are dedicated to this function. Depending upon the specific coactivator recruited, an exon is either left in the mRNA or spliced out. We also study a number of coactivators that are ubiquitin ligases and are responsible for degradation and turnover of the transcription apparatus, including receptors and coactivators. These molecules bind to and turn over specific coactivators. Finally, coactivators are the main targets for membrane signaling pathways and when phosphorylated by kinase cascades become active partners with downstream transcription factors to regulate transcription. Depending upon the pattern of phosphorylation, the coactivator binds to different DNA-bound transcription factors and activates different gene sets.

The tissue selectivity of SRMs (selective receptor modulators) lies in the cellular fingerprint of coactivator/corepressor functions in different tissues. Antihormones block transcription at the step of coregulator complex formation by destabilizing receptor-coactivator interactions and promoting binding of corepressors. Genetic defects in members of this receptor superfamily lead to diseases of hormone resistance. Our coactivator knockouts in mice lead to syndromes of 'partial resistance' to hormones and to developmental defects in endocrine pathways. The coactivators have important applications to humans in genetic diseases, CNS function and aging. Perhaps most importantly, coactivators are intimately associated with oncogenesis. Breast (>60%) and prostate (and many other) tumors overexpress coactivators such as SRC-1/AIB1, which are 'oncogenes' because they give those cells selective growth advantages over normal cells when overexpressed. Finally, we are using genetic variants of members of this receptor family to treat metabolic diseases and breast cancer via new regulatable (GeneSwitch) approaches to human gene therapy.

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For more publications, see **listing** on PubMed.

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Mr. DAVIS OF VIRGINIA. I mean, practically, I think requesting Mr. Clemens to answer a medical technical question like this isn't fair on a report he's never seen before. This was just made available to our side this morning.

Chairman WAXMAN. The gentleman from Virginia is recognized.

Mr. DAVIS OF VIRGINIA. I would also note that Alan Gross, who was the doctor who ordered the MRI and actually is the only doctor here who viewed Mr. Clemens's injury himself gave a deposition to the committee that will be released this afternoon under oath and he came to a different conclusion. And he didn't even see an abscess at that point. The only reason he ordered an MRI was because this was Roger Clemens, this was the franchise. And if you see a bruise on your star player, you are going to get an MRI and you are not taking any chances.

And there was zero evidence at that point or even suspicion that drugs or anything had caused this. And that deposition as we said will be released this afternoon. So listen, I will just say this was literally a new definition of lynching with the last question that came in, asking Mr. Clemens a technical medical question like this on a report that he had never had the opportunity to see before. He is not a doctor.

Chairman WAXMAN. Evidently his lawyers were able to get a report for you to give for the record on that issue. So you are not completely taken by surprise.

Mr. DAVIS OF VIRGINIA. That was an exhibit that they had before from this committee, Mr. Waxman, for weeks.

Mr. CLEMENS. Mr. Chairman, out of respect, I believe the committee got the report also. I'm sure I've given——

Mr. DAVIS OF VIRGINIA. This has been part of your submissions. There's no surprises here. You didn't give this to us special. We just pulled it out of the records because I don't really think this tells anybody—none of these doctors physically looked at you. They're looking at an MRI and taking a different view. And I'm just saying the doctor who looked at this originally came to a much different conclusion. People can judge whatever they want. But I think what's fair is fair on this.

Mr. McNamee, let me just return to you since—the other side seems to be focused on Mr. Clemens. At your deposition, you testified that one of your alleged injections of Windstrol went wrong, is that correct?

Mr. MCNAMEE. I'm not saying one of them. I'm just relating that it—possibly I did it too fast, that it could have led to this abscess. Which one I'm not sure.

Mr. DAVIS OF VIRGINIA. I think it was the one in the Tampa Bay Clubhouse. Does that ring a bell?

Mr. MCNAMEE. I know I mentioned that. But I was just—I didn't know when that trip took place.

Mr. DAVIS OF VIRGINIA. I'm just trying to get into this abscess question. That's not as important. Now when you said you inject Windstrol too quickly, one of the risks is having an abscess formed is that correct?

Mr. MCNAMEE. That's what I believe.

Mr. DAVIS OF VIRGINIA. And you said you thought that Mr. Clemens developed an abscess?

Mr. MCNAMEE. I was told by the head trainer that he developed an abscess.

Mr. DAVIS OF VIRGINIA. You said that the head trainer Tommy Craig told you that?

Mr. MCNAMEE. Yes, sir.

Mr. DAVIS OF VIRGINIA. You said, Clemens came to you around this time and said something along the lines of get rid of this stuff, is that correct?

Mr. MCNAMEE. Yes, sir. A little bit after his treatment of the abscess he had come to me and said that.

Mr. DAVIS OF VIRGINIA. And you interpreted to get rid of this stuff, meaning he did not want to use Windstrol?

Mr. MCNAMEE. He threw it in my locker and he said get rid of this stuff. So yes.

Mr. DAVIS OF VIRGINIA. You said there was a good portion left of the season when he stopped using the Windstrol.

Mr. MCNAMEE. That was my recollection.

Mr. DAVIS OF VIRGINIA. Now if you go back and look at the Blue Jays schedule for 1998, the team was in Tampa where in your testimony, you noted that it was Tampa. Your testimony will be released today. The team was in Tampa in the middle of June and toward the end of September. As you testified, this botched injection supposedly occurred at the end of July or in the beginning of August. Can you reconcile this at this point as you look back on the schedule?

Mr. MCNAMEE. Sir, the botched injection is just something that I felt bad about that I might have done. I'm not exactly sure it was a botched injection. That's what I had told the people. But my recollection is——

Mr. DAVIS OF VIRGINIA. Your deposition said this happened in the Tampa Clubhouse, and I'm just saying the only times they were in Tampa were in the middle of June and the end of September. And as you testified before us, it was at the end of July or the beginning of August. And I'm just saying, could your memory be faulty on this?

Mr. MCNAMEE. Very much so.

Mr. DAVIS OF VIRGINIA. Another problem is that the head trainer, Tommy Craig, recalls nothing about any abscess in our conversations with him. Is it unusual that Tommy Craig would fail to recollect an injury like this to the star pitcher at the time?

Mr. MCNAMEE. Tommy Craig was a trainer for a very long time, and we're talking about 10 years ago. So——

Mr. DAVIS OF VIRGINIA. But you seem to have a very vivid memory of and no one else seems to.

Mr. MCNAMEE. That's why I told—in my deposition, I felt bad because I had assumed it was my fault.

Mr. DAVIS OF VIRGINIA. If Craig treated an injury to Clemens's buttocks, wouldn't that be something he would recall? This was the star.

Mr. MCNAMEE. You'd have to ask Tommy Craig.

Mr. DAVIS OF VIRGINIA. Now he wasn't the only member of the medical team that failed to recall the injury to Mr. Clemens's buttocks. Assistant trainer Scott Shannon, when asked, didn't remem-

ber it, team doctor Ron Taylor didn't remember it, team orthopedist Alan Gross who ordered the MRI, didn't remember.

In fact, when—in his testimony, he came to a much different conclusion than these-after-the-fact people who just looked at the MRI. If Roger Clemens, the most famous pitcher in baseball and really the franchise for the team at that point, at least on their pitching side, had developed an injury known to be the type of injury known to be associated with steroids, wouldn't you expect that someone would have recollected it along the way—except for you, you're the only one who seems to recollect.

Mr. MCNAMEE. Well, none of those people were injecting Roger Clemens with illegal steroids in his butt.

Mr. DAVIS OF VIRGINIA. No. And whether you did or not I think remains an open question. But the question I'm asking is, we're talking here about an injury to him that was a result of that. And they don't—they did see an injury and they ordered an MRI as a result of that. But none of the alarms went off.

Now, the medical records showed that Clemens had some type of injury to his buttocks at the end of July. There's no question about that. But according to the MRI, it was not an abscess. It was simply described as a palpable mass. In laymen's terms, this could have simply been a bruise. Are you certain that Tommy Craig told you that Clemens had an abscess?

Mr. MCNAMEE. Yes, I'm certain.

Mr. DAVIS OF VIRGINIA. OK. Both head trainer Tommy Craig and team doctor Ron Taylor told us the MRI was ordered because they thought the bruise or buttocks injury might have been caused by a muscle tear. The MRI was not ordered to look for an abscess. The MRI was ordered because the team's star pitcher was injured. Now that you know Tommy Craig, Scott Shannon, Ron Taylor, Dr. Gross all say no abscess and no memory of this injury, you still stand by your allegation that he had an abscess?

Mr. MCNAMEE. It's not my allegation. It was—he was getting treated for an abscess diagnosed by the head trainer and he was getting treated with ultrasound, which it was right or the area—the ultrasound was right over the area where I injected Roger Clemens with Windstrol.

Mr. DAVIS OF VIRGINIA. OK. Now, Dr. Taylor says he gave two B–12 shots in his life and one was to Roger Clemens in July 1998 which was the time of the injury and was not in Tampa. The medical records also say Clemens started complaining of soreness in his buttocks after receiving this injection. How can you be so sure this buttocks injury was not the result of the B–12 shot, since that was the only shot that could have taken place at that point, Tampa, where you allege this originally took place, were going to be in June and September? How do you reconcile that?

Mr. MCNAMEE. I'm not sure I follow your question.

Mr. DAVIS OF VIRGINIA. Well, the question is simple. The only time they were in Tampa where you testified this took place was in June and September. This injury took place in July. The MRI, July August timeframe. And we know that he received a shot for B–12 during that time. So if there's any kind of shot or abscess, it would have had to be the B–12 shot. It couldn't have been the

steroid shot you are talking about because they were in Tampa at the time.

Mr. MCNAMEE. I know, but you misunderstood the deposition then because what happened was I assumed not knowing when the Tampa trip was. I just said because it was a hurried—a hurried instance where we were in the closet and that's where the injection took place. But I was unaware of the dates.

Mr. DAVIS OF VIRGINIA. Yes, you were unaware of the dates which is why we have an inconsistency here.

Mr. MCNAMEE. That's right. I wasn't aware of the dates.

Mr. DAVIS OF VIRGINIA. That's right. And now that you are, it makes your statement inconsistent because this took place in the July August timeframe when they weren't in Tampa. Let me ask you this, Mr. McNamee, why do you inject professional athletes with substances you know to be forbidden or illegal as a former police officer?

Mr. MCNAMEE. It was something I shouldn't have done and I'm ashamed of it, and that's why I'm here today.

Mr. DAVIS OF VIRGINIA. Why did you keep doing it?

Mr. MCNAMEE. I believe that I haven't since 2002.

Mr. DAVIS OF VIRGINIA. Why did you keep doing it for so many years?

Mr. MCNAMEE. I just accepted it as the norm and it was a part of the culture in baseball.

Mr. DAVIS OF VIRGINIA. How prevalent was it?

Mr. MCNAMEE. Excuse me? Excuse me?

Mr. DAVIS OF VIRGINIA. How prevalent was this in clubhouses across baseball at the time?

Mr. MCNAMEE. I think within the players, it was pretty prevalent and I'm not sure about other strength coaches and their—and their involvement.

Mr. DAVIS OF VIRGINIA. OK. Again, Mr. Shays, I'll yield to you.

Mr. SHAYS. Just listening to your testimony, you said you believe you haven't injected anyone with any illegal drugs since 2002. What does the word "believe" mean? Did you or didn't you?

Mr. MCNAMEE. I wasn't really—about ballplayers, I haven't, but I inject—I injected Debbie Clemens in 2003.

Mr. DAVIS OF VIRGINIA. Let me ask a question before our time runs out. Did you ever tell Andy Pettitte you were contemplating suing Hendricks Sports Management?

Mr. MCNAMEE. I might have.

Mr. DAVIS OF VIRGINIA. Did you ever contemplate litigation against the L.A. Times following the stories relating to Jason Grimsley's affidavit?

Mr. MCNAMEE. Yes, I did.

Chairman WAXMAN. The gentleman's time has expired. Just for the record, as I understand it, there was an injury on Mr. Clemens's buttocks. This was in the team records. And in the records, it said that the injury was related to an injection. Do any of you disagree with those three statements?

Mr. MCNAMEE. No.

Mr. CLEMENS. No.

Mr. DAVIS OF VIRGINIA. Let me just add, if there was an injection, a B–12 injection——

Chairman WAXMAN. That's one contention. The other contention, it was an injection of something else. But those three points I made for the record are accurate. Mr. Kanjorski is recognized for 5 minutes.

Mr. KANJORSKI. Thank you, Mr. Chairman. In an attempt not to have Mr. Scheeler appear to be a potted plant, I gather you were instrumental in preparing the Mitchell Report, is that correct?

Mr. SCHEELER. I did assist Senator Mitchell, yes, Congressman.

Mr. KANJORSKI. OK. Can you pull that a little closer to you. When you get to be my age, you lose about 20 percent of your hearing capacity. And I just don't want to embarrass the other younger citizens in the audience. OK.

Let me preface my remarks with one or two comments. I have the highest regard for Senator Mitchell. As a matter of fact, at one time he was my proposed candidate for President. So—and I've known him for more than a quarter of a century. So any of the remarks that I make to you or questions I ask of you are not intended to impugn his credibility or his reliability. But having been involved in Washington a few years and knowing that the Mitchell Report was quite extensive—in excess of 400 pages, is that correct?

Mr. SCHEELER. That's correct.

Mr. KANJORSKI. Now, I know George Mitchell is a very dedicated person. But I don't suspect that George Mitchell wrote every one of those 400 pages in his own handwriting or by his own dictation. Is that reasonable to assume?

Mr. SCHEELER. He did not do the first draft of every word. But I will tell you that he reviewed every sentence, every comma, every semicolon on multiple occasions.

Mr. KANJORSKI. So would you say that he substantially stands by every fact set forth in that report?

Mr. SCHEELER. Everything that we said in the report was at the time we wrote the report, we had a good faith belief for it——

Mr. KANJORSKI. You had a what?

Mr. SCHEELER. We had a good faith belief for it and we believed it to be true.

Mr. KANJORSKI. OK. Have you changed that opinion now?

Mr. SCHEELER. No.

Mr. KANJORSKI. You believe every fact set forth in the report as it's set forth?

Mr. SCHEELER. Sitting here at this moment, I cannot think of a single fact that we would recant, no.

Mr. KANJORSKI. So the supposed meeting that occurred at Canseco's house, you've reviewed that and he has told a lie, and the people that reported the ball game, they've told a lie? Is that correct? Or did that meeting not occur? Did it or did it not occur? That's the question.

Mr. SCHEELER. I would say at this point, we're not in a—it's not our role to judge what the subsequent facts are that have come into play.

Mr. KANJORSKI. Whoa, whoa, whoa. You mean to tell me, if you were going to say, I committed perjury or lied about some substantial fact and, in doing that, you place me at a particular location, and then it turns out that you couldn't possibly have been there and you weren't there, that's not material to your report?

Mr. SCHEELER. Well, let me try and put the Canseco lunch into perspective then for you.

Obviously, Mr. McNamee told Senator Mitchell that Mr. Clemens had been at Mr. Canseco's house for a luncheon. And this, I would add, is an instance which shows it is one of the reasons why we would have liked to have talked to the current players, because we could have gotten additional facts.

Mr. KANJORSKI. You would have liked to talk to God to find out, but you didn't. You relied on one witness, and he put Mr. Clemens at a location that, supposedly, other impartial parties have provided affidavits that he wasn't there and couldn't have been there.

Now my question to you is, as the writer of that report—and I will assume you are the writer of that report—which of those facts is this committee and the public of the United States to accept? Did this meeting occur where the conversation of steroids occurred or didn't it?

Mr. SCHEELER. Let me take issue with a premise of your question, because it is important to understand that at that meeting we do not write that any conversations about steroids took place at the Jose Canseco luncheon.

Mr. KANJORSKI. OK. Assume——

Mr. SCHEELER. If I could complete my statement——

Mr. KANJORSKI. I only have 5 minutes, so I don't want you to filibuster. We are used to the Senate doing that, but we don't do that in the House. So I want you to respond as quickly as you can so we can move through these facts.

Mr. SCHEELER. I will do my best.

Mr. KANJORSKI. OK.

Now, are you contending that the fact that meeting occurred and whether or not Mr. Clemens was there is not important and it meaningless and shouldn't have been in the record?

Or was it placed there for some purpose to show that there could have been a semiconspiracy occurring and discussions being had, and this was just another element of that evidence?

What is it?

Mr. SCHEELER. This was placed in the report in large part because of the fact that we also interviewed Jose Canseco, and Mr. Canseco advised us that he had repeated conversations——

Mr. KANJORSKI. Didn't he advise you that meeting did not occur under oath?

Mr. SCHEELER. He was not under oath when we spoke to him. We did not have the ability to place people under oath.

Mr. KANJORSKI. OK. So now are you concluding that what he—did he tell you that meeting did not occur?

Mr. SCHEELER. He did not answer that question because we did not ask it.

At the time we interviewed Mr. Canseco, that was July 11, 2006 in Fullerton, CA. At that time we did not know of this issue of the Canseco lunch.

Chairman WAXMAN. Mr. Kanjorski, your time has expired.

Mr. KANJORSKI. Can I just close with a last question, Mr. Chairman?

Chairman WAXMAN. Please, go ahead.

Mr. KANJORSKI. Are we to assume now at this hearing—did that meeting occur or didn't that meeting occur?

Mr. SCHEELER. I think you can draw your own judgments. I have heard, since the report came out, evidence suggesting that Mr. Clemens was at the lunch, evidence suggesting Mr. Clemens was not at the lunch.

The one point I would like to make about that lunch is that Senator Mitchell did not state in the report that there was either performance-enhancing substance use discussed, nor were any performance-enhancing substances exchanged during the course of that luncheon.

Chairman WAXMAN. The gentleman's time has expired.

Mr. Mica for 5 minutes.

Mr. MICA. Thank you, Mr. Chairman.

Mr. McNamee, you have come up with so-called physical evidence of possible steroid use that I believe you turned over to investigators?

Mr. MCNAMEE. Yes, sir.

Mr. MICA. OK. And is that—as I understand it, there is gauze and there is a syringe?

Mr. MCNAMEE. Yes, sir.

Mr. MICA. Is that the extent of it? The physical evidence?

Mr. MCNAMEE. There are empty, broken ampules that were used with those syringes. There are some unused ampules, about seven or eight of them, I believe. There are also about 30 or so 2-inch needle heads, along with a bottle of white pills, along with the evidence.

Mr. MICA. The gauze that I saw looked like it had some blood stains on it; is that correct?

Mr. MCNAMEE. Yes, sir.

Mr. MICA. And that blood would, if it was DNA tested, you think it would be Mr. Clemens'?

Mr. MCNAMEE. Yes, sir.

Mr. MICA. OK. And you could have had gauze with his blood stains on it because you had done several injection procedures on him and also treated him; is that correct?

Mr. MCNAMEE. Yes, sir.

Mr. MICA. Mr. Clemens claims that he was treated with vitamin B–12, I guess it was. And did you do some of those injections?

Mr. MCNAMEE. I can't hear you, sir.

Mr. MICA. I said Mr. Clemens has said that you treated him with injections of vitamin B–12; is that correct?

Mr. MCNAMEE. Negative.

Mr. MICA. You never did any B–12?

Mr. MCNAMEE. No, sir.

Mr. MICA. OK. What color is this—well, then you claim you gave him a steroid or a compound.

What was it that you claim that you gave him the injections of?

Mr. MCNAMEE. It was—throughout the course of the years it was Winstrol, also known as stanozolol; there was testosterones, steroids, and HGH, human growth hormone.

Mr. MICA. What colors are they, the testosterone, the various liquids?

Mr. MCNAMEE. The Winstrol, the stanozolol, from 1998, was like a powdery white or a milky white liquid, water-based somewhat.

The testosterones were more of an oily, clear to a little bit darker, almost like a honey color.

And the HGH, once it was mixed with the diluted water, it would become clear.

Mr. MICA. So basically clear to honey tone?

Mr. MCNAMEE. And milky white.

Mr. MICA. Mr. Clemens, you claim that—you did admit that you were injected with vitamin B–12, and also you admitted to Lidocaine.

OK, what color is the vitamin B–12 shot? You told me you had quite a few shots.

Mr. CLEMENS. Brian McNamee gave me shots on four to six occasions of B–12. It is red or pink in color.

Lidocaine, I do not know the color of Lidocaine. He gave me one shot of Lidocaine in my lower back, and that happened in Toronto. I have no idea——

Mr. MICA. Now, he could have gauze with your blood sample on it; is that correct?

Mr. CLEMENS. Absolutely.

Mr. MICA. OK. But you have said that the only two injected substances you had—was it Mr. McNamee that injected those two substances?

Mr. CLEMENS. That's correct.

Mr. MICA. OK. And you also said that you knew very distinctively the color of the B–12 because you had that injection, and that is a fairly distinctive color.

Mr. CLEMENS. That is correct. It was red or pinkish in color and——

Mr. MICA. What color was what he injected you when you thought it was B–12?

Mr. CLEMENS. I am sorry?

Mr. MICA. What color was it when he injected you when you thought it was B–12?

Mr. CLEMENS. It was red and pink. B–12 is red and pink that he gave me.

I don't remember the color of the Lidocaine. It was one shot. He told me it would give me some freeness in my back.

Mr. MICA. So we may never know, because he may in fact—and you say he would have gauze with possibly your blood DNA sample on it. That would be correct?

Mr. CLEMENS. He sure could have.

Mr. MICA. OK. But we don't know what he injected.

But he just testified that the substance was a different color than, in fact, you recognized. And, in fact, you told me on a prior occasion the color of the substance you were injected with; is that correct?

Mr. CLEMENS. I am sorry, I didn't——

Mr. MICA. I said you told me the color of the substance you were injected with. That is why I asked him that——

Mr. CLEMENS. That's correct.

Mr. MICA [continuing]. Question first.

You don't think he is telling the truth then?

Mr. CLEMENS. Brian McNamee has never given me growth hormone or steroids.

Mr. MICA. Thank you.

Chairman WAXMAN. The gentleman's time has expired.

Mrs. Maloney, do you want to take your 5 minutes now?

Mrs. MALONEY. Yes. Thank you. Thank you, Mr. Chairman.

First of all, Mr. Clemens, as a New Yorker, we are very proud of your professional achievements. Thank you for your many efforts to help children through your foundation. And you are an important role model to many young people. And I am concerned about these allegations against you and your conflicting response to many of them.

First of all, the Mitchell Report was released in December 2007, and after it was issued, you began speaking out against these allegations. One question that I have is, why did you refuse to talk to Senator Mitchell when he reached out to you before the report was released? And specifically on page 175 of his report it says, "In order to provide Clemens with information about these allegations and to give him an opportunity to respond, I asked him to meet with me, and he declined."

As part of your public statements, you went on 60 Minutes, and during an interview with Mike Wallace, he asked you, Why didn't you speak to George Mitchell's investigators? And in response you stated, "I listened to my counsel. I was advised not to. A lot of the players did not go down and talk to him as well."

And do you remember saying that to Mike Wallace on 60 Minutes?

Mr. CLEMENS. Yes.

Mrs. MALONEY. Mr. Clemens, in your deposition with our committee you gave a very different explanation. You did not tell us your lawyers told you not to speak to Senator Mitchell. You repeatedly told us you had no idea Senator Mitchell wanted to talk to you. And let me give you some examples from the transcript.

First, on page 112 of your deposition, you were asked, Were you aware that Senator Mitchell was seeking to interview you? And your answer was, I was not.

Then later, on page 112, Senator Mitchell sent a letter to the players union in July 2007 requesting an interview with you, and you were not—you testified that you were not aware of this request. You said, I was not aware of it.

Then on page 117, when Mr. Hendricks, your agent, heard about the invitation, did he communicate with you that you were invited to talk to Senator Mitchell? And your agent, you answered that he did not even communicate this request to you.

Then on page 115, in the July timeframe there, your agent, Hendricks, never said to you, By the way, Senator Mitchell wants to talk to you. And your answer was, that is correct.

Then on page 116, in October, Senator Mitchell informed the players union that any player who agreed to an interview would be provided with the evidence that Senator Mitchell had. Did you know of this in 2007? And your answer was, I did not.

And then you made this definitive statement, "I had no idea that Senator Mitchell wanted to talk to me. If it was about baseball and steroids in general, I would have wanted to see him. And obviously,

if I knew what Brian McNamee was saying about me in this report, I would have been there."

So, Mr. Clemens, there were six times that you told our committee under oath that you had no idea that Mitchell wanted to talk to you. Yet you said on national television that you refused to talk to Senator Mitchell on the advice of your attorneys. So I have two questions about this.

First, why did you give one explanation on 60 Minutes for why you failed to talk to Senator Mitchell and a different explanation in the depositions before this committee?

Mr. CLEMENS. Congresswoman, the fact of the matter was I was never told by my baseball agent/attorney that we were asked to come down and see Senator Mitchell. Like you said in that statement, if I knew the lies that Brian McNamee were telling about me I would have been down there to see Senator Mitchell in a heartbeat, in a New York minute, if you will. I was never told about that.

The Players Association, from my understanding, reached out to a lot of the players. I don't believe any player went down, other than, from what I understand, Jason Giambi; and it was relayed to Mr. Hendricks who—you stated his name in that, my earlier testimony. It was never brought to me.

From talking to Randy Hendricks and I believe the Players Association, in my situation, I had to answer allegations back in 2006 about an L.A. Times report.

Mrs. MALONEY. But would you say then that your agents did you a terrible disservice by not bringing this information to you that you had an opportunity to talk before the report came out?

Mr. CLEMENS. I would say so. And with all——

Mrs. MALONEY. Can I ask, what actions did you take after you learned that your agents kept from you Senator Mitchell's inquiry?

I would say that if the Ethics Committee in the House sent me a letter about possible illegal action and my staff kept this information from me, I would have fired my staff. And so my question to you, have you fired these agents that did not inform you about this? What action have you taken with this, really, breach of trust?

Mr. CLEMENS. No, I haven't. And with all respect, Senator Mitchell, from what I understand, again was asked by members of the Players Association, what do you have to talk about with these players? And would you please tell us what it is? And they said, We are not going to respond to that. You will have to come down and see us.

Mrs. MALONEY. My time has expired.

Chairman WAXMAN. Thank the gentlelady.

Mr. Souder for 5 minutes.

Mr. SOUDER. Thank you.

This has been very frustrating. I am sure it has been very frustrating to those watching, too. When you testify in front of this committee it is better not to talk about the past and to lie about the past.

Somebody is not telling the truth today.

Now, I am disappointed that the other witnesses are not here. And I understand from the chairman that we plan to release those depositions, and I hope that the public understands that what we

are having today is a very short forum. I went through most of these depositions last night, hundreds of pages; and when this is released, you are going to get somewhat of a more comprehensive view.

What is interesting today is to see the interaction. But I would argue that those depositions are fairly devastating.

Mr. McNamee, there was something that caught my attention that I would like to raise. It was a side comment fairly far into your testimony. You were discussing related issues, and you alleged that David Cone, a player rep for, I believe, then the Toronto Blue Jays, said, "The owners want the union—the owners went to the union and said, 'We don't want to test,' but you have to give us some valid excuse to go to the media."

Do you have any more knowledge of that? And is that an accurate characterization of what you said? Because—that is an incredible allegation here, because the union is being blamed for not testing. And there hasn't been an investigation of the owners thus far. And what you are saying is a player rep went to who and said that? Did you hear this second-hand, third-hand?

Mr. MCNAMEE. The player rep came to me, and that's what was told to me, those statements.

Mr. SOUDER. And why did he come to you?

Mr. MCNAMEE. Because of my background, and he wanted to know—he was talking to me on the back of the plane about the current state, which reverts back to, I guess—I believe it was—yeah, it was 2000.

And I think—it was just a conversation, and he thought maybe I had—maybe I had some knowledge that might have led to believe that steroid use didn't enhance hand-eye coordination, which is what baseball is mainly depicted as, as far as ability.

Mr. SOUDER. Mr. Chairman, I know you don't want to have another hearing, I am not advocating another hearing; but the Mitchell Report was not targeted toward the ownership, and it is one thing we haven't investigated. This is a second- to third-hand type of revelation.

But I think that the staff needs to look at this because this comes to the core question of the legislation that you, I, Congressman Cummings, Congressman Davis, and Senator McCain introduced about whether we can trust baseball to, in fact, do testing on themselves. And if it is true that the owners wanted to, in effect, cover up and not have testing, this is a very serious allegation.

Chairman WAXMAN. I thank the gentleman for his comment. We will discuss it.

Mr. SOUDER. Also, Mr. McNamee, when he held the press conference and played the tape live to the national media, that appears to have really ticked you off.

Mr. MCNAMEE. Yes, sir.

Mr. SOUDER. You made a reference in your deposition that's when you produced the physical evidence.

Mr. MCNAMEE. Yes.

Mr. SOUDER. Do you believe that physical evidence—my friend Mr. Mica was questioning, yes, there will be blood; Mr. Clemens said the blood could be from a number of other things—do you believe that physical evidence will tie him directly to an illegal drug?

Mr. MCNAMEE. Yes, I do.

Mr. SOUDER. Do you believe it can be debated whether or not—in other words, will it be on a needle or something that clearly takes the DNA to that?

Have you ever handled physical evidence when you were a policeman?

Mr. MCNAMEE. Physical evidence?

Mr. SOUDER. Yes, like this. How to track it——

Mr. MCNAMEE. No.

Mr. SOUDER [continuing]. How to protect it, what it is likely to show?

So are you speculating at this point, or do you know, in fact, that the DNA will be traced to HGH or steroids?

Mr. MCNAMEE. I am speculating.

Mr. SOUDER. OK. Because the DNA, if it is clear, will not disremember. In other words, it will help settle a debate. But if there is a dispute whether it was B–12 or that, that even could be confusing.

But I think it is important for the record, because I chaired the narcotics committee for a long time, and I can't tell you how much these depositions look like any kind of a narcotics debate we had—it looks like cocaine, it looks like methamphetamine.

And when you talked in your testimony about lying in the early stages, we often see witnesses who are caught, who go to the Federal Government and initially give us just enough so they think they are not going to go to jail, but they don't really turn over their major clients. And then something ticks them off, and they go a step further.

And that could be another explanation. But it may be, if it doesn't show the tracking, that it is going to be very difficult to resolve.

But the other reason, Mr. Chairman, I think it is very important that you have committed to release the depositions is that, in fact, Mr. McNamee has been verified by Mr. Knoblauch as accurate. He has been verified by Mr. Pettite as accurate. Radomski, who is under Federal investigation, supports a lot of that, although we don't have a deposition on him.

And one last thing. It would have been great to have Mr. Knoblauch here today because it was a sad testimony that he had about his life experiences and about how he wanted to come clean for his family. I urge people to read that.

And if I could make one last statement, I am incredibly disappointed with the players and the pressure that they put on that comes through all these depositions about not to talk. If families in America don't talk about the drug abuse in their neighborhoods—and the locker room would be your neighborhood—if you don't talk about that drug abuse—there was a family in Baltimore that Congressman Cummings and I did a bill on, the Dawson family, that their house was fire-bombed, that all of them were killed, all their children, because they talked.

And yet baseball players somehow—and management and trainers—think that they are above it, that they are some kind of a snitch, that there is some kind of a thing wrong if you talk about other players.

The fact is, we can't get control of drug abuse unless you turn over other people and cooperate. And this wall of silence coming out of baseball has been disgusting. And it took the Federal Government, the Balco case, to get anything out of this. And then it took the hearings to get the Mitchell Report. And now we have all kinds of questions coming off that and whether management was, in fact, involved. When people say that there should not be an independent test, I don't see how, given this track record, they think there can be anything but independent testing.

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Souder.

Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman.

Mr. Clemens, in our previous hearing in 2005 one witness clearly misled this committee, another temporarily lost his ability to speak and understand the English language, while a third witness decided that he didn't want to talk about the past.

You have four sons, and you understand how young athletes admire players of your caliber. Can I look at my two children with a straight face and tell them that you, Roger Clemens, have always played the game with honesty and integrity?

Mr. CLEMENS. Yes, sir.

Mr. CLAY. And there would be no doubt that's true?

Mr. CLEMENS. Without a question. I took no shortcuts.

I can tell you about my upbringing. There were—you know, I have heard the thing about pampered athletes and million-dollar ballplayers. I have heard that from my own counsel. And I take a little offense to that for the fact that my father passed away when I was 9 years old.

My mother—I was raised by great, strong women, my mother and my grandmother. They gave me my will and my determination.

I have had my work ethic—which again has come in question here by a man at this table, that he made me, he made me who I was. I didn't meet him until 1998. In 1997, I won the Triple Crown in Pitching. I already had over 200 wins. But he coaxed me—on a statement he says he coaxed me to four Cy Youngs. And if you do the math, I would have nine Cy Youngs according to his math, and I don't.

Mr. CLAY. You have seven.

Mr. CLEMENS. I have seven. Thank you.

My career, Mr. Congressman, didn't happen by accident. I worked extremely hard. I have had a great work ethic since I was in high school. I didn't have a car in high school. I ran home, which my condominium or town home was about 2 miles from my school.

My sister reminded me that when you went to the University of Texas, the only way I was going to further my education—my mother didn't have the means; she worked three jobs; she didn't have the means to send me to college. So it came through the game of baseball, which we love.

So it is very—it is very hurtful to me and my family and to the children that look up to us.

The Congressman earlier—I guess he stepped out. My innocent sister-in-law was murdered, brutally murdered because of drugs. It

hurt our family. My mother pulled my other athletic brother, my middle brother, if you will, my next-older brother—I have two brothers and three sisters—out of college because of an incident that happened on campus involving marijuana, pulled him out of campus. And I tip my hat to my brother. He went on to finish school and get his degree.

These are the values that we have, that I have, and that I will continue to have.

Somebody's tried to break my spirit in this room. They are not going to break my spirit. I am going to continue to go out and do the things that I love to do and try and be honest and genuine to every person I can be. It is the way I was brought up. It is what I know. But you can tell your boys that I did it the right way, and I worked my butt off to do it.

Mr. CLAY. Thank you for that response. You have a very compelling and telling story about your life and career.

A colleague of mine, Mr. Capuano of Massachusetts, wants to know what uniform you will wear to the Hall of Fame.

Mr. CLEMENS. Can I ask you—may I state that I didn't hear that question?

Mr. CLAY. That's fine.

Let me ask, Mr. McNamee, sir, when you first spoke to the government about this matter, did you deny that Roger Clemens ever used steroids or HGH?

Mr. MCNAMEE. No, sir.

Mr. CLAY. You never denied it to Federal authorities?

Mr. MCNAMEE. No, sir.

Mr. CLAY. OK. I recognize how intense the pressure can be when testifying for a Federal prosecutor. Did their intimidation tactics influence you to give conflicting testimony?

Mr. MCNAMEE. No, sir.

Mr. CLAY. You are sure about that?

Mr. MCNAMEE. Yeah, I am pretty sure.

Mr. CLAY. Were you granted 5 years probation in exchange for your testimony?

Mr. MCNAMEE. No, sir.

Mr. CLAY. You don't have a deal sitting on the table with the Federal prosecutors——

Mr. MCNAMEE. No, sir.

Mr. CLAY [continuing]. To come before this committee and to say what you have said? You don't have a deal at all?

Mr. MCNAMEE. No deal, sir.

Mr. CLAY. Were you simply telling the prosecutors what they wanted to hear in order to secure a deal for yourself?

Mr. MCNAMEE. No, sir.

Mr. CLAY. You have answered truthfully to all my questions?

Mr. MCNAMEE. Yes, sir.

Mr. CLAY. Thank you very much, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Clay. Your time has expired. The Chair is going to take his time for questioning.

Mr. Clemens, I am puzzled about something that happened last week, and I would like you to help me understand why you did what you did.

You have a tough job today, and you said you find it very hard to have to prove a negative. But your attorneys have provided documentation to rebut the passage in the Mitchell Report about a party at Jose Canseco's house.

I don't view this passage as anything central to the issue before us, but it is important that we know if it is true; and your attorneys and you have been very forceful in telling us that the report is wrong, you were not at Canseco's house between June 8th and June 10, 1998, when the Toronto Blue Jays were playing in Miami.

During your deposition you were asked, Could you have been at this house during this time period, June 8th to June 10, 1998, and you answered "no." Is that a correct statement?

Mr. CLEMENS. On the dates, sir?

Chairman WAXMAN. Did you answer "no" to the question whether you were at Jose Canseco's party?

Mr. CLEMENS. If you will repeat your question then I can—please.

Chairman WAXMAN. Well, during your deposition you were asked, could you have been at his house during this time period, which was June 8th to 10th, 1998? And you answered "no."

You have given us supporting materials. You have provided an affidavit from Jose Canseco that said that you were not at his house during the team party on June 9th. You provided a golf receipt from 8:58 a.m. on June 9th, which showed that at least that morning you were purchasing merchandise at the golf course next to Canseco's house. And you provided excerpts from a baseball broadcast that reported that you were not at the team party. And these came up when several other Members asked you about it. It is all very helpful.

When the committee took Mr. McNamee's deposition, he had a completely different recollection, as he has today. He had a clear recollection that Mr. Clemens was at Mr. Canseco's home. So our committee staff investigated this issue, and we received conflicting evidence.

I am not surprised by conflicting recollections of a party around 10 years ago that was really of no special importance. But Jose Canseco thinks Roger Clemens and Mr. Canseco's ex-wife weren't at the party. Mr. Canseco's ex-wife, Jessica Fisher, believes that she was there, and so was Debbie Clemens.

Mr. McNamee told us that one key witness who would know whether you were at Canseco's house for that party was your former nanny. And the committee staff asked your attorneys for her name last Friday so we could contact her. We made additional requests for her name and contact information over the weekend.

Around 5 p.m. on Sunday afternoon, committee staff made another request, and asked your attorneys to refrain from contacting the nanny before the committee staff could speak with her. It wasn't until Monday afternoon that your attorneys provided the nanny's name and phone number to the committee; and it wasn't until yesterday that the committee staff actually spoke with the nanny.

Are you aware of all this timeline about the nanny?

Mr. CLEMENS. I am not sure of all the timeframe. I know that——

Chairman WAXMAN. OK.

Mr. CLEMENS. Yeah.

Chairman WAXMAN. Well, what the nanny said to us when we finally contacted her yesterday was important in several respects. First, she said that she was at Mr. Canseco's home during the relevant time period. In fact, she said that she and Mrs. Clemens and the children stayed overnight at the Cansecos.

Second, she told us she did not remember any team party as described in the Mitchell Report.

And third, she said that she did not—she did remember that you were at that home during the relevant time period, although she didn't know how long you stayed or whether you spent the night with your family.

The third point directly contradicted your deposition testimony, where you said you were not at Mr. Canseco's home at any point June 8th to June 10, 1998. But it is entirely understandable to me. It was 10 years ago.

Here is what puzzles me about your actions: We have a transcript of the interview with the nanny, whose name I am not going to release to protect her privacy; but in this transcript she says that on Sunday, this last Sunday, you called her and asked her to come to your Houston home. She had not seen you in person since 2001. But after you called, she went to your home on Sunday afternoon. And I would like to read a portion of the transcript of the committee interview.

Question: "when you said you didn't remember a party, what did he say?"

Answer: "he says, you know, the reason you don't remember that party is because I wasn't there. He said because I know that he was playing with Jose."

Question: "so did he ask you, do you remember a party, and then you said you did not remember a party?"

Answer: "that's right."

She also told the committee staff that you told her that she should tell the committee the truth. And after your meeting, an investigator working for you called her and asked her a series of additional questions.

Your meeting took place 2 days after the committee staff made a simple request for your former nanny's name. And then it took 24 hours after your meeting for your attorneys to provide her name to the Republican and Democratic staffs, and that is why I am puzzled about this.

Was it your idea to meet with her before forwarding her name to us, or did someone suggest that to you?

Mr. CLEMENS. Mr. Chairman, I believe that just like through this whole hearing, I was doing y'all a favor by finding a nanny that was—supposedly came in question, so——

Chairman WAXMAN. You might have been trying to do us a favor, but who told her you should invite her to your house, that you haven't seen her in all those years?

Mr. HARDIN. Mr. Chairman, this is unfair. What his lawyers tell him is unfair for you to ask. And I will tell you in any case——

Chairman WAXMAN. OK. Well, I accept that. I accept that. Would the gentlemen please be seated?

Mr. BREUER. Mr. Chairman——

Chairman WAXMAN. Was it your idea? That is the question. Was it your idea?

Mr. HARDIN. It was my idea. It was my idea to investigate what witnesses know——

Chairman WAXMAN. OK.

Mr. HARDIN [continuing]. Just like any other lawyer in the free world does.

Chairman WAXMAN. Did you think, Mr. Clemens, it was a good idea to invite her to your home on Sunday after not seeing her for 7 years?

Mr. CLEMENS. I am sorry?

Chairman WAXMAN. Did you think it was a good idea to invite her to your home after you hadn't seen her for 7 years?

Mr. CLEMENS. I was told on Friday night to see if you—you know, we could locate the nanny. Obviously, it is very nice of you, I don't think she needs any publicity; but I was told on Friday night that you guys may want to talk to her, and so——

Chairman WAXMAN. And you felt you should talk to her first.

Well, I don't know if there is anything improper in this.

Mr. CLEMENS. Mr. Chairman, I hadn't talked to her in years. And I did everything I could to locate her to—if you guys had any questions for her. And I did tell her to answer truthfully.

Again, I am not sure——

Chairman WAXMAN. I don't know if there is anything improper in this, but I do know it sure raises an appearance of impropriety. The impression it leaves is terrible.

The right way to have handled this would have been to give the committee information immediately and not have your people interview the nanny before we did, and certainly for you not to personally talk to her about the interview as you did.

One option for you was to have given the committee the nanny's contact information and had no contact with her. Another option could have been to give her a heads-up that the committee would be calling her. But you chose, I think, the worst approach. That is my opinion.

You invited her to your home, had a specific conversation about whether you were at Mr. Canseco's house, and you did this before you gave the committee her contact information.

Is there anything else you want to add?

Mr. BREUER. Mr. Chairman, with all due respect, this is nothing but innuendo. Your committee asked on Friday evening for this information. We have done everything to give you that information in a fast and in a thorough manner.

The innuendo is terrible.

And I spoke to your own staff member, who is speaking with you now. And your statement is—and I have the highest respect for the chairman—is calculated to do nothing but to have innuendo against this man.

We have cooperated with the committee fully, as your own staff sitting behind you now.

Chairman WAXMAN. As I indicated, the rules do not allow the lawyers to speak, but I did not cut you off. This action means there

is always going to be a question whether you tried to influence her testimony, and I gather your lawyer thinks——

Mr. CLEMENS. Mr. Chairman, Mr. Chairman, I was doing y'all a favor; and as far as I was concerned, I haven't seen this lady in a long time. She is a sweet lady, and I wanted to get her to you as quick as possible, if you had any questions for her.

Again, I am hurt by those statements that I would get in the way of finding anything that you guys were looking for. That's—I am hurt by that statement.

Mr. HARDIN. We asked her to come to the house so we could interview her.

Chairman WAXMAN. The gentleman is not going to be recognized. My time is up.

Ms. Norton is here, and I want to recognize her for 5 minutes to ask questions she might have.

Ms. NORTON. Thank you, Mr. Chairman. And I want to thank both Mr. McNamee and Mr. Clemens for having the guts to show up here without having been subpoenaed.

Mr. Clemens, much of what we are about here turns on concrete evidence, but much of it on credibility. And my questions really go to your longstanding relationship with Mr. McNamee, almost 10 years of relationship from 1998, with the Blue Jays, until 2007.

And a whole string of evidence about the closeness of that relationship, your training with him in Kentucky, got you Bruce Springsteen—you got him Bruce Springsteen tickets. I call that love. You lent him fishing gear. And to quote your statement, "I trusted him, put my faith in him, and brought him around my family and my children. I treated him just like I had done others I had met in my life, like family." That's pretty close.

Isn't it fair to say you were on quite good terms with Mr. McNamee until you found out what he told Senator Mitchell?

Mr. CLEMENS. Congresswoman, I did not get him Bruce Springsteen tickets.

Ms. NORTON. Let us correct the record.

Mr. CLEMENS. And yes, I trusted Brian McNamee like I trusted every other trainer or——

Ms. NORTON. Well, I quoted you on how you trusted him.

Mr. CLEMENS. Yes, I totally understand.

Ms. NORTON. But I asked you, therefore, don't your own statements show that you were on good terms with him until you found out what he told Senator Mitchell?

Mr. CLEMENS. I was—I would say I was on good terms with him. We had a—obviously, what I have learned now——

Ms. NORTON. Yeah, but you see I am not talking about now. Now is after the Mitchell Report.

Of course, you and your legal team are raising very serious questions about incidents in Mr. McNamee's past. Some of them were public, some of them were not. But I think they would cause reasonable people to lose trust and confidence in Mr. McNamee, for example, that he gave you without your knowledge what you later came to believe, while he was still your trainer, an amphetamine.

Indeed, you describe a "confrontation," your word, that you had with him about this particular incident. You told us that he falsely

claimed that your own workout was his, and how you bit your lip and your tongue as you watched him do this.

You even say that a company associated with McNamee used your image in an advertisement without your consent.

And finally, of course, perhaps most personally, that Mr. McNamee injected your wife with HGH in your master bedroom without your knowledge. And you described here in prior testimony today some of the repercussions she had from that injection.

Now, you were well aware of all of these concerns before the Mitchell Report was released. So I have to ask you, sir, if Mr. McNamee did all of these things, and they appear not to be in doubt, including injecting your wife with HGH without your knowledge, why did you continue to employ him?

Mr. CLEMENS. Congresswoman, the incident that he told me from the St. Pete situation, that he got let go from the Yankees, I was told a different story. I was told that he saved a woman's life, that again he took a hit for five other guys on that situation. I believe I worked——

Ms. NORTON. What about what he did to you, Mr. Clemens? What about the incidents I have said and how seriously they affected you? Why did you continue to employ him, given what he had done to you?

Mr. CLEMENS. That's correct. And what I was—the point I was getting to, I believe there was a work stoppage for 2 or 3 months. I believe Mr. Pettitte was playing again, continued to play. I was in—still trying to make up my mind again.

I am not great at retirement. I tried to retire three times; it is not working. But there was a work stoppage there. There was a work stoppage with him until after the incident with my wife, which he again—earlier he said——

Ms. NORTON. There was a work stoppage—excuse me, a work stoppage?

Mr. CLEMENS. Well, I didn't hire him as a trainer. I actually had a different trainer for 2 months that I worked with.

Ms. NORTON. The reason for that was?

Mr. CLEMENS. I was going in a different direction, so——

Ms. NORTON. Then you had him as your trainer again?

Mr. CLEMENS. I am sorry?

Ms. NORTON. And then you had him as your trainer again?

Mr. CLEMENS. I did in——

Ms. NORTON. My question, Mr. Clemens, is, why did you keep the man? It is very simple. Why did you keep the man? He did some pretty horrendous things which are on the record, which you yourself said.

Why did you keep him? And why only after the Mitchell Report did your relationship with him end?

Mr. CLEMENS. Well, Brian McNamee—again, we had a heated discussion. He apologized to me on the situation with my wife.

Ms. NORTON. How about the other things?

Mr. CLEMENS. I am a forgiving person. I don't—like I said, I don't—when he told me that he was a doctor, and he had a Ph.D., I had no reason to look behind that. I mean, he was employed by Major League Baseball.

He ran an ad, and basically I let him have it about that, told him about it, that you cannot do that kind of stuff. I think that is when he said that he was going to sue my baseball attorney; and quite often it happens in my life.

The other day I had a gentleman come and talk to me about that they were excited, that they just bought a lot down from my house in the area that they were playing golf in. And I let them know that I hate to burst their bubble, but I don't have a lot at that house. So it happens quite often.

Again, I learned—I learned, Ms. Congresswoman—I learned, like I said, about the—I had no reason to believe that he wasn't a doctor; and these—obviously, the lies that I know now that he has told me.

Ms. NORTON. And all this stuff that he did to you.

Listen, Mr. Clemens, all I can say is, I am sure you are going to heaven.

Thank you very much, Mr. Chairman.

Chairman WAXMAN. Thank you, Ms. Norton. We are going to take a 15-minute break, and then we will reconvene and continue the questioning.

[Recess.]

Chairman WAXMAN. The meeting of the committee will come back to order.

Mr. Davis.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. While I was gone I know the chairman asked some questions about an affidavit from—or an interview with Lilian Straim. This has to do with a very critical issue that the two of you don't seem to agree on, and that is the party at Jose Canseco's house.

We have an affidavit from Mr. Canseco and his wife saying they remember you not being there, being hurt that you weren't there. We have contemporaneous sportscaster reports noting that you were not there. We have your golf ticket that you have given us that shows you probably couldn't have been there, although maybe it is possible. We have a number of other people who were interviewed who say they don't remember you there.

So when they talked to your nanny, understandably, we are trying to find out what she knew about it.

This committee had no way to reach her except through you. Is that right, Mr. Clemens?

Mr. CLEMENS. That's correct.

Mr. DAVIS OF VIRGINIA. We could never have interviewed her had you not intervened for us and found her; is that correct?

Mr. CLEMENS. That is correct.

Mr. DAVIS OF VIRGINIA. And her English, as I understand it, is not that good. Is that correct?

Mr. CLEMENS. It is not that good.

Mr. DAVIS OF VIRGINIA. And she probably never testified before a congressional committee or congressional investigators before either——

Mr. CLEMENS. Never.

Mr. DAVIS OF VIRGINIA [continuing]. So understandably would be reluctant to do that.

Can you just give us the circumstances of your—obviously, if you hadn't contacted her, we probably never would have been able to find her and been able to interrogate her. Can you just give us, from your perspective, how you contacted her, what meetings and what was said at that point, so we can put this into an appropriate perspective?

Mr. CLEMENS. Yes, Mr. Congressman.

I was told on Friday that our nanny, or sitter at the time, back at that time period, was wanting to—that they wanted to talk to her. And I reached out to her and made the phone call, and that was it.

I haven't talked to her in—I don't know how many years it has been, but we haven't talked to her since. And I know, when she came to the house, it was great to see her. We hadn't seen her in a long time. And that is basically the conversation.

I said, We are all trying to remember some kind of party at Canseco's house. I know that I golfed at that house. And I golfed, and then we had a golf game, and I am not totally positive that I wouldn't have taken back my wife and dropped her off at the house. I believe that the nanny was there with my kids; they sure could have been. They could have gone over there in the afternoon after the party.

But I was focused on—what I was asked, Congressman, was about attending a party, so——

Mr. DAVIS OF VIRGINIA. A barbecue, in particular, right?

Mr. CLEMENS. Yeah, a barbecue or a luncheon or something of that nature.

So could I have gone by the house later that afternoon and dropped my wife or her brother-in-law, the people that golfed with me? Sure, I could have. But at the time of the day that I would have expressed it to be, I was on my way to the ballpark. I would have had to have gotten to the ballpark extremely early.

I know one thing. I wasn't there having huddled up with somebody trying to do a drug deal. I know that for sure.

Mr. DAVIS OF VIRGINIA. This is what, 8 years ago? 9 years ago?

Mr. CLEMENS. Yes.

Mr. DAVIS OF VIRGINIA. Thank you.

Mr. McNamee, let me ask you, did you ever use Roger Clemens's likeness without his permission?

Mr. MCNAMEE. No.

Mr. DAVIS OF VIRGINIA. Have you ever obtained a doctorate degree from a college or university?

Mr. MCNAMEE. Yes.

Mr. DAVIS OF VIRGINIA. Can you explain to us how you obtained it?

Mr. MCNAMEE. I obtained it when I was in Toronto at the end of 1998. And it was a situation where the—at the time I was living in Toronto, so I was looking for something I could do correspondence-wise. And I applied to several different colleges at the time, and I got accepted to Columbus University in Louisiana, and started to take courses in accordance to nutritional counseling to achieve a Ph.D. in nutritional counseling.

Mr. DAVIS OF VIRGINIA. How many courses did you take?

Mr. MCNAMEE. It was 11 courses and, upon completion, a dissertation. I took every course, and what it was is, they would mail you the course work.

I would take it, write a thesis paper at the end of the—at the end of—when I finished it on my time—when I did it, as fast as I could do it, and submit it and get graded, and moving forward to the dissertation work at the end of the course work.

Mr. DAVIS OF VIRGINIA. Did you finish?

Mr. MCNAMEE. Yes, I did.

Mr. DAVIS OF VIRGINIA. And did you write a dissertation?

Mr. MCNAMEE. Yes, I did.

Mr. DAVIS OF VIRGINIA. And what was the subject of the dissertation?

Mr. MCNAMEE. The subject was weight training, supplementation, and improving miles per hour on a fastball with pitchers.

Mr. DAVIS OF VIRGINIA. It would be an interesting one to read.

Have you ever told law enforcement investigators that you held a Doctorate in Behavioral Sciences?

Mr. MCNAMEE. Yes.

Mr. DAVIS OF VIRGINIA. That's not what your Doctorate was in, was it?

Mr. MCNAMEE. No. It is Behavioral Sciences with a concentration in Nutritional Counseling.

Mr. DAVIS OF VIRGINIA. OK. So you held yourself out as doctor then to athletes?

Mr. MCNAMEE. Ph.D.

Mr. DAVIS OF VIRGINIA. Ph.D. Can you tell us a little bit about the university? Does it have a campus?

Mr. MCNAMEE. As I found out later, no, it doesn't.

Mr. DAVIS OF VIRGINIA. Is this what you call a "diploma mill" to some extent?

Mr. MCNAMEE. As I found out later on, yes, it is.

Mr. DAVIS OF VIRGINIA. OK.

On the checks you wrote Kirk Radomski, and printed in the appendix of the Mitchell Report at page D–11, you list yourself as Dr. Brian McNamee.

At that point, you still feel you could hold yourself out in good faith as a doctor?

Mr. MCNAMEE. I am not sure if I follow.

Mr. DAVIS OF VIRGINIA. On the checks you wrote Kirk Radomski you printed in the appendix there in the Mitchell Report, you list yourself on the checks as Dr. Brian McNamee.

This was in good faith? You still hold yourself out as a doctor, right?

Mr. MCNAMEE. I am sure—if that was under my business account, then I probably did if it was a business check.

Mr. DAVIS OF VIRGINIA. OK. I see my time is up. But let me just ask quickly, did you ask Roger Clemens' or Andy Pettite's permission to use pictures in one of your advertisements which promotes McNamee as Dr. Brian McNamee, who is widely recognized for his work with Roger Clemens, Andy Pettitte, Jorge Posada, Mike Stanton, and many other star athletes?

Mr. MCNAMEE. No. I never asked their permission.

Mr. DAVIS OF VIRGINIA. OK. Thank you.

Chairman WAXMAN. Thank you, Mr. Davis.

Mr. Davis on our side.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Mr. Clemens, it was a pleasure to meet with you last week.

Mr. Chairman, in your questions, you asked whether it was appropriate for Mr. Clemens to meet with his nanny, a fact witness, on Sunday before the committee spoke with her. You did not ask the one lawyer on the panel. So I would like to ask Mr. Scheeler, a former Federal prosecutor, is it usual for a client to meet with a fact witness, as Mr. Clemens did?

Mr. SCHEELER. No, that is not usual. I don't know any of the facts and circumstances about these meetings other than what I have heard today.

But what I will tell you from my experience is, in the course of investigation what is typical, if there is a witness who has potentially relevant information, you have an attorney reach out to that witness or you have an attorney's investigator. What is unusual is to have the direct witness or principal to the controversy reach out to that, because that could create the impression that the witnesses are trying to get their stories together or something like that.

So I would say, by far the most customary practice in a situation like this is, you would have the lawyer or the lawyer's investigator reach out to a potential witness and try to get the information that witness has and understand it as best you can.

Mr. DAVIS OF ILLINOIS. Thank you very much.

Mr. Clemens, on December 12, 2007, private investigators who were working for you had a meeting with Mr. McNamee to discuss the upcoming Mitchell Report; and although they denied recording the meeting, we now know that they did record it. You used portions of this recording when you filed your defamation lawsuit against Mr. McNamee, but you were selective in which portions you made public, and you never released the entire recording. Now the committee has the entire recording of that meeting, and I want to ask you about it.

Without knowing he was being recorded, Mr. McNamee told your investigators, one, that he injected you with the steroid Winstrol in 1998; two, that he injected you with human growth hormone in 2000; and three, that he injected you with other steroids on multiple occasions in 2000 and 2001. Mr. McNamee confirmed to your own investigators virtually all of the facts about your alleged steroid use that were reported by Senator Mitchell.

Mr. Clemens, what Mr. McNamee told your investigators in private confirms the basic facts that he told Senator Mitchell. My question is, do you think the fact that Mr. McNamee gave your investigators in private the same account as Senator Mitchell, that should be viewed as corroboration of his account?

Mr. CLEMENS. I am not sure exactly what all he did tell the investigators. I heard—what I can recollect is a tape recording from a conversation he had with Jim Murray when I returned home from vacation, when I met at Randy Hendricks' house and with Rusty Hardin's group.

Mr. DAVIS OF ILLINOIS. Yes.

There is another part of this secret recording that you did not make public, Mr. Clemens. When I read the transcript of the secret

recording, I was struck by the fact that your private investigators seemed to be fishing for information about what evidence Mr. McNamee had against you.

For example, your investigators asked Mr. McNamee, Was there any kind of paper trail documentation on any of this stuff? They asked him also, Was anybody ever there besides you and Roger?

Mr. Clemens, why did your investigators ask these questions?

Mr. CLEMENS. Mr. Congressman, I have no idea. I didn't talk to my investigators. They went out and did the investigating. I don't——

Mr. DAVIS OF ILLINOIS. OK. I have one final question——

Mr. CLEMENS. Sure.

Mr. DAVIS OF ILLINOIS [continuing]. About this transcript.

One of your investigators asked Mr. McNamee this question: Hypothetically, if Roger Clemens said that is absolutely BS, none of that ever happened, is there any doubt in your mind that what you told us today is the absolute truth?

Mr. McNamee answered, I told you more truth than I have told the Federal Government.

The question is, why did your investigators ask Mr. McNamee this question and what do you make of Mr. McNamee's answer?

Mr. CLEMENS. Congressman, again, I had no idea the investigators were doing that with the lawyers. And again, this man has never given me HGH or growth hormone or steroids of any kind, so that's——

Mr. DAVIS OF ILLINOIS. So you really don't know, and you were not instructing them as they did their investigation?

Mr. CLEMENS. That is correct. I didn't have—I wasn't a part of that investigation.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Chairman WAXMAN. The gentleman's time has expired.

Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman, and thank you for calling this hearing. Let me say I think almost everything has been asked and said that could have been asked at this point, so I won't try to belabor this or delay it much longer.

But I have heard some holier-than-thou types on television say that Congress has much more important things to deal with; and you know, I will say this. We all work on all these other important issues all the time, but a lot of them aren't as high profile as this, and so we don't have some of the crowds that we have.

But—we are working on other major issues, too; but because of that, I was very interested when I read this comment this past Sunday in the Parade magazine. They had an article, Should Congress Umpire Baseball? And they said in that article—it said, "Federal scrutiny, however, has led to positive changes. After the 2005 hearings, the sport tightened its drug policies and launched an extensive probe. Now Congress is pushing baseball to implement an investigative unit dedicated to steroids, independent drug testing, and better player education."

So I think some good things have come out of these hearings, and I think it has served as a wake-up call to many parents of young athletes around the country. Because they have heard, I think for the first time, reports of people committing suicide or having to

have psychiatric treatment because of the use of steroids. So I think it has been—there has been some good news.

I did see a report yesterday in the Washington Times in which a legal expert said that the case against Mr. Clemens was "very, very weak"; and those were his words. And I spent 7½ years as a criminal court judge trying felony criminal cases before I came to Congress. And I would have to agree, particularly on the syringes. There are all sorts of chain-of-evidence problems that I don't think those syringes would be admissible in almost any court in this country.

But one thing I am not clear on—and maybe it has been covered because I have been in and out because of these votes—but, Mr. Clemens, did you refuse to meet with the Mitchell Commission?

Mr. CLEMENS. Congressman, I was not told about—to come down and visit with Senator Mitchell. He was—again, he was—I believe he asked the Players Association is the way that the process worked, and the Players Association then contacted agents.

I don't believe any players—from what I understand, maybe Jason Giambi did go down. He had already talked to the grand jury or what have you.

But no, sir, I was never told by my baseball agent or the Players Association that Mr. Mitchell requested to see me. Those letters or phone calls never came to me.

But once again, if I knew what the lies this man were telling about, I would have been down there to see him in a heartbeat, without a question.

And I would like to say again I got a little emotional—a little emotional in my testimony with the staff, but I am a public person. I am easy to find.

When the Commissioner asked me to get myself together to go out there, and the league asked me to put USA on my chest and represent my team, my country, I did everything I could do to get ready. They pushed my date up to try get me ready sooner.

I told them, I could shake hands and wave flags and sell tickets for you if you want me to do that, but if you want me on the field it is going to take longer to get this body going. And I did, and I went out there and I did the best I very—I could probably do. And I was proud to have the USA on my chest.

When a player went down in the All-Star Game in Chicago, I happened to be on my All-Star break with my youngest son at a lake house about an hour north of my house in Houston. They found me.

This player was hurt, he didn't want to pitch—collect his bonus, but did not want to pitch. They asked me if I would come pitch an inning in this game. I told them, let me talk to my family. But they found me.

When all this happened, the former President of the United States found me in a deer blind in south Texas and expressed his concerns, that this was unbelievable, and to stay strong and keep your—hold your head up high. These people found me.

All due respect to Senator Mitchell, I am on the same subject with him and steroids and baseball. But Bud Selig, that league, Bud Selig could have found me. If he knew that within days what

this man said was going to destroy my name, he could have found me.

I am an easy person to find. I am an easy person to find in the public.

Mr. DUNCAN. Let me just say this, and I appreciate everything you have just said. You know what they have ended up with is a report based primarily—at least as it applies to you, a report based on statements by a man who unfortunately has admitted here several times today he has lied to law enforcement people and many, many others. And based on information of a man who I understand pled guilty in court and received a 5-year sentence this past Friday, it seems to me that there may have been some people a little too anxious to get this report out and get all the publicity attendant thereto.

And, you know, I hate to say those things. I spent 5½ years as a batboy for the Knoxville Smokies baseball team—clubhouse boy, ball chaser, scoreboard operator. I grew up in Minor League Baseball. And there was a bond between the batboys and the trainers. I hate to hear what I have heard from Mr. McNamee today. I think it is a sad thing.

Anyway, my time is up.

Chairman WAXMAN. The gentleman's time has expired.

Mr. Clemens, didn't you meet with your investigators before the Mitchell Report was out and hear what the Mitchell Report was going to say?

Mr. CLEMENS. I heard a tape that was taped by Jim Murray. And again, I don't know how many days. It was when I got back——

Chairman WAXMAN. I just want to clarify that.

So you did know before the Mitchell Report came out that it was going to talk about you?

Mr. CLEMENS. I found out on, I believe—again, I don't know the day of the week—maybe a Wednesday.

Chairman WAXMAN. Mr. Braley.

Mr. BRALEY. Thank you, Mr. Chairman. I would ask unanimous consent to submit as part of the record Report 9 of the Council on Scientific Affairs from the American Medical Association on hormone abuse by adolescents. And also Policy H–478.976, the use of anabolic steroids, which is an ethical policy of the American Medical Association.

Chairman WAXMAN. Without objection, we will receive it for the record.

[The information referred to follows:]

Report 9 of the Council on Scientific Affairs (A-03)

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Hormone Abuse by Adolescents

Summary

Objectives: To consolidate scientific data on adolescent hormone abuse, particularly anabolic steroids, including prevalence and behavioral correlates of use, performance-enhancing effects, adverse effects, and interventions that have been used in an attempt to reduce hormone abuse. Recent data relevant to the use of dietary supplements that possess intrinsic androgenic/anabolic activity or that serve as precursors to more potent anabolic steroids or their active metabolites also are reviewed. Barriers and challenges to the design and implementation of an effective nationwide intervention strategy also are discussed.

Methods. Literature searches were conducted in the MEDLINE and Nexis databases for English-language articles published between 1975 and February 2003 using the search terms *adolescent/adolescence or student or athlete* in combination with *anabolic, steroid, dietary supplements, erythropoietin, or growth hormone*, and *prevalence, epidemiology, adverse effects, doping in sports* or *substance abuse detection*. A total of 1163 citations were identified and 503 were retrieved for analysis. Additional references were culled from the bibliographies of these references.

Results. Survey data indicate that middle and high school students have been using anabolic steroids since the mid-1970s. National surveys conducted since 1991 indicate that use is increasing in high school students, particularly among females, among whom it may be considered a subset of disordered eating habits and physique-altering drug abuse. Use is highest among athletes and clusters with the abuse of other drugs. Short-term use of low to moderate doses of compounds classified as anabolic steroids increase muscle strength in previously trained athletes; studies analyzing higher dose regimens typically used for performance enhancement have not been conducted. The anabolic steroid precursors androstenedione and dehydroepiandrosterone (DHEA) have not been demonstrated to significantly increase serum testosterone in males or to improve strength, many other precursors are available that have not been adequately evaluated in the peer-reviewed literature. Androstenedione does significantly increase serum testosterone concentrations in women. Erythropoietin clearly enhances aerobic performance; data are lacking on the effect of human growth hormone on strength or performance in normal adolescents or athletes.

Conclusions: Illicit anabolic steroid use is on the rise in adolescents, and effective interventions are needed. Drug testing is legal, but too expensive for widespread application. Structured, gender-specific, multidimensional educational interventions used in the athletic team setting have been effective in reducing anabolic steroid use and improving decision-making. A successful nationwide approach will require focused educational efforts tailored to the school community in conjunction with further research on key variables, and possibly requiring legislative and/or regulatory approaches to limit availability of anabolic steroid precursors that are currently freely available over the counter as dietary supplements.

RECOMMENDATIONS

The following statements, recommended by the Council on Scientific Affairs, were adopted by the AMA House of Delegates as AMA directives and policy at the 2003 AMA Annual Meeting

1. The AMA will collaborate with the Hormone Foundation, the United States Anti-Doping Agency, the National Institute on Drug Abuse, interested medical specialty societies, and other relevant stakeholders on a nationwide campaign designed to reduce the prevalence of adolescent hormone abuse and to foster the development of healthy behaviors and fair competition. **(Directive)**
2. The AMA supports legislation designed to reclassify anabolic steroid precursors that are currently protected by the Dietary Supplement and Health Education Act as prescription drugs subject to the Controlled Substances Act. **(Directive)**
3. AMA Policy H-470.972 (AMA Policy Database), Medical and Nonmedical Uses of Anabolic-Androgenic Steroids, is amended as follows: The AMA (1) reaffirms its concern over the nonmedical use of drugs among athletes, its belief that drug use to enhance or sustain athletic performance is inappropriate, its commitment to cooperate with various other concerned organizations, and its support of appropriate education and rehabilitation programs; (2) reaffirms its support of increased criminal penalties enacted as a part of the Anti-Drug Abuse Act of 1988 and its support of state legislation that addresses the problem of misprescribing; (3) reaffirms its willingness to work closely with sports groups, coaches, team owners, amateur and professional athletes, and parents; (4) continues to endorse the public and professional education campaign of the FDA; (5) supports making available to practicing physicians, legislators, sports organizations, educators, adolescents, and the public existing and proposed educational materials and model state legislation on the nonmedical use of anabolic steroids; (6) supports identifying and widely disseminating information on successful initiatives and activities to curtail the problem of nonmedical use; (7) encourages survey efforts that provide a better understanding of the nature and prevalence of nonmedical use; (8) actively encourages further research on short- and long-term health effects, and encourages reporting of suspected adverse effects to the FDA; and (9) supports continued efforts to work with sports organizations to increase understanding of health effects and to discourage use of steroids on this basis. **(Policy)**
4. The AMA will continue to monitor trends in adolescent hormone abuse including the apparent use of growth hormone, recombinant human erythropoietin, and its analogues. **(Directive)**
5. The AMA will renew its effort to revise the Dietary Supplement and Health Education Act. **(Directive)**

The CSA wishes to acknowledge the contributions as authors for this report of individuals from the following institutions

- Division of Health Promotion and Sports Medicine (ATHENA Program) Oregon Health Sciences University
- University of Virginia, Charlottesville
- Medical College of Virginia
- Maine Medical Center
- M.M.C Research Institute

NOTE: A revised version of this report has been published. Dickinson B, Goldberg L, Elliot D, Spratt D, Rogol AD, Fish LH. Hormone abuse in adolescents and adults. a review of current knowledge. *Endocrinologist.* 2005;15-115-125. (April)

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H-470.976 Abuse of Anabolic Steroids

The AMA (1) believes that the prescription of anabolic steroids for the enhancement of athletic ability is entirely inappropriate; (2) supports the development of state legislation or administrative rules to prohibit the use of anabolic steroids for the purpose of enhancing athletic ability; and (3) supports continued efforts to educate physicians, sports group administrators, coaches, parents, and athletes on the dangers of abuse of anabolic steroids. (Res. 131, A-88; Reaffirmed: Sunset Report, I-98)

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Mr. BRALEY. Mr. McNamee, I was very pleased to hear you admit that you were ashamed for your conduct in this whole affair. I think that this report on hormone abuse by adolescents includes the conclusion that survey data indicates that middle and high school students have been using anabolic steroids since the mid-1970's; and national surveys indicate that the use is increasing among high school students, particularly among females, and I find that very disturbing.

I got a text message from my 16-year-old son during this hearing, because he is home sick and he is watching this on ESPN, like many young people. And the example that you have given by working with highly paid, visible, professional athletes, and encouraged them to engage in illegal behavior for the purpose of enhancing their performance is shameful and something that everyone should be condemning. And I hope that you will take the rest of your life going out and educating young people about the dangers of steroid usage.

Mr. Clemens, I know we talked at length about this whole issue of whether you have ever taken steroids and HGH, and I am not going to talk to you about that. But I am going to tell you I am concerned about your testimony of the use of B–12 injections and Lidocaine, and I am going to talk to you about that.

You testified in your deposition that Mr. McNamee injected you with B–12 in Toronto, in its weight room; and that he injected you without a prescription, and you didn't know whether he was even authorized to give those injections. Do you remember that testimony?

Mr. CLEMENS. That is correct.

Mr. BRALEY. Have you ever been diagnosed with anemia?

Mr. CLEMENS. I have not.

Mr. BRALEY. Have you ever been diagnosed with senile dementia or Alzheimer's?

Mr. CLEMENS. I have not.

Mr. BRALEY. Have you ever been a vegetarian?

Mr. CLEMENS. I am not a vegetarian.

Mr. BRALEY. Have you ever been a vegan?

Mr. CLEMENS. A what? I'm sorry.

Mr. BRALEY. A vegan.

Mr. CLEMENS. I don't know what that is. I'm sorry.

Mr. BRALEY. Well, there's a very simple explanation why I asked you those questions because the medical literature has indications for B–12 injections because most people have B–12 occurring naturally in their systems and ingest it all the time from other substances. And the scientific literature is very clear that it is indicated in an injection form only for patients suffering from anemia, low red blood cell counts or elderly patients who are experiencing senile dementia and Alzheimer's. And the research maintains that monthly injections of B–12 is required to maintain adequate levels in the elderly and patients with a diagnosed deficiency. You have clearly never been diagnosed with a deficiency. So the question for you is, why were you taking it?

Mr. CLEMENS. Well, my mother in 1988 suggested I take vitamin B–12. And Congressman, again, on the professional level, my body's been put through the paces. I was always assumed—and it's

a good thing, it's not a bad thing. In the—and I've—again I think it's fairly widely used. Again I take B–12 in pill form. But yeah, I mean I look at it as, you know, something to—it's healthy.

Mr. BRALEY. You also testified that Mr. McNamee gave you chiropractic adjustments. Do you remember that?

Mr. CLEMENS. I do.

Mr. BRALEY. Are you aware that he is not a doctor of chiropractic?

Mr. CLEMENS. Congressman, when I had my back adjusted in different points of my career, I've had some chiropractors that have given me—what I would explain—I would—put it this way, when I would lay down on the table on—with a couple of the chiropractors, I would hope that my lower back did adjust or crack, if you will. If it didn't the first time, the guy—he was either embarrassed or something. But he jumped on me like he was trying to start a Harley-Davidson, that's how hard it was. I explained this to Brian McNamee. And he said, I should be doing that for you. Again, another trusted guy who had a Ph.D. and I had no reasons not to trust him, just like other trainers and doctors and physicians.

Mr. BRALEY. That's what I'm trying to get to. You also testified he gave you a lidocaine injection in your low back when you were having low back problems. Do you remember that?

Mr. CLEMENS. That's correct.

Mr. BRALEY. Did you ever administer a test dose of lidocaine before he gave you the full dosage?

Mr. CLEMENS. The amount he gave me did give me comfort, yes.

Mr. BRALEY. Did he give you—did he have you hooked up to an EKG monitor when he gave you that dosage?

Mr. CLEMENS. No, he did not.

Mr. BRALEY. The problem I'm having, Mr. Clemens, is these are medical procedures we are talking about, regulated professional activities, and you are getting treatments from someone who has no medical licensure to even administer these injections or to perform chiropractic care. And I guess I have a question, as a highly paid professional athlete why you would trust your body, which puts food on your table and takes care of your family, to somebody who has no professional training to take care of you?

Mr. CLEMENS. Again he told me that he was a Ph.D. and I do trust him. I am a trusting person. Congressman, I would not doubt any of the trainers or doctors that would—I would trust them not to harm me, just like you are talking about. I would trust them not to harm my body.

Mr. BRALEY. Thank you.

Chairman WAXMAN. The gentleman's time has expired. Mr. Issa.

Mr. ISSA. Following up on that, it seems like Ph.D. must stand for "pile it higher and deeper." Isn't it true, Mr. Clemens, that Mr. McNamee was at times paid by professional baseball in addition to the work he did for you?

Mr. CLEMENS. That's correct.

Mr. ISSA. So shame on professional baseball with their tens of millions of dollars of experts for doing that. And quite honestly for my colleague, yesterday I told the committee in front of a hearing about my mother getting B–12 shots from our family physician. She was pre-menopausal and simply a little anemic she thought.

And the scientist who was the foremost expert we could find on B–12 basically told us there's not a really good test for a small deficiency. So the truth is, taking it, which cannot hurt you, might help you. And it's not easily tested for.

But of course that was yesterday's hearing. Now we go to today's. I'd like to thank the chairman and ranking member for the past work they've done. In looking through the Mitchell Report I find that throughout the early eighties under Kuhn and then Peter Uberoff we had a rampant problem with cocaine and other drugs being abused. And little or no ramification for it. Years of work went by. And in 2002 they had a major contract negotiation, oddly enough with the same Don Fehr who was the union negotiator. And they got an agreement with no teeth in it. So it was due to the chairman and ranking member's work in 2005. But I believe we can all say that baseball had begun cleaning up with real testing and real enforcement. And for that, I'm really thrilled.

Last, I'm very thrilled that the chairman announced this will be the last hearing on baseball for the time being. And I think that's appropriate. I think we've done our job. But since we have the Mitchell Report in front of us and since a portion has been brought into question I'd like to focus us back onto the Mitchell Report. And I'll start with you, Mr. Clemens.

Do you believe other than the allegations of some areas that you say are incorrect as to you, that as far as you know the rest of the report is accurate, well done and reflects the need to clean up baseball?

Mr. CLEMENS. Congressman, I have not read the entire Mitchell Report. But along the lines that you are speaking, I do believe baseball's going in the right direction. I believe that the testing is—is good, it's intrusive. I wish I could remember the—I believe it was one of the Congressmen or women that brought something up that I do that was surprising to me that there was a study about the players getting the Ritalin. And again, I'm not an expert but if it's—if it's some type of speed, I think that needs to be possibly looked into. But I do believe that baseball's going in the right direction.

Mr. ISSA. Excellent. Mr. Scheeler, you have read the report obviously and are a participant in it. Do you believe that other than this area that we're dealing with today that you stand by your report and believe that it is good work?

Mr. SCHEELER. We stand by our report with respect to the entirety of it, yes.

Mr. ISSA. Even though Mr. Canseco says that there are material flaws in it and he's presented information—I mean, I guess the question is, do you—you're saying you stand by it, including allegations by third parties that there are—there are flaws, including video of saying that in a sense that Mr. Clemens wasn't at a particular place that you say he was at. You don't see that as at least opening the door for some small doubt on a small portion of this report?

Mr. SCHEELER. I stand by the report.

Mr. ISSA. OK. That's fine. And to be honest, the part I wanted was, you think you did good work. Mr. Clemens thinks for the most part you did good work. Mr. McNamee, I realize that you're both

a principal and a participant. Do you think this report is good, leaving aside for a moment one area of controversy?

Mr. MCNAMEE. I believe the report is good.

Mr. ISSA. OK. Now do you think that the lies you've told repeatedly have called into question the one portion that we're having this hearing on today? Just the credibility question of you. Has that hurt the ability for the people in this committee to believe this one small portion?

Mr. MCNAMEE. No, it shouldn't.

Mr. ISSA. OK. And so you don't believe that the numerous lies that you've told and admitted to, that Jose Canseco's saying that you're lying about steroid pills being given, you don't believe that the series of e-mails in which you repeatedly asked for even while cooperating with the investigation, asked for an endless series of freebies for people on behalf of Roger Clemens, things like Under Armour where you asked for all sizes, big and small, back in 2006, in 2005 where you know you said you were suing, contemplating suing. But of course that wasn't a real threat. Or the L.A. Times in 2007. You don't believe that any of those are the reason, that although we all agree that this is generally a good report and it closes a sad history, you don't believe that creates a situation today in which we'd like to close this report without your testimony and without believing you because you don't seem to be believable? You don't see that as even remotely possible?

Chairman WAXMAN. The gentleman's time has expired. But please answer the question.

Mr. MCNAMEE. No, no, I don't.

Mr. ISSA. Well, shame on you.

Chairman WAXMAN. Thank you, Mr. Issa. Mr. Westmoreland.

Mr. WESTMORELAND. Thank you, Mr. Chairman. Let me start off by saying that 2 years ago when this committee held hearings on this issue I supported that decision because we have jurisdiction over our Nation's drug policy. But I think it's important that we be very careful over how we exercise that jurisdiction. And I'm convinced that this hearing today is a shift away from questions about widespread use of steroids in baseball. And instead focuses on alleged wrongdoing by individuals. I certainly hope that in the future we'll be real careful about how to approach situations like this one because if we called everybody in sports that's ever been accused of doing steroid before this committee then we would shut this down and hold nothing but hearings with athletes that have been accused of using performance-enhancing drugs. That's not our role in this process, and I certainly hope this show trial will teach us that very valuable lesson. The name of our committee is Oversight and Government Reform. And I hope that there are more important things for oversight and reform of this government than alleged bad behavior of individuals.

Mr. McNamee, in your opening statement, you indicated that your decision to release the so-called evidence of bloody gauze pads and syringes supposedly of Mr. Clemens was because you believe Mr. Clemens betrayed your trust when he recorded a phone conversation that the two of you had, I believe on January 6, 2007. You said just this morning that what angered you most about the recording of that conversation was that the entire country heard

about your son's private medical condition, and yet 15 minutes after making that statement, Ranking Member Davis asked you about that taped phone conversation. He asked you why you repeatedly said what do you want me to do every time that Mr. Clemens told you that he wanted the truth. You told Congressman Davis that it was because you knew the conversation was being taped. If you knew the conversation was being taped, then why would you talk about the private medical condition of your son?

Mr. MCNAMEE. It wasn't so much that I could be sure that Roger was taping it, but I didn't know who was listening to it. And I didn't think he would air it on national TV.

Mr. WESTMORELAND. Well, furthermore, if you knew it was being taped, wouldn't it have been the perfect opportunity to tell Mr. Clemens that you did tell the truth, that instead of saying repeatedly, what do you want me to do, you would have said, Roger, I've told them the truth. I mean, isn't this a conversation that you were having with Mr. Clemens about what the truth really was?

Mr. MCNAMEE. The conversation was for him to call my son.

Mr. WESTMORELAND. Sorry?

Mr. MCNAMEE. I didn't need to speak to Mr. Clemens. I asked him to call my son. The conversation, he asked me to call his office. I called his office with the hopes that he would call my son.

Mr. WESTMORELAND. But during that conversation, you did ask him what you wanted—what did he want you to say and did he not tell you that he wanted you to tell the truth?

Mr. MCNAMEE. As I—I said to—in the original statement that I did in my own way, as I speak. And if you had known me, you would have known what I meant to the answer of that question. It is what it is, the truth is the truth. So what I said was the truth.

Mr. WESTMORELAND. What you said was the truth. But you never told Mr. Clemens that what you said was the truth. When he asked you to tell the truth, why didn't you just say in plain English so everybody could have understood you that——

Mr. MCNAMEE. If I had known he was going to air it on national TV, I would have said, I did tell the truth. But as far as him taping a conversation and releasing personal information on my son, I wouldn't have said that if I knew it was going to be aired on national TV and I would have said I did tell the truth. But it is what it is.

Mr. WESTMORELAND. That depends on if you—it is what it is means I guess. Mr. McNamee, when you first spoke to the government about this matter, did they threaten to prosecute you for dealing drugs or maybe practicing medicine without a license?

Mr. MCNAMEE. No, sir.

Mr. WESTMORELAND. They did not? When you first spoke with the government about this case, did they tell you that they already knew that Roger Clemens used steroids or human growth hormone?

Mr. MCNAMEE. No, sir.

Mr. WESTMORELAND. When you first spoke to the government about this case, did they pressure you into saying that Roger Clemens used steroids or human growth hormone?

Mr. MCNAMEE. Not so ever.

Mr. WESTMORELAND. Mr. Clemens, you have said publicly that baseball should have done more to give you a chance to address these allegations. And I just heard some more of that a while ago. And Senator Mitchell sent a letter to the players union advising that there have been allegations made against you for use of performance enhancing substances between 1998 and 2001. No. 1, I think you need to explain why you didn't respond because they didn't try to get in touch with you. But is there something more that baseball should have done to respond to this? And to inform the players that were mentioned in the book that this was going to come out?

Mr. CLEMENS. Well, from my understanding, the Mitchell people made a phone call back to Mr. McNamee to go down the list of everything that he said. And again, my stance is I believe baseball is doing the right thing. I think with our testing and everything is going in the right directions. Again, Mr. Mitchell, what it says in the report, I was not made aware that he wanted to speak to me.

Mr. WESTMORELAND. Well, Mr. Clemens, is it fair to say that Mr. Selig or somebody from the players union would have known about how to get in touch with you?

Mr. CLEMENS. Without question. I alluded to that, Mr. Congressman, early about how I felt about that. And once again, I believe being one of the more visible players in the game over the last years, that courtesy would have been extended to me.

Chairman WAXMAN. The gentleman's time has expired. Mr. Tierney.

Mr. TIERNEY. Thank you, Mr. Chairman. Mr. Scheeler, we've given Mr. McNamee and Mr. Clemens an opportunity to discuss what we saw as inconsistencies. I want to talk to you for a second. In a defamation suit that was filed by Mr. Clemens, he criticized the investigative tactics—of your investigative tactics. He alleged that the interview with Mr. McNamee was conducted like a cold war interrogation. He says that a Federal agent just read Mr. McNamee's previously obtained witness statement and had Mr. McNamee confirm each statement. The implication was that you didn't question Mr. McNamee to assess his credibility. Mr. Clemens' lawyers made this claim, they said our understanding is the only in-person interview with the chief accused of McNamee, it is our understanding that the prosecutors made the deal, asked the questions in front of Senator Mitchell. They indeed asked leading questions and simply asked McNamee to affirm what he had previously said. So in essence he was on a short leash with those who had of course challenged and can take away his liberty. We have no reason to believe whatsoever—maybe we're wrong—that Senator Mitchell's people asked questions, that they asked questions in a setting that was really conducive for McNamee to lay out what really happened as opposed to the prosecutors themselves asking it. What is your response to that, Mr. Scheeler?

Mr. SCHEELER. That account is absolutely incorrect. We interviewed Brian McNamee three times. The first interview occurred in July 2007. It was at Senator Mitchell's law office in New York. Present were Mr. McNamee's counsel, Senator Mitchell and members of his staff, including me, as well as some Federal law enforcement officials. At the very outset of the interview, Mr. McNamee

was informed that he faced criminal jeopardy only if he failed to tell the truth. Senator Mitchell could not have been more clear in following up on that, saying that all Senator Mitchell wanted was the truth and the complete truth. After that introduction, Senator Mitchell asked the lion's share of the questions. And the interview with Mr. McNamee proceeded much as many of the other 700-plus interviews that we conducted were. Just seeking to find the truth. I occasionally asked a question. Federal law enforcement officials occasionally asked a question. But for the most part, it was Senator Mitchell doing the questioning. And he made clear he wanted the truth and the Federal law enforcement officials made clear that Mr. McNamee faced criminal jeopardy if he failed to tell the truth.

There was then a second interview by phone in October 2007. Again, these same warnings were provided to Mr. McNamee. And again, we went over the information.

Finally, there was a third interview in November 2007. At that time I read to him the statements in the draft report which we had attributed to Mr. McNamee to make sure that they were 100 percent accurate. We told him at that time, this is what we understood he had told us before. If there was any corrections, we wanted to correct it because we wanted the information to be 100 percent accurate as best he could recall. He made a couple of minor corrections immaterial to these proceedings and then we went forth from there.

Mr. TIERNEY. Just so we're all clear on this, the first in-person interview, Senator Mitchell was not just reading questions from a transcript of something that had transpired between the Federal investigators and Mr. McNamee. He actually created his own questions and asked those, is that right?

Mr. SCHEELER. That is absolutely correct.

Mr. TIERNEY. I'm just going to wrap up. I don't have any more questions on this. Obviously this is a hearing to try and assess the efficacy of that Major League Baseball report. And we have all tried—certainly I have tried to come here with an open mind, and provide everybody an opportunity to address what seem to be apparent inconsistencies in a lot of the testimony. We've heard questions about those inconsistencies. Some of the troubling things that are still out there are mindful that Mr. Knoblauch confirmed Mr. McNamee's statements, that Mr. Pettitte confirmed them, that in contemporaneous conversations apparently that Mr. Pettitte had with his wife, she confirms that those conversations with Mr. Pettitte occurred. Some of the questions about Mrs. Clemens taking the HGH and having side effects and no followup on that. I just think there's a lot of open questions on Mr. McNamee's credibility as well. We'll have to go back to the record and take a look at all the transcripts on these things to make a decision.

I do make note though, Mr. Chairman, it made an opportunity for people not to have a hearing on this. I hope that the hearing that now has transpired has satisfied all of the witnesses here that they've had their opportunity to address any of the inconsistencies or uncertainties.

I thank the chairman for conducting the hearing, Mr. Davis for his participation and cooperation as well. And I yield back.

Chairman WAXMAN. Thank you, Mr. Tierney.

Mr. SOUDER. Mr. Chairman, I have a parliamentary inquiry.

Chairman WAXMAN. Yes, Mr. Souder.

Mr. SOUDER. Both Mr. Burton and Westmoreland and much of the national public when they heard the taped conversation live on national TV heard this expression, it is what it is. And none of us are prototypical New Yorkers. I asked a New Yorker on the floor, and he said that is a not only Mr. McNamee expression but a New York expression for telling the truth. Would it be appropriate in the record to have some discussion of that phrase because it's a very pivotal phrase that has been nationally debated?

Chairman WAXMAN. We'll hold the record open if you want to submit some documentation. And whatever it is, it is, we'll put it in the record. Ms. Foxx.

Ms. FOXX. Thank you, Mr. Chairman. I appreciate this. I have said to the chairman myself personally that I am very concerned with the direction this committee has gone in the last year or so because I think we've been playing gotcha games, and I don't agree with that. I think there are billions of dollars being wasted every minute by the Federal Government and what this committee ought to be doing is looking, doing government oversight. And we're not doing that. I am not a fan of holding these hearings on issues we have no business dealing with. However, I think since we're here, it's important to try to get some questions answered. But I really wish we would get back to what our job is, which is government oversight and accountability.

I'd like to ask you, Mr. McNamee, a couple of questions. And then, Mr. Clemens, I'd like to ask you a couple. Mr. McNamee, are you planning on trying to make money off of this situation?

Mr. MCNAMEE. No, I'm not.

Ms. FOXX. Are you writing a book or do you plan to write a book?

Mr. MCNAMEE. No, ma'am.

Ms. FOXX. You don't have any deals in the works with book publishers at all?

Mr. MCNAMEE. No, ma'am.

Ms. FOXX. OK. We'll see.

Mr. Clemens, I'm sorry and I apologize to all three of the witnesses that we've been pulled out to go vote and I have not been here for all of the testimony. And I apologize for that. But I thank you all for spending your time here.

Well, let me go back. Mr. McNamee, I want to ask you one more question. In the Mitchell Report you say that Mr. Clemens used HGH in 2000, but that he didn't want to use it again because he didn't like it. If that's the case, why would he possibly want to have his wife injected with it, which is what you've alleged?

Mr. MCNAMEE. I just—he asked me to instruct her on how to do it. She continued to use it on her own, and I—you're asking the wrong person.

Ms. FOXX. OK.

Mr. CLEMENS. Congresswoman, if I may, my wife has been come into question here. Can I read a statement from my—from my wife, please?

Ms. FOXX. Certainly.

Mr. CLEMENS. If I may. This is from Debbie Clemens, my wife, who is here in the room with me. I'm not sure of the dates but I

read a news article about the benefits of growth hormone. During that same week talking about the subject openly Brian McNamee, who was at our house in Houston training people, approached me to tell me about the article. She said, he said it was not illegal and used for youthfulness. The next mid-morning he said he had—he had some and would be able to give me a test shot. He gave me one shot. He later left the house on his way to the airport. During that time Roger was not at home and I didn't have the opportunity to tell him about it later that evening when he arrived home. In telling Roger about that, that evening, I was also having circulation problems with itching. It happened the following night, just not as bad. I was very comfortable in trying it but it was a harmless act on my part. Also since McNamee had a Ph.D. he was a trusted good trainer. Roger said let's back off this. We need to know more about it. And she agreed. She really didn't need it. She has been broken up over this for a long time and she's said to me now she feels like a pawn amongst his game.

I would have never instructed Brian McNamee to give my wife these shots. Once again, I don't know enough about growth hormone. I would suggest that young kids, kids of all ages, athletics, I don't know enough about it. It doesn't help you. But I also have heard—again, different news articles where people for quality of life have used this product. I have learned more about growth hormone in the last month than I ever have known. I'm offended again that I—that I was instructed and I think he said earlier it was his instruction earlier in the day that I instructed him to give my wife growth hormone.

Ms. FOXX. Thank you. I have four photographs here I'd like to you look at. We don't have the exact dates on them. But this photo was taken somewhere around 1995–1996, this one 1998. The one over here between 2000–2002. And this one here sometime between 2004 and 2006. Mr. Clemens, you know, I am not an expert in any of these issues, but you appear to me to be about the same size in all of those photos. These were taken before the accusations that you took human growth hormones. They were taken during the time that you are accused of taking them and after that. Again, it doesn't appear to me that your size has changed much in these four photos.

Perhaps you'd like to talk a little bit about your regime of conditioning that you go through. I know that you take it very seriously. And maybe you'd like to say something about how hard you work at keeping yourself in shape and how that would result in the stamina and body build that you have.

Chairman WAXMAN. The gentlewoman's time has expired. If you want to answer briefly.

Mr. CLEMENS. Thank you, sir. Congresswoman, yes. When all these false allegations came out about me, I told them to go talk to the trainers and the people around me that know me the best. My body didn't change. I didn't start throwing harder. The fact of the matter is, I started locating better as a pitcher. I think this has gotten a lot of mileage out of it. A general manager in Boston, who we'll leave his name out of it because he's got a ton of mileage out of this—said—he made what I feel is a smart-aleck comment, remark that I was in the twilight of my career. And in that 1996 sea-

son when I was in the twilight of my career, I tied my own single season record of 20 strikeouts, I led the league in strikeouts that year. I was in the top 10 in innings pitched and ERA. And if I was in the twilight of my career, I doubt that the Toronto Blue Jays' ownership would have made me the highest paid pitcher in the game of baseball the following year. That following year, 1997, I won the Triple Crown award of baseball, which is pitch wins, ERA, and strikeouts. And that's before I met Brian McNamee. Once again, it bothers me greatly that he has taken his Ph.D. and gone out and from what I've learned he's coached high school kids or college people, he told me Wall Street guys.

Chairman WAXMAN. Mr. Clemens, you don't know whether this is true or not. The question you were asked is, do you have a physical regimen for physical exercise. Do you? You've been very successful as a baseball player. So you keep yourself in good shape, don't you?

Mr. CLEMENS. Without question. I take a lot of pride in it.

Chairman WAXMAN. I see that. Thank you very much. Mr. Murphy's time now.

Mr. MURPHY. Thank you very much, Mr. Chairman. And thank you to all three of you for sustaining yourselves over this long period of time. It's clear that someone's not telling the truth here. And I don't think I can invent or create any new questions to try to get at that, that answer. So I want to step back for a moment and ask a couple questions to Mr. Scheeler and to Mr. Clemens about how we got here and really where we move forward from here.

Mr. Scheeler, we had some discussion earlier about the notice that was given to Mr. Clemens and people that work for him. And there certainly seems to be some degree of confusion about who knew, why that information didn't get to Mr. Clemens, why conversations did not happen between Mr. Clemens and the committee staff. Can you just address this issue as to how notice was given and why there wasn't potentially more aggressive effort made to try to get Mr. Clemens to come in and address some of these before his name was included along with the information in the report.

Mr. SCHEELER. Certainly. From the very first day of the investigation, as a matter of fact, a press conference in which the investigation was announced, Senator Mitchell made it clear that he would give any person about whom allegations were made an opportunity to respond before anything was printed. As a practical matter, we were informed by Major League Baseball that all communications with current players, such as Mr. Clemens, had to go through the players association. Those were the union rules and we played by the rules. So in the summer of 2007, Senator Mitchell sent a letter to the Major League Baseball Players Association in which he requested the interviews of Roger Clemens and a number of others and in which Senator Mitchell stated that we had evidence that Mr. Clemens had used performance enhancing substances during—some time during the period of 1998 through 2001. We received a letter back on August 8, 2007 from the players association in which they stated, the following players have asked us to inform you that they respectfully decline your request for an interview at this time. Roger Clemens and several others.

We did not stop there, however. In October 2007, Senator Mitchell, myself, and others had a meeting with mayors—members of the players association, because the players association had stated that they weren't clear on Senator Mitchell's invitation that any player who came in would be provided the evidence, which was—which had been—the allegations which had been stated against them, shown any checks, shown any money orders, shown any corroborating evidence and then be given a full and complete opportunity to respond. So we had that meeting with them in October and then we sent another letter, Senator Mitchell sent another letter to the players association on October 22 in which he stated, to be clear, I have been and remain willing to meet with any player about whom allegations of performance enhancing substance use had been made in order to provide those players with an opportunity to respond to those allegations. During the course of any such interview, I will inform the player of the evidence of his use, including permitting him to examine and answer questions about copies of any relevant checks, mailing receipts or other documents and give him an opportunity to respond. Five weeks later Senator Mitchell received another letter from the players association, indicating that the players had been recontacted and they said some had been in direct contact with you, with Senator Mitchell, which was accurate, some had. On behalf of the others, we report that they continue to respectfully decline your request.

So I would submit that given the limitations which we had, which is to say we were required by the collective bargaining agreement to do our communications through the players association, we made repeated requests to Mr. Clemens and others and we got three declinations. I would also add we sent—Senator Mitchell sent a letter to all players, including Mr. Clemens, which was—which were provided, asking anyone who wanted to come in and provide any information about steroids that they could come in.

Mr. MURPHY. I want to turn this over to Mr. Clemens not on the specific issue of notice—not on the specific issue of notice but this to me—and I think to a lot of baseball fans out there seems to be another instance in which a lot of people are doubting the strategy and tactics of the players union. And listening to the testimony that they gave before this committee several weeks ago in which they made a claim, Mr. Fehr made a claim essentially that the sole reason for the existence of the players union was to represent the employment rights of the players, not necessarily to represent the best interests of baseball.

I'd be interested, Mr. Clemens, just to get your sense on your opinion of how the players association and the union has conducted themselves in this process and whether you have criticisms of the players association's willingness to sit down at the table. Because it's going to be their ability to move from these hearings to sit down at the table and solve this that's going to be the legacy of these hearings and this issue going forward. I'd be interested in your opinion on that issue.

Mr. CLEMENS. Congressman, thank you. I never received any of those letters on that topic there. And I'd—again, I believe the—that baseball—the players association, the committee, I think everybody's working in the right direction to clean up our sport of

baseball and sports in general. I think it is very important that there's—we send a message to the young kids about that. And I believe that the players association is well aware of that and I believe it's going in the right direction.

Mr. MURPHY. But Mr. Clemens, you don't think the players association might have had a responsibility to make sure that you were notified that you were being offered a chance to talk to the Mitchell Commission? It seems to me as potentially the highest profile player that they received notice regarding, they had a little greater obligation than to just tell people that worked for you. I mean, if I were you I would be angry not just at the people who worked for me but I would be pretty angry at the players association as well.

Mr. CLEMENS. I understand. And from my understanding, they asked Senator Mitchell and his people, staff, what have you, what it was concerning. And they said they would not tell them, just to come down. That's what I—that's what I got.

Chairman WAXMAN. Thank you, Mr. Murphy.

Ms. FOXX. Mr. Chairman.

Chairman WAXMAN. Mr. Shays.

Ms. FOXX. I have a parliamentary inquiry, too, if I could. Mr. Scheeler, I want to get a clarification on something you said and then ask if we can make sure that we have exactly what you're saying. You said that you—that Senator Mitchell sent a notice—and this is how I wrote it down. We had evidence that Mr. Clemens had used performance enhancing drugs or something. But the key word here is "evidence." You said, we had evidence that he had used it. You didn't say we had allegations that he had used it. Now I don't know technically evidence allegations but it seems to me that you all had made up your minds before you ever talked to Mr. Clemens. Is that a technical term, we had evidence, wouldn't it——

Chairman WAXMAN. That isn't a parliamentary inquiry, but you asked your question.

Mr. ISSA. It's a great question.

Mr. SCHEELER. Let me—just so there's no misunderstanding, let me just quote what the letter said. This is a July 13, 2007 letter to the general counsel of the players association. We listed a number of players. And for Roger Clemens we stated, we have received information that this player allegedly used performance enhancing substances sometime between 1998 and 2001 while a member of the Toronto Blue Jays and New York Yankees. Now there were a number of other players mentioned as well. We have not——

Ms. FOXX. Mr. Chairman——

Chairman WAXMAN. I'm sorry. But we have to follow the regular order. And each Member has 5 minutes and you've had your 5 minutes.

Ms. FOXX. Well, Mr. Chairman, I just want to say that this is part of the problem here.

Chairman WAXMAN. I'm sorry to be rude. But I think I've been more than generous and I don't think it's fair. Other Members aren't getting extra time to do that. We're only going one round.

Mr. Cummings.

Mr. CUMMINGS. Thank you, Mr. Chairman. Mr. Clemens, I want to come back because I've got to tell you that of all the testimony and the things that I've read, and if I had to—if I walked in here

and it was even Steven between you and Mr. McNamee, I must tell you that the person I believe most is Mr. Pettitte. You admit yourself that he is a good guy. He's a truthful guy. And there have been a number of things that make his testimony and his deposition and that—and his affidavit swing the balance over to Mr. McNamee. I've got to tell you. And part of it comes from your own words.

Now let me go back. This is about a conversation not regarding HGH but steroids. Mr. Pettitte told us about a conversation that took place in Mr. Pettitte's home in 2003–2004. Mr. Pettitte told us that Mr. McNamee said, "he had gotten steroids for Roger." Let me read to you from the transcript of the deposition with Mr. Pettitte. Question: Did you have any reason to think Mr. McNamee wasn't being straight with you about that? Answer: No. I had no reason to think that. Question: Were you surprised? Answer: Yes. Surprised me when he said that. That was the first time I had ever heard him say anything about steroid.

Mr. Clemens, you have stated that Mr. McNamee is lying about the use of steroids. If he is lying now, why would he have told Mr. Pettitte in 2003–2004 about your use of steroids?

Mr. CLEMENS. Congressman, I have no idea. Again, Mr. McNamee never told me about Andy Pettitte using HGH. The running theme that I know of is that every time something came up—again, that conversation with Jim Murray, Brian McNamee said I'm trying to warn you but don't tell Roger. So I have no idea. All's I'm telling you is if Andy—Andy Pettitte thought that I had used HGH, our relationship was such that he would have come to me.

Mr. CUMMINGS. OK. You told us that several times. I got that. I understand. Let me go on to this. I've listened to you and I've listened to you carefully. Again, I'm trying to see where to strike a balance. I have two people who are saying kind of opposite things. I'm looking for an independent source to help me try to figure out which side to believe. And I've got to tell you, one of the most interesting things—and Mr. McNamee said it, it's been borne out in the depositions—is that when McNamee gave testimony about Knoblauch and Pettitte, those allegations were borne out to be true. And for some reason, your guy, who you admire, who you think is one of the greatest guys and honest guy and everybody says he's a religious guy, when he—although he—when it comes to you, it's a whole another thing. You following what I'm saying? So you are saying Mr. McNamee lied about you but he didn't lie about the other two. How do you explain that?

Mr. CLEMENS. Again, Congressman, I am—I am certain that when Andy Pettitte—when Andy Pettitte used HGH, why didn't he tell me that he used HGH? I never learned about any of this. I am—Andy and I are close friends. We were playing travel mates. If he misheard me on a subject that I was talking about, some gentleman's using HGH for quality of life like I stated, then he misunderstood that. I'm telling you in—again, that he should have had no doubt in his mind when he came into the locker room when the Mitchell Report was—the L.A. Times report was released about having us implicated in that ordeal, he sat down and looked at me. I still at that time did not know——

Mr. CUMMINGS. My time is running out. I hear you, but my time is running out.

Mr. CLEMENS. Again, he looked at me wringing his hands, white as a ghost and asked me, what are you going to tell them? I told them, I'm going out there to tell the truth. I didn't use any of that stuff. That alone should have took Andy off of any kind of wavering of whatever he had.

Mr. CUMMINGS. As I said before, I have listened to you very carefully and I—I take you at your word. And your word is that Andy Pettitte is an honest man and his credibility pretty much impeccable. Your lawyer says the same thing. But suddenly—and the committee gave him time after time after time to clear up his testimony and he consistently said the same thing under oath. Not only that, his wife, he goes and tells his wife everything and she says the same thing. But suddenly he misunderstood you. All I'm saying is it's hard to believe, it's hard to believe you, sir. I hate to say that as—you're one of my heroes. But it's hard to believe. Thank you.

Chairman WAXMAN. The gentleman's time has expired. Mr. Shays.

Mr. SHAYS. Thank you, Mr. Chairman. Thank you and Mr. Ranking Member for beginning these hearings in 2005. I felt the initiation of these hearings were spectacular in the sense that we finally got Major League Baseball to wake up and the other sports as well. They originally refused to come in in 2005 and they said, we don't have—you know, we have our rules and requirements. But they're not in writing. We found out they were in writing. Then they said it was only a draft. We found it was in the draft. They said that the standard was tough and we looked at it, and it was—you were either suspended or fined and it was 10 strikes and you were out. And so major improvements have happened since then. I think the value of the Mitchell Report was that it said things were pervasive, but this was not a document where the players have been, for instance, tested. Is that correct? You had no test results of any players that it had performance enhancement drugs. Is that correct, Mr. Scheeler?

Mr. SCHEELER. It's correct that we did not have any test results prior to 2005. In 2005 test results became public——

Mr. SHAYS. Right. But my point is most of these players, it's accusations, it's slips, and so on. I'm not suggesting where there's smoke there isn't fire.

Mr. SCHEELER. Sure.

Mr. SHAYS. But this is not a document that sends people to jail. And my recollection of Mr. Mitchell's report was, he was saying, we've got a problem, you need to clean it up and start to go back and see about who you prosecute and so on. And his judgment was I think you know you'd be going down in the wrong direction. So now we have a player here, one player. There were 89 players, one player is here. And he's here because everyone in this audience knows he is the icon in baseball. He's what brings all these cameras, and all those people out there, in my judgment, were lining up like you're going to a Roman circus, seeing the gladiators fight it out. And so my view of this hearing is, this isn't where it's at. It's not where it's at. I mean, for you, Mr. Clemens, it's where it's at because it's your life.

For you, Mr. McNamee, I believe some of what you say. But you know, it depends when. I view you as a police officer who is a drug

dealer. And when I read your comment, to put it in context, the issue of steroids and performance enhancing drugs in baseball was starting to pick up steam in 2000. While I liked and admired Roger Clemens, liked and admired Roger Clemens, I don't think that I ever really trusted him. Maybe my years as a New York City police officer had made me wary. What a strange comment.

Mr. MCNAMEE. If the players didn't ask—excuse me.

Mr. SHAYS. I read that comment and I think maybe a police officer would have made you not want to be a drug dealer. But instead it made you be wary of him. But I just had that sense that if this ever blew up and things got messy—and they are pretty messy, aren't they—Roger would be looking out for No. 1. Well, that's understandable. He's going to look out for himself. I viewed the syringes and evidence that would prevent me from being the only fall guy. So congratulations, you're not the only fall guy. Congratulations.

Mr. MCNAMEE. I understand your concerns. But as far as your comment about a drug dealer, I only did what players asked and it was wrong.

Mr. SHAYS. Mr. McNamee, you are a drug dealer. You may——

Mr. MCNAMEE. That's your opinion.

Mr. SHAYS. No, it's not in my opinion. You were dealing with drugs.

Mr. MCNAMEE. OK.

Mr. SHAYS. You were dealing with illegal drugs. Tell me as a police officer how that is not being a drug dealer.

Mr. MCNAMEE. That's your opinion.

Mr. SHAYS. No, it's not my opinion. I'm asking you to tell me. Tell me how it's legal to do illegal things and you not call it what you were. You were dealing in drugs, weren't you?

Mr. MCNAMEE. Dealing in them, yes.

Mr. SHAYS. Were they legal drugs?

Mr. MCNAMEE. No, they weren't.

Mr. SHAYS. Thank you.

Chairman WAXMAN. Would the gentleman yield? I certainly think you would agree that the players who asked him for drugs were also dealing with an illegal——

Mr. SHAYS. I would. And reclaiming my time, that's a good point. If you had 89 players here, I'd feel a lot better about this hearing. But we just have one.

Mr. ISSA. Would the gentleman yield?

Mr. SHAYS. I'd be happy to yield.

Mr. ISSA. Just one more question for you, Mr. McNamee. Isn't it true that if you were injecting people with drugs, illegal drugs, and that made them perform better, that helped your career as a performance enhancing trainer and wouldn't it be true that if you couldn't have done as well without drugs, in fact, what you were doing is putting drugs into people to benefit your career? And please don't give me a "I used to be a cop" answer, OK?

Mr. MCNAMEE. I just do what they ask.

Mr. ISSA. I do what they ask. You know, that's what every drug pusher says, is we wouldn't be selling them if they weren't asking for them. You know, I really when I talked about "piled higher and deeper," I wasn't talking about Ph.D.'s who get their degrees

through the front door. I was talking about people like you who obtain one through a mill for the purpose of tricking and deceiving people.

Thank you, Mr. Chairman.

Chairman WAXMAN. Mr. McNamee, did you deceive anybody when you gave them a shot? Or did they know what they were doing?

Mr. MCNAMEE. They knew what they were doing.

Mr. CLEMENS. Mr. Chairman, he deceived me.

Chairman WAXMAN. Well, that's your opinion, too. Ms. Watson.

Ms. WATSON. Thank you, Mr. Chairman. And I do hope that all the witnesses have had a break. This has been going on a long time. I've listened to the questions. I've listened to the responses. And I really don't know where this hearing is going. But I do hope that there will be something learned with the hours that we have spent listening. And I do hope that there are messages that will come out of this for those who look on our athletes and our celebrities, and so on, as their heroes and heroines. And Mr. Clemens, since you've been the subject of the questioning for the most part, Mr. McNamee, No. 1, what did you think about the Mitchell Report as a document that represented some research, whether it was in-depth or substantive if not. What did you think about what you read?

Mr. CLEMENS. Congresswoman, I've always agreed with the Mitchell Report. I have disagreements, obviously strong disagreements what this man, the claims he's made in that report about me. I've lived my life—I want—I've lived my life knowing that if I ever had the opportunity to chase my dreams and to make it to the major leagues then I would be an example for kids. Not only mine but the other children. I want them to know that there are no shortcuts, that you have to work hard. When I give these talks to young kids and I give—to younger kids, to high school kids, to college kids, who the man was present with me at the University of Kentucky, about these college kids, about taking care of your body, your body's your temple, understand that you're a student athlete, not an athlete student. And that I put this man out in front to also say that same message to them. I want the kids to know that with hard work that you can achieve your goals, whatever it might be. Yes, you are going to fail. You're going to fall down, you're going to stumble. And that's the message I try to preach to these kids, but you've got to pick yourself up and go. And I want the kids that are out there listening this day to understand that, that there are no shortcuts, that steroids are bad for your body. Everything that we've heard about steroids, they're bad for you, they break you down. I believe it's a self-inflicted penalty. I want the children to know that.

Ms. WATSON. Mr. McNamee, what did you think about the Mitchell Report?

Mr. MCNAMEE. I think it was a document that needed to be done and it's not really up to me on what people's opinion of that is. All I know is I told the truth in that document.

Ms. WATSON. As you know, all of you were sworn in. That is what happens in this committee. And if you don't speak the truth, and there's evidence that showed that you were not telling the

truth, you can be found guilty of perjury. And so what would you like to say to the public? This is all on C–SPAN. There have been at least 100 press people out there, if not more. So this is going out across the Nation and probably abroad as well. What would you like to say, not in your own defense but about that report and about baseball to young people?

Mr. MCNAMEE. You're addressing the question to me?

Ms. WATSON. Yes.

Mr. MCNAMEE. I think the report is maybe the first chapter in maybe a bigger document that would have to disclose more information on how—how much this—this really was involved, the drug use in baseball was involved. And as far as young people, we really need to address that deeper in the roots of the younger people's coaching staffs and the parents. We need to educate parents what to look for. We need to educate high school coaches, youth ball coaches, we need to educate the college coaches. Major League players, they're adults, they're going to make adult decisions. You have to get to the root of the problem. All you did was—all the Mitchell Report would do—it did was scratch the surface of a much larger problem, but at least it started it, it's chapter one.

So it's up to you guys. We're sitting here now. Let's go back down to the grassroots of where baseball started. If you want to get into the high school and the colleges and youth balls, let's educate the trainers, let's educate the fathers, the mothers, the baby sitters, let's educate everybody about the signs, what to look for. And what's going to be encouraging to these people is alternative methods.

Ms. WATSON. Let me just ask you this. My time is running out. There's some pretty harsh things said just a few minutes about you. And what would you say about your own involvement in all of this as a trainer? What—how would you describe your involvement?

Mr. MCNAMEE. Well, my involvement, as I mentioned in my opening statement, I'm not proud of it and I wish I wasn't here but I am. So there's got to be something good that comes out of this, and hopefully it will start happening after this meeting.

Ms. WATSON. Thank you very much, Mr. Chairman.

Chairman WAXMAN. Thank you, Ms. Watson. That concludes our questioning and our testimony. I want to recognize Mr. Davis for a concluding statement.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. Let me thank the witnesses. It's been a long day. I'm sure there are other things you would have preferred to have done today. But let me just say that the underlying report by Senator Mitchell I think remains largely intact. There is this bone of contention on this particular item that I think we've tried to give some focus to today. But I think we'll have—that doesn't in any way shape or form, I think, take away from the underlying recommendations that the report has made. As far as this goes, I think this has been a robust discussion, a lot of questions at issue, and I guess history will judge that. Mr. Waxman and I will talk about how we handle it from here. But I want to thank both witnesses for being here. I think—I have my own opinions on this, but I think so do probably the viewing audience. Our goal when we started this was to send out

the message that steroid use was dangerous, it was wrong, it was illegal, and you had a million kids taking them. Major League Baseball's changed their policies and we're hoping they will change them again in light of the Mitchell recommendations. And it's good to hear the one thing you agree on is that you agree with that underlying recommendation.

So I want to thank you both for coming here today and, Mr. Chairman, thank you for holding the hearing.

Chairman WAXMAN. Thank you very much, Mr. Davis. We've worked together on this whole issue from the very beginning in 2005 when you were chairman and now when I'm chairman, and this is not anything that separates us as Democrats or Republicans. We all care about this issue. Each Member and perhaps everyone in the audience that watches this hearing will reach his or her own conclusion. But this is what I think we've learned: Chuck Knoblauch and Andy Pettitte confirm what Brian McNamee told Senator Mitchell. We learned of the conversations that Andy Pettitte believed he had with Roger Clemens about HGH. And even though Mr. Clemens says his relationship with Mr. Pettitte was so close that they would know and share information with each other, evidently Mr. Pettitte didn't believe what Mr. Clemens said in that 2005 conversation.

Mr. CLEMENS. Doesn't mean he was not mistaken, sir. It does not mean that he was not mistaken, sir.

Chairman WAXMAN. Excuse me. But this is not your time to argue with me. Evidently he didn't believe it in your second conversation because he went ahead and issued a statement to us, as did his wife.

Mr. McNamee, you've taken a lot of hits today. In my view, some were fair and some were really unwarranted. There will be some Members who will focus on your inconsistencies. But as Mr. Souder pointed out, that may not be unusual in these types of situations. I want you to know though that as Chair of this committee I appreciate all your cooperation with our investigation. And I want to apologize to you for some of these comments that were made. The rules do not allow us to comment on each other when we have time that's yielded and a Member can say whatever he or she wants in that 5 or 10-minute period of time. I think people who look at this whole question will not just look at the conflict of testimony between the two of you, but others who expressed views on this matter as well.

But let me end by saying that we started this investigation in baseball to try to break that link of professional sports and the use of these drugs. And we don't want to look at the past any longer in baseball and we didn't even want this hearing today, as I indicated in my opening. We want in the future to look at making sure that we don't have steroids, human growth hormone, and other dangerous drugs used by professional sports who are role models to our kids because we're seeing the culture of the clubhouse become the culture of the high school gym.

That concludes our hearing today and we stand adjourned. Thank you.

[Whereupon, at 2:40 p.m., the committee was adjourned.]

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