

Strong case against Clemens

By William C. Kashatus

Roger Clemens was given a reprieve in July when U.S. District Judge Reggie Walton declared a mistrial in the former Yankee star's perjury trial because of inadmissible evidence. But on Friday, a hearing will be held to determine whether the government can retry the case.

If Clemens is forced to return to federal court, he's in big trouble. The government has a much stronger case against him than it had against former San Francisco Giants slugger Barry Bonds. And this time, the prosecutors won't be as careless.

Charged with lying to a federal grand jury about illegal steroid use, Bonds was convicted in April on one count of obstructing justice. But the jury could not agree to convict him on three more serious charges of perjury.

Clemens, a seven-time winner of the Cy Young Award, pitched for 23 years. He is accused of lying under oath to the House Government Reform Committee in 2008 when he denied ever using performance-enhancing drugs.

Charged with six felony counts, including perjury, false statements and obstruction of Congress, Clemens will not be as fortunate as Bonds.

Prosecutors in the Bonds trial had just one objective key witness — Kimberly Bell, the slugger's former mistress — and her testimony about watching Bonds inject a needle in his stomach ultimately failed to sway the jury. Bonds' trainer, Greg Anderson, could have offered damning testimony, but he chose to spend time in jail rather than testify against his former client.

Clemens will have to face his former trainer and friend, Brian McNamee, the prosecution's key witness, who has been extremely cooperative with the government. Mc-



Associated Press

Roger Clemens leaves federal court in Washington after a judge declared a mistrial in the case.

Namee told the House Government Reform Committee in 2008 that he injected Clemens with steroids and human-growth hormone. His statement led to a Justice Department investigation and a subsequent perjury charge against the star pitcher.

Even if Rusty Hardin, Clemens' lead attorney, tries to discredit McNamee, the prosecution will have Andy Pettitte waiting in the wings.

Pettitte, Clemens' former teammate, friend, and workout partner, already gave a sworn deposition and affidavit that the Yankee ace admitted using HGH to him.

What's more, Pettitte, a devout Christian, acknowledged using HGH himself to recover from injuries. The confession underscored his reputation for honesty and makes him a very credible witness.

Ironically, the mistrial was declared when the government, in front of the jury, played video from the 2008 hearing in which Rep. Elijah Cummings (D., Md.) quotes from an affidavit provided by Laura Pettitte, Andy's wife, which backed up her husband's account of Clemens' drug use. The problem was that Judge Walton had already ruled that Laura Pettitte's hearsay state-

ments were inadmissible at trial.

There is also the issue of arrogance.

When federal authorities began to investigate Bonds, he backed off, conceding that he unknowingly may have taken performance-enhancing drugs in the form of a clear substance and a cream that he received from Anderson. According to Bonds, Anderson misled him, insisting that they were a nutritional supplement and a rubbing balm for arthritis.

But Clemens believed that his legendary status would sway the federal government into letting him off. Instead, he provided prosecutors with ample ammunition.

Clemens was not required to testify before the House committee in 2008. He wasn't under subpoena. Nor did he have to plead his case before a national television audience on *60 Minutes* or file a defamation suit against McNamee.

But with his reputation and place in Baseball's Hall of Fame at stake, Clemens' arrogance emboldened him to take on Congress, national TV, and McNamee.

In the process, he's provided prosecutors with hard evidence to prove their case against him. Undoubtedly, Exhibit A will be videotape of the 2008 testimony in which Clemens, under oath, stated: "Let me be clear — I have never taken steroids or HGH."

If Clemens returns to federal court and is convicted on all six counts, he could face up to 30 years in prison and a \$1.5 million fine.

Regardless of the outcome, Roger Clemens has become a baseball pariah, like Shoeless Joe Jackson and Pete Rose. And he has nobody but himself to blame.

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