

RPTS MCKENZIE

DCMN BURRELL

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: ANDREW PETTITTE

Monday, February 4, 2008

Washington, D.C.

The deposition in the above matter was held at 2157
Rayburn House Office Building, commencing at: 9:55 a.m.

Appearances:

For COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

MICHAEL GORDON, MAJORITY SENIOR INVESTIGATIVE COUNSEL

PHIL BARNETT, MAJORITY STAFF DIRECTOR

BRIAN COHEN, MAJORITY SENIOR INVESTIGATOR/POLICY ADVISER

PHIL SCHILIRO, MAJORITY CHIEF OF STAFF

KEITH AUSBROOK, MINORITY GENERAL COUNSEL

STEVE CASTOR, MINORITY COUNSEL

JENNIFER SAFAVIAN, MINORITY CHIEF COUNSEL, OVERSIGHT &
INVESTIGATIONS

For THE DEPONENT:

THOMAS J. FARRELL, PARTNER

JAY K. REISINGER, PARTNER

DREIER ATTORNEYS AT LAW

1000 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

JAMES E. SHARP, ATTORNEY

SHARP & ASSOCIATES

1215 19th Street, NW

Washington, D.C. 20036

Mr. Gordon. Good morning, Mr. Pettitte.

Mr. Pettitte. Morning.

Mr. Gordon. This deposition is part of the committee's investigation into the illegal use of performance enhancing substances in Major League Baseball. Mr. Pettitte, could I ask you to state your name for the record.

Mr. Pettitte. Andy Pettitte.

Mr. Gordon. The person transcribing the deposition is a House reporter and notary public authorized to administer oaths and the reporter will now place you under oath.

THEREUPON,

ANDREW PETTITTE,

A witness, was called for examination by Complainant's Counsel, and after having been first duly sworn, was examined and testified as follows:

Mr. Gordon. My name is Michael Gordon and I have been designated as majority counsel for this deposition. I'm accompanied by several members of the majority staff, and I will ask them to state their names.

Mr. Schiliro. Phil Schiliro.

Mr. Barnett. Phil Barnett.

Mr. Cohen. Brian Cohen.

Mr. Gordon. And minority staff is also present. Could you please state your names?

Mr. Ausbrook. Keith Ausbrook.

Mr. Castor. Steve Castor.

Ms. Safavian. Jennifer Safavian.

Mr. Gordon. Mr. Pettitte, thank you very much for joining us this morning, and thank you for appearing voluntarily. You should know that the committee very much appreciates your cooperation in this matter. I'm assuming this is the first time you've ever appeared for a deposition before Congress, is that right?

The Witness. Yes.

Mr. Gordon. Before we begin questioning, I'll review some of the standard procedures for you. And after I do that, you'll have an opportunity to make a statement if you'd like and then we'll go to questions.

The questions will go as follows: I will ask you questions for up to an hour, no more, maybe less. And when I'm done, minority counsel will have the opportunity to ask you questions for up to an hour. And if there are any more questions when that's done, we'll alternate back and forth with additional rounds of questions until the deposition is over. The reporter will take down everything we say and will make a written record of the deposition. So you need to give verbal, audible answers. Nods and gestures can't be recorded obviously. Also just so the record is clear, please wait until I finish a question before you answer.

And I will try to do my best to wait until you are finished answering before I ask my next question. Did that all make sense?

The Witness. Yes.

Mr. Gordon. If you don't hear a question or you don't understand a question, please just say so and we'll repeat it or rephrase it.

The Witness. Okay.

Mr. Gordon. If I ask you about conversations or events in the past and you're not able to recall the exact words or details, you should testify to the substance of such conversations or events to the best of your recollection. If you recall only a part of a conversation or event, you should just give us your best recollection of those parts you do recall. Do you understand?

The Witness. Yes.

Mr. Gordon. Because you've been placed under oath, your testimony here today has the same force and effect as if you were testifying before the committee. If you knowingly provide false testimony, you could be subject to criminal prosecution for perjury, making false statements or other related offenses. Do you understand this?

The Witness. Yes.

Mr. Gordon. Is there any reason you are unable to provide truthful answers during today's deposition?

The Witness. No.

Mr. Gordon. Okay. Under the committee rules, you are permitted to have an attorney present to advise. And for the record do you have an attorney present? Is that right?

The Witness. Yes.

Mr. Gordon. Would counsel for Mr. Pettitte please identify yourselves?

Mr. Farrell. Thomas Farrell.

Mr. Reisinger. Jay Reisinger.

Mr. Sharp. Jim Sharp.

Mr. Gordon. Mr. Pettitte, do you have any questions for me before we start?

The Witness. No.

Mr. Gordon. Would you like to make a statement at this time?

The Witness. I don't think so.

Mr. Farrell. Yeah. We didn't prepare one.

The Witness. I'm not prepared for that.

Mr. Gordon. Your choice.

EXAMINATION

BY MR. GORDON:

Q I'd like to start with a few questions about Brian McNamee.

A Uh-huh.

Q When did you first meet him?

A In 1999.

Q And can you just describe in your words what your relationship with him has been over the years?

A Like I said, I met him in '99. Obviously he got hired by the Yankees in 1999. And he was our assistant strength coach. And I built up a great relationship with him just, you know, I worked out with him and Roger. Obviously worked out at Yankee Stadium, on the road, in the off-season, just would work out with him. He very quickly became someone that I basically entrusted all of his knowledge into me, you know, and really that's the extent of our relationship, you know. I just spent a lot of time with him working out and training. And you know, and obviously I've spent a lot of time with him. He's become a friend of mine. You know, I don't spend 9 years with somebody and then not become quite close to them. So he was a friend.

Q So in addition to his job for the Yankees in the 2000 and 2001 period, was he also serving as your personal trainer? Or did that start after he left the Yankees?

A Yeah. I would say -- he was definitely -- in the off-season he would train Roger, and I would, you know, go and meet them. Me and Roger live close you know to each other. And he was Roger's personal trainer. But I would join in with them, just because I loved working out and training with them. In 2004, when Roger was supposedly

retired, I did hire him as my personal trainer. That's whenever, you know, I hurt my elbow and just from, you know, trying to have him at the house and being my trainer and stuff like that. It didn't work out from the standpoint where I was training so much with him. I felt like it was taking away from my family. So after 1 year of having him, hiring him as my trainer on a full-time basis, it just didn't work out for me. So just that 1 year I'd had him as my personal trainer.

Q So in the other years you would work out with him occasionally but not full time?

A Right. Right.

Q Did you pay him for his, you know, training services?

A I did. You know, not a whole lot. You know, that was something that I would really, I would, you know, I would talk to Roger a little bit about. And I'd say, dude, you know. And he's like, hey, I'm taking care of him you know, you give him, slip him, you know, I think I would pay him \$1,000, \$1,500 here or there. So that's -- that's the way I would compensate him. And I know, you know, when he was my personal trainer, I believe I gave him a salary of about \$62,000, \$64,000, something like that during that season.

Q And it sounds like from the way you describe your

relationship with him, you thought pretty highly of him as a trainer?

A Yes. No doubt.

Q Can you tell me a little bit more about that? Why was he good?

A Well, first of all he was training Roger Clemens. So you know that made me think a lot of him, if Roger was using him as a personal trainer. And then just, you know, I just thought that you know what we were doing over the courses of the years that Roger, whenever we were there training I saw how strong I was able to get. I always felt like I trained hard. But he was pushing me to new levels as far as with my workouts and stuff like that. And just, you know, we trained at an enormous rate. And I never believed that my body would be able to handle, you know, the way that we were training. But he proved me wrong, you know, you were able to. So you know Mac was just -- you know he got a lot out of us. He was able to get a lot out of me. I really don't know how to explain that any more than that. Just when you train, you know you need somebody to push you. And he was never scared to push, never scared to push me, you know, to my max.

Q And did there come a time when you stopped working out with McNamee or is it still going on today?

A I haven't worked out with Mac. I think the last

time I probably trained with him was last year during the season. Last year he came over to the house a few times and worked me out, you know, last year. Again it's just become a little bit of a tough inconvenience for me just because my family situation and just -- I wanted to have all the time I could with my family, with my kids whenever they were around and stuff like that. So I guess the older I've gotten, I've kind of tapered off from my training a little bit. I can't train like we used to. I know I'm not old. But I can't train at 35 like I did when I was, you know, 28 or 29.

Q I'd like to move on to the Mitchell Report. And as I'm sure you know, the Mitchell Report contains some allegations by Brian McNamee regarding your use of human growth hormone, or HGH. McNamee told Senator Mitchell that he obtained HGH on your behalf and that he injected you with it multiple times in 2002. And I'm going to ask you a few questions about these statements in the Mitchell Report. I'll ask you about some specific statements in a moment. But just broadly speaking, is the information -- are you familiar with the information in the Mitchell Report about you?

A Yes.

Q Is it generally accurate?

A Yes.

Q I brought a copy of the excerpt that relates to you.

And I will ask the court reporter to mark that as Exhibit 1.
And then you can take a look at it as a reference.

Mr. Farrell. Pages 175 through 176?

Mr. Gordon. That's right.

Mr. Farrell. I've got a copy of it.

[Pettitte Exhibit No. 1
was marked for identification.]

BY MR. GORDON:

Q Looking at the bottom of the first page of the two-page exhibit I gave you, it says, According to McNamee, during the 2001-2002 off-season, Pettitte asked him about human growth hormone. McNamee said that he discouraged Pettitte from using growth hormone at that time. Is that accurate?

A I would say that that is accurate, yes.

Q When did you -- when did you first talk to McNamee about HGH?

A I'm really -- I really -- I'm really not sure. I mean, I know I took it in 2002. If -- I would have to think that I tried to start talking to him about it, to have some kind of knowledge of it, you know, in '01 or '02, right there. Can I remember specific conversations? I really can't.

Q Do you remember how it came up or who raised the idea?

A Well, I flew Mac down to Tampa. When I went on the DL, I flew him down to Tampa. I asked him to come down. He wasn't working with the Yankees anymore. We continued to talk. We continued to have communications with one another. And I asked him to come down to Tampa to train me. And I know that I either brought it up to him or he brought it up to me from the standpoint I'm like, dude, I am hurt. You know my elbow is hurt. What can I do? Is there anything I can do? You know, so that is where the initial, you know -- it had to come up to me getting it and him injecting me with the HGH.

Q Do you remember whether you knew about it first or whether he planted the idea of HGH? Did you just go for help and say, help me. And he said, this thing might help? Or did you say, I've heard about this, and do you think this is a good thing for me?

A I think that he had to have told me that, you know, I hear this stuff's good, man. I hear this stuff can repair your tissue, you know. All I know is I know for a fact that he had told me that it could help repair my tissue in my elbow. I knew that my ligament was either fraying or something else was going on as far as the tissue in my elbow. And I, you know, since 1996, you know, the Yankees' doctors, Dr. Andrew, you know, has been telling me that you know my ligament was fraying. I've had elbow problems my

entire career. From '96 until up until this season, you know, my arm's just hurt. I mean I've had, you know, just a lot of stuff done you know and a lot of, you know, medication and stuff like that. So I'm sorry I'm rambling on there. I don't know where I was going with that, but --

Q That's a very helpful background. And the question I was driving at -- or maybe you just don't remember -- was whether you raised the idea of HGH with him or whether you first heard about it from him?

A Yeah. I would say I probably heard about it from him from that standpoint.

Q And the excerpt we were just looking at here at the bottom of the page said that you initially talked to him and he discouraged you from using it. And you were saying later, later he ultimately agreed to give it to you. Is that generally correct?

A Yeah. He discouraged me from doing it.

Q Why? What did he tell you?

A I mean, he told me that he knows what kind of person I am. He knows -- I mean, I'm a Christian man. I try to live my life a certain way. And he told me that he did not think that I would feel comfortable doing it once I did it. And can I keep --

Q Please.

A Just -- I definitely listened to what he had to say.

I felt like it was the right thing to do. I was making an awful lot of money. I wanted to give back to the team. I had been on the DL before. But I knew I had hurt my elbow pretty bad this time. I was on there for an extended period of time, where before with my elbow I'd only missed a couple of weeks. But I knew that I was missing some extended period of time there. And I just felt like that it was the honorable thing to do, if I could do whatever I could to try to get back on the field and try to earn my money. I just told him I think that I ought to do it. And so that's why he agreed to do it.

Q So the reason why you wanted to take it was for recovery for the elbow?

A Yes.

Q Were there any other reasons that you remember?

A No. I mean that was it. I mean, I just thought that that it could help me, you know, heal up quicker and get me back, you know, faster.

Q Do you remember whether at the time you knew that other players were taking this and it was helping them; was that in your mind?

A No. I mean I can't say that that was -- that was any driving factor. You know, it wasn't talked about, you know, it wasn't talked about a lot. I can't recall ever really talking about it in the clubhouse, you know, with

guys or anything like that.

Q Okay. Well, could I ask you to turn to the second page? And I just want to run through a couple of other statements in this report and get your reaction to it. You've already discussed how McNamee traveled to Florida to help you with your rehabilitation. I guess the second paragraph it says, McNamee recalled that he'd injected Pettitte with human growth hormones that McNamee obtained from Radomski on two to four occasions. Is that right? Do you remember how many times he injected you?

A Yeah. I believe he injected me for 2 days, which would have been four occasions. It would be morning and night. And yeah. So I would say four occasions is what I can remember the best.

Q Uh-huh.

A And you know it wasn't anything that he brought to my room. I had to go up to his room and so you know I went up to his room to get it.

Q Oh. So each of these injections took place in his hotel room?

A Yeah.

Q And why did you stop after the four injections?

A I just -- I did feel uncomfortable with it. I felt really that's it. I can't explain any better than that, just knowing if you've ever been somewhere and you don't

feel right about it, so you just leave. I mean I just didn't feel right about it. I don't know. It was because -- every time, you know, before any injections I'd ever had had been administered to me by a team doctor or you know a trainer. And you know, just didn't feel comfortable with, you know, him doing that.

Q I wanted to ask you just a few details about how the injections happened to the best that you can recall. Where did you receive the injection?

A In my stomach.

Q And what part of the stomach?

A I would say right, you know, right close to the belly button.

Mr. Farrell. I think you should explain that it's under the skin instead of a deep one.

The Witness. Right. Yeah. It was a smaller needle. Just -- you just -- he would kind of pull away a little bit of fat on my, you know, belly button area in that area and just put the needle right there.

BY MR. GORDON:

Q And you said that McNamee supplied the HGH? You didn't bring it? It wasn't yours?

A No. No.

Q Do you have any idea where he got it?

A I don't. You know, when we decided -- when I

decided that I think I want to do it, you know he had it, you know, like I think the next day or maybe a day after that. I'm not real sure. I know he was down there for 10 days and I know we had to talk about it for several days because you know I was kind of grinding over it whether I should or whether I shouldn't. So I -- I could have swore -- I thought he'd told me that he got it from his family doctor. I know he didn't tell me he got it from a Mets clubhouse trainer.

Q Oh, right.

A Because I know if he had told me that, I would have never have done it.

Mr. Farrell. Or a Red Sox trainer either.

The Witness. Right. Yeah.

BY MR. GORDON:

Q I see. So did you say you were under the impression he had a prescription for it or that he had gotten it from a doctor? What do you remember about that?

A I'm not real sure. I would have to -- just being as honest as I can, I don't know if he even had -- I probably didn't think he had a prescription for it. But I'm almost positive when I asked him where he was getting it from, he told me he was getting it from his family doctor.

Q Do you remember what it looked like?

A I don't. Just -- I never really -- you know I saw

it. I went up to his room. And you know it was -- he would have had to have a syringe. And I walked in and it was ready and it was out. I mean it was literally -- it was in a syringe. I don't remember really what it looked like.

Q You didn't see him prepare the syringe?

A No.

Q Did it help? I mean, was it effective for your elbow?

A I mean, I don't think so just because I think you have to take the stuff for an extended period of time. And you know, I don't believe it did.

Q You've reviewed these -- this excerpt of the report that relates to you before, is that right? The excerpt of the Mitchell Report.

A Uh-huh, yeah.

Q Is there anything that strikes out at you as inaccurate, that you think needs to be corrected?

Mr. Sharp. Talking about just the two pages here?

Mr. Gordon. Yeah. The excerpt related to you that you've got in front of you. I'm sure you've looked at it before and just --

Mr. Farrell. Yeah. But take your time looking at it again.

The Witness. No. I mean I think everything on these two pages is pretty accurate. You say -- you would have

think I would have mulled over this forever, but I really haven't looked at it that much.

BY MR. GORDON:

Q Is there anything else about what's discussed here that you want to add while we're on the record?

A No. I mean, not as far as, you know, from here. I think that would be -- I think that would be pretty much it.

Q You were -- you've been fairly close or at least friendly with Roger Clemens over the years. Is that fair to say?

A Yes.

Q What did you ever talk to Clemens about with respect to HGH?

A I remember a conversation in 1999 where Roger had told me that he had taken HGH.

Q Where were you when that conversation happened?

A I believe we were at his house.

Q And what did he tell you?

A That's really all I can really remember, you know, about it. I can't remember specifics about the conversation. That's just, you know -- that's really all I can remember about the whole conversation.

Q Were you surprised to hear that?

A No. Not really because I had never -- you know, I've -- you know, I don't think I'd ever heard of it before

at that time. So I think it was just like -- it kind of just maybe made me curious, you know.

Q Was that the context? Was he saying that in a suggestive way, that it might be a good idea for you?

A I don't believe so. I think we were just talking. I mean, just, you know, I hate to say something out of line -- I just -- I'm trying to, you know, speculate on the conversation or whatever and I hate to do that.

Mr. Farrell. Don't do that.

The Witness. I just think that, you know, we were just talking and somehow that came up.

BY MR. GORDON:

Q Did he tell you anything about where he got it?

A No. No.

Q Did he tell you why he was taking it, what it was doing for him, that kind of thing?

Mr. Sharp. If you remember.

The Witness. I'm not real sure exactly. You know, I hate to speak out of line on that whole situation, but just can't, can't remember a whole lot of details about our conversation, you know, that we had.

BY MR. GORDON:

Q Well, that's fair. I don't want you to make things up. Whatever you can remember about it. And I may ask a few more questions about it to see if it sort of refreshes

your recollection of that conversation. Do you remember what the tone of the conversation, was it joking, was it serious?

A I think it was just a normal conversation. We were just -- he was just -- we were just talking, like you and me would be talking right now. That was it.

Q Did you ever -- did he tell you about the pros and cons of HGH?

A No. I want to think that he had just said that, you know, like that he had just heard that it helped, like helped your body recover and stuff like that. But again, you know, I hate to try to -- you know, I'm sorry as far as trying to -- I don't want to be inaccurate.

Q No. Just do your best. Did you ever mention to anyone else what Clemens had told you about his using HGH?

A Yeah. I mean I told -- I told McNamee. I asked McNamee about it.

Q And was that soon after you had that conversation with Clemens?

A Yeah. It would have had to have been.

Q And what was McNamee's response?

A He was upset. You know he was -- you know, I went to Mac and just had told him you know that Roger had told me that he had took it. And he was -- he was -- he was pretty upset. I remember him just kind of getting angry and said,

you know, who told you that? And I -- I'm like, well, Roger did. And you know he was like, man, he shouldn't have done that. I don't remember a whole lot more than that. But I just remember that he was upset that I had told him that Roger had told me that.

Q Was he saying that he shouldn't have told you or he shouldn't have taken the HGH?

A He was saying he shouldn't have told me that, yeah, yeah.

Q Did you have the impression at that time that it was McNamee who had given the HGH to Clemens?

A Yes.

Q And that's why you raised it with McNamee?

A Yeah.

Q Did you mention what Clemens had told you to anyone else other than Brian McNamee?

A No.

Q Never mentioned it to other teammates or friends or --

A No.

Q -- family or anything?

A No. No. I may have mentioned it -- I take that -- I may have mentioned it to my wife. I tell my wife everything.

Q Do you remember one way or the other on this

particular thing, whether you told her that Clemens was using HGH?

A I'd have to say that I told my wife. I'd have to say that I told her that he was. I'd have to say that I tell her everything.

Q And you said that you think this was in 1999. Was there something that -- from your memory that helps you place it in time?

A I just feel like that that -- I just know that it was early when I met -- when I met Roger and Mac. You know I just --

Q And that was like the off-season, '99, is that right?

A I believe it was off-season in '99. That's when I believe it was.

Mr. Farrell. It was when -- after Roger joined the Yankees?

The Witness. Yes.

BY MR. GORDON:

Q Other than maybe recent times when you talked to your attorneys about this conversation with Clemens, have you ever mentioned it to anyone else? You mentioned perhaps your wife.

A Yeah.

Q And McNamee. But other than your wife, McNamee,

maybe conferring with your attorneys, you ever talk about it with anybody else?

A No.

Q Did you ever tell Clemens later on that you had used HGH?

A No.

Q Looking back on it now, it sounds like you learned about Clemens' use of HGH before you decided to try it. Do you think that played any role or motivated you in any way to give it a try?

A I don't think so. Because you know it was what, 3 years, a 3-year gap there probably. And you know it was, you know, the only thing that motivated me to use it was Mac telling me that he had heard that it could help repair, you know, tissue in my body.

Q When you went to use HGH yourself in 2002, did you remember the conversation then; in other words, did you remember then that Clemens had used it?

A You know what, I mean it never even -- never even crossed my mind. I mean I just -- that never crossed my mind. I mean, I was worried about Andy Pettitte, not about nothing else.

Q Sure. Did there ever come another time after this conversation you're talking about in '99 where you talked to Clemens about his own use of HGH?

A One other time.

Q When was that?

A In 2005.

Q Do you remember what prompted that conversation?

A Yeah. The congressional hearings. They were going on.

Q The hearings into --

A Steroids and baseball.

Q And where were you when you had this conversation?

A In Florida.

Q Was it just you and Mr. Clemens?

Mr. Farrell. You have to say out loud yes.

A Yes. Yes. I'm sorry.

Q Can you sort of tell me the story there of what happened there, what you guys talked about?

A Well, I knew that the congressional hearings were going on. And I thought for sure that someone was going to come up to me, a reporter, and start talking to me and asking me questions about it. And I was going to go ahead and just admit that, you know, I had used HGH when I had used it. And so we were, you know, in spring training in Tampa -- I'm sorry. In Kissimmee, Florida, when I was with the Astros. And I got Roger and just asked him, I said, dude, what are you going to say if anyone -- if any of the reporters ask you if you had ever used HGH? And he said,

you know, he said well, what are you talking about? And I said, well, you had told me you had used HGH. And he said, I never told you that. And I said, you didn't? And he said no. I told you that Debbie used HGH. And that's -- that was the end of the conversation right there.

Q Was he referring to his wife?

A Yeah.

Q Debbie.

A And between '99 and '05, I mean, those 6 years is the only two conversations that I ever recall having with Roger Clemens with regards to that.

Q What was your reaction to what he said?

A Well, obviously I was a little confused and flustered. But after that, I was like, well, obviously I must have misunderstood him.

Q But he had never told you before that his wife had used HGH, that was the first you'd heard of that, is that right?

A Yes.

Q Did you understand that he was saying that as a way or sort of a strategy to handle the press inquiries? I mean, was that the nature of your conversation?

A Not really. The conversation wasn't very long. That was really the end of the conversation. Just when he said that, I was like, oh, just kind of walked out. I

wasn't going to argue with him over it. You know.

Q It sounds like when you -- it sounds like your recollection of the conversation you had with him in 1999, you are fairly certain about that, that he told you he used it. Do you think it's likely that you did misunderstand what Clemens had told you then? Are you saying you just didn't want to get into a dispute with him about it so you dropped the subject?

A I'm saying that I was under the impression that he told me that he had taken it. And then when Roger told me that he didn't take it, and I misunderstood him, I took it for that, that I misunderstood him.

Q Did you ever talk to him about this again after that time?

A No.

Q About either his own use or his wife's use?

A No.

Q Did you ever talk to anybody else about what Clemens told you in 2005 about denying his own use but saying his wife had used it? Did you mention that to anybody?

A I believe I mentioned it to McNamee.

Q And what was his --

A Yeah. I did mention it to McNamee.

Q Was that pretty soon after you had that conversation with Clemens?

A Yeah.

Q And what happened then?

A I just -- I remember calling Mac, I believe, and telling him that -- that I -- that if I was asked, that I was going to, you know, probably tell, go ahead and just admit that I did something. And I believe I told him, you know, what Roger had told me. You know so that was, you know, that was that story.

Q What did he say about it?

A Um, Mac had told me, you know, do what you have to do but I'd rather you not bring me up into this. You'd get me in a lot of trouble. So that was a lot of the motivation as far as -- obviously it kind of hurt me from the standpoint where, you know, he tells me that, and I knew that I was going to bring him up and then his family doctor, you know, might get brought into it. So --

Q What did he -- what was his reaction to what Clemens had told you about denying his own use and saying it was his wife that had actually used it?

A I mean, I think he kind of blew it, like was upset about it, and was kind of like, whatever, wasn't a big huge discussion about that. It was just kind of like, just kind of blew it off.

Q It was your understanding that he didn't -- he didn't buy what Clemens was saying, is that right?

A Right.

Q That he knew otherwise?

A Right.

Q Did he say anything about that to that effect?

A I don't believe he did. I just think he just like
blew it off also.

Q Other than McNamee, did you ever mention this --
what Clemens had told you about his wife to anybody else?

A No. Again, other than my wife.

Q Other than your wife?

A No.

Q You know, the Mitchell Report contains allegations
from McNamee that he provided Clemens with steroids in
addition to HGH. Do you have any knowledge about whether
that's true?

A I don't.

Q Did you ever talk about it with Clemens?

A Never.

Q Or McNamee?

A McNamee.

Q You did discuss it with McNamee? Do you remember
when that was?

Ms. McKenzie. Please respond verbally for the record.

The Witness. Yes. What did you ask me?

BY MR. GORDON:

Q I'll ask it again. Did you ever discuss Clemens' steroids use with Brian McNamee?

A Yes.

Q Do you remember when that was?

A I don't remember exactly when it was.

Q Can you give me a ballpark, a couple years or something like that?

A It had to be in '02, '03 -- no. I would say '03. '03 or '04 maybe.

Q And do you mind sort of telling me the story of that conversation, how it came about, what you said?

A Well, we were -- we were at my -- we were at my house. You know we were in -- and I have a gym. We were training in my gym. And I can just remember, you know, Mac telling me that Roger, you know, that he had gotten steroids for Roger.

Q Was it just you and McNamee there at the time?

A Yes.

Q Do you remember anything else about it?

A I just -- I remember that Mac was upset. I just remember that Mac was upset and he was venting and he was -- you know, he was telling me that that, you know, that Roger, you know, had done steroids.

Q Do you remember why McNamee was upset?

A Yeah. I believe -- I believe it was -- I believe --

McNamee was working with a company called Invite, who makes a vitamin, which is a very good product. I still use it today. It's a good multivitamin. But Mac had asked me and Roger to do some sponsor promoting for it. And they were trying to work out deals -- you know, we were trying to work out a deal, compensation, stuff like that. Well, our understanding from -- my understanding from Mac was the company wasn't able to pay us a lot of money, you know, to, you know, have us, you know, maybe in their little brochure that they send out and stuff like that. And I just told Mac that I said, I mean, I don't want any money. If they give me the vitamin, I think it's a great vitamin. I hadn't been sick since I had been on this vitamin. And just you know I'd love to keep taking it. And just give me the vitamin. I don't want any compensation for it. And I remember Mac just being extremely mad and saying, you know, that Roger wanted to get a lot of compensation for it as far as money-wise. So that's really all I remember about the conversation, that Mac was kind of venting, you know, just venting about, you know, that. That's really all I remember about the conversation.

Q Were you surprised to hear that Clemens -- that McNamee was saying that Clemens had used steroids?

A Yeah. I mean, that surprised me. But I just kind of -- to tell you the truth, I just like, just kind of blew

it off. You know Mac would -- Mac would tell me all kinds of stuff just like anything as far as life. And I just kind of was an ear for him to chew on. And I just listened to him and just kind of, you know, acknowledged him and kind of pacify him and just listened to him gripe.

Q Did you have any reason to think he wasn't being straight with you about that?

A No. I mean, I would -- I had no reason to think that. No.

Q Were you surprised that you were just learning about it then and that you hadn't known about that before? In other words, you were pretty close with Clemens and trained with him a lot and worked with McNamee.

A Yeah. I was -- I mean, it surprised me when he said that, and you know again, that was the first I'd ever heard him say anything about steroids. So I just kind of, you know, I just kind of let it be as a wash, you know, just kind of go in one ear and out the other ear basically.

Q Did you ever -- did you ever express disbelief or say something like, is that really true or anything like that?

A I didn't, no.

Q Well, after McNamee told you that, did you mention it to anybody else?

A No. Other than the same that I've been telling you,

probably to my wife.

Q Okay. You never raised it with Clemens?

A I didn't.

Q Why not?

A I don't know. I really don't know. But I never mentioned it to him.

Q Do you remember whether McNamee was -- gave you any kind of details? Did you mention the name of a steroid or a name of a drug or anything like that that he had given him?

A No.

Q I think you just answered this question. But I will ask it in a little different way. Did you ever tell anybody else that you thought Clemens was or might be using steroids?

A No.

Q And did you ever talk about it with McNamee again?

A No.

Q So it was just that one conversation?

A Yeah.

Q Other than this conversation, did you ever have a time when you obtained information about Clemens using steroids?

A No.

Q I mean before this whole Mitchell Report came out.

A No. This was the only time I'd ever heard anything

about steroids.

Q You never talked to Clemens about how to handle press inquiries about the steroid issue?

A No.

Q I want to return to a couple of questions about you --

A Can I say -- I just wanted to tell you that I mean I know me and Roger had had other conversations about steroids. But it was always just like if I read something in the newspaper, you know, and somebody just failed a steroid test or something like that. So I just wanted to be clear with you on that.

Q That's helpful. So you talked to him about the topic, but only when it was a newsworthy item, that kind of thing?

A Yeah. Yeah.

Q Did you ever talk to him about whether you or him was considering taking steroids?

A No.

Q Ever talk to him about sources for steroids, McNamee or anyone else?

A No.

Q The pros or cons or health effects?

A No.

Q Have you ever used anabolic steroids yourself?

A No.

Q Other than the HGH that McNamee provided you in 2002 that you've already discussed, was there ever any other time that you used HGH?

A Yes.

Q Can you tell me about that?

A In 2004. 2004 I used it again. I was on the DL. My dad had been using it. I knew that -- I had found out I believe through McNamee that my dad was using it. My dad's had a world of health problems. In 1998 he had open heart surgery. He's now -- at this day he has nine stents in his heart. He's been on disability since he was 48 years old. Since he's had open heart surgery, he's never been back. He's had all kinds of different treatments and stuff like that. He did a treatment called alkylation therapy that I paid for to have him get it done for about 8 months. And he had a couple different shoulder surgeries. In '01 and he had another one in '03. There was a time that for a year, year and a half that I mean once a month it seemed like an ambulance was coming to the house to get him and take him to the emergency room, and just has never felt good. And my dad started taking it. I found out he was taking it. I believe I found out through McNamee maybe first. I'm not sure. I know my mother came to me also and was extremely concerned and asked me to get him to stop. So you know I

had a conversation with my dad. When my mom came to me and was showing so much concern, I didn't know much about it. All I knew was what McNamee told me that it could help repair tissue. So when my mom came to me concerned with it, I tried to find out a little bit about it. I went to the Astros' strength trainer, asked him about it. And he had told me that, you know, he didn't know a whole lot about it. He had just from maybe a seminar and stuff that he had went to he had heard that it could, if you had some kind of problems, you know, some kind of disease, cancer or something like that, it might accelerate, you know, the process. So I went back to dad with that, and you know just told him that I didn't think, you know, that he should be doing it, didn't recommend that he should do it.

Again, I was on the DL. First start of the season with the Houston Astros in '04 I check swung, very first at-bat, and I popped my tendon in my elbow. My flexor tendon. The next day I had an MRI, found out I needed to have surgery and decided not to have the surgery, you know, they recommended that I have surgery. But I just signed a \$30 million contract with the Astros. My first start with the hometown team and I was like, there's no way I'm going out like this. So got a few cortisone injections into my elbow that year through the team doctor to try to help me get back. I came back off the DL after trying to rehab it.

Went back on the DL. Had to miss a start here and there. Through all this I was getting Toradol injections, which was a painkiller that you get, you know, so I could just deal with the pain when I was making my starts. And the team doctors were administering that and the trainers for the Astros. And anyhow, just ended up going back to my dad. We were just having a conversation. I had asked my dad if he had had any of the HGH that he had had before. He ended up bringing me two syringes over to my house. And you know, I injected myself once in the morning and once at night. He had brought two syringes over. That's what he brought over to my house. You know, that's the best that he recalls also that he had brought two syringes over. And that was it. I did it that time. I did it for that day. And to this day, I don't know why, it doesn't make a whole lot -- heck of a lot of sense. I knew -- I think that's probably why I didn't continue to pursue it. I did it. I was desperate and you know I really knew that it wasn't going to help me. My flexor tendon was already torn. I knew I needed surgery. I would just say just out of desperation I tried to do it again. But that was the extent of it.

Mr. Farrell. And you did have surgery later that year to repair it?

The Witness. Yeah. I had surgery about a month and a half later.

BY MR. GORDON:

Q Did you say that this was in '04?

A Uh-huh.

Q And was that -- do you remember if that's the year that McNamee was your -- you hired him full time as your personal trainer?

A Yes.

Q But you didn't ask him to help you with the HGH at that time?

A No.

Q Did you tell him that you had taken some?

A No.

Q Did you ever tell Clemens you had taken it?

A No. The only person that knows in this whole world was my dad.

Q Other than what you just discussed and what's -- the 2002 injections that are discussed in the Mitchell Report, is there any other time that you took HGH?

A No.

Q Other than HGH, have you ever taken a substance that was banned by Major League Baseball?

A No. And when I took HGH both times, it was not banned from Major League Baseball. If it was, I would have never taken it.

Q And by that, you mean it wasn't on the list of

banned substances?

A Exactly.

Q Have you ever used any other prescription medication to help you heal or to enhance your athletic performance when you didn't have a prescription for it?

A No.

Q I apologize if this is a bit redundant and we've covered this already. But just to be clear, other than what you've already talked about here today, did you ever discuss with either -- did you ever discuss with Brian McNamee the subject of Clemens using HGH or steroids?

A I believe that -- you know that's all the conversations that I can remember.

Q Did you ever discuss -- other than what you've talked about today -- have you ever discussed with Clemens his use of HGH or steroids at any time?

A No. No.

Mr. Farrell. And you mean of course other than the ones he described?

Mr. Gordon. Yes, exactly.

BY MR. GORDON:

Q I suspect I know the answer to this one. But I will just ask it to be thorough. I think you said it was 1999 when Clemens told you he was taking HGH?

A Yes.

Q The Mitchell Report refers to allegations that Clemens took HGH in 2000. Do you have any knowledge about whether he took it in 2000?

A I don't.

Q Or any other years for that matter?

A No.

Q I want to ask some questions about other conversations that you might have had with others, other players about this topic of steroid use or HGH use. And we've received some information that there was a training session at Clemens' house in the 2001-2002 off-season that you attended and other players attended in which the subject of steroids or HGH was discussed. And I want to see if you recall anything about that.

Do you recall anytime when you were training at Clemens' house with McNamee and the topic of steroids or HGH ever came up?

A I don't.

Q I'll give you a few more details of what we've heard and see if it jogs your memory. And if it doesn't, it doesn't. The other players who were there at the time were C.J. Nitkowski and Justin Thompson in addition to you and Clemens, and Brian McNamee was there training you guys. And what we've heard is you were long tossing with C.J. Nitkowski in the gym in Clemens' house and Clemens

apparently mentioned his use of performance-enhancing substances to you and it prompted you to go to McNamee and ask him questions about it. You said -- apparently or that what we reportedly heard is that you said McNamee, you never told me about this before, about what Clemens is doing and it's making him feel great. Does that jog your memory at all as to that episode?

A I definitely remember being over there with C.J. and Justin. But I just -- I don't remember us having that conversation. I don't believe that -- I don't believe that we'd have been talking about that in front of those -- you know, the young kids you know.

Q Did you ever know or suspect that Clemens talked about his own use of steroids with any other players?

A Never.

Q Did you ever think that he might have talked to others like Jason Giambi, who had been linked to steroids in press reports?

A No. I mean, I had no reason to believe that. No.

Q You never suspected that had happened, that those two had talked?

A No.

Q Did you ever talk with Giambi about the topic of steroids?

A No.

Q And you never talked about steroids and Clemens with any other players, is that right?

A No.

Q As I'm sure you know, Clemens has very adamantly and publicly denied allegations of using HGH or steroids. He said he received injections from McNamee but never HGH or steroids and that the injections he got were different substances. It was Lidocaine and B12. Did you ever have any knowledge about whether Clemens received any injections of vitamin B12 from McNamee?

A No.

Q Lidocaine from McNamee?

A No.

Q Did you ever discuss with Clemens whether he received B12 at all?

A No.

Q Never talked about B12 with Clemens?

A No. Except other than our team physicians, you know, just in passing because, you know, they would -- the Yankees' team physicians would give the B12 shots. And I you know I got that plenty over the years.

Q Do you know if Clemens did as well; that is, get injections from the Yankees' doctors, B12?

A I think so, yes.

Q What about the Astros' doctor? Do you know if he --

A I don't know about the Astros.

Q Did you get B12 injections from the Astros' doctor?

A Not from the Astros' doctor. They didn't think it would do any good.

Q What's the purpose of getting B12 injections?

A Supposedly if you're sick, it makes you feel good. I think -- well, the Astros doctors tell me it's all in your mind. But the Yankees' doctor definitely believe that it could help because, you know, we did it, you know -- I did it in New York. If I started feeling tired or I felt like I was getting sick, you know, it was like, I have to go get a B12 shot, man. So go to the training room.

RPTS SCOTT

DCMN MAGMER

[10:55 a.m.]

Q Did you ever discuss with McNamee whether he gave Clemens a B12 injection at any time?

A No.

Q Did you ever discuss with McNamee whether he gave a lidocaine injection --

A No.

Q -- or any other pain shot to Clemens?

A No.

Q You never got any pain shots from McNamee; is that right --

A No.

Q -- nor any B12 shots --

A No.

Q -- from McNamee?

During a press conference that Clemens gave in early January, he referred to lower-back pain in connection with these injections. Do you recall whether Clemens had lower-back pain at any time?

A What year was this?

Q Well, it wasn't really specific, so I'm not sure what time frame he's referring to.

A I think -- I think he had some back problems in the

World Series in '05, and I know that -- I know that whatever Roger could do to -- again, there's so many -- you know, as far as just us talking or whatever -- if he was hurt, we'd both in the sense do whatever we'd do to get back on the field, you know. So I know that he was having some back problems, and I think he got some pain, you know, injections to try to get him through starting the World Series with his back.

Q Was it pretty common, if one of you had an injury, you would talk about it with the other --

A Yeah. Yeah.

Q -- about what kind of treatments you were getting?

A Oh, definitely. Definitely me.

Q Did he tell you that stuff as well?

A He's kind of -- you know, he doesn't -- he was never injured that much, you know, really. I mean, I was always trying to shoot stuff off of him with my elbow and, you know, just asking him for what he thought, you know, that I could do to help or whatever.

Q Have you ever heard of players getting injections for pain from a personal trainer like McNamee?

A No.

Q Would it surprise you if Clemens had gotten pain injections from McNamee?

A No.

Q It wouldn't surprise you?

A No.

Q Why not?

A I mean, I really don't know. I just -- you know, we were all very -- you know, we were all very close. We trusted -- I know I trusted Mac. If Mac told me to run through a wall, I would have tried to run through the wall, you know, at that time, you know. So I mean I trusted him and what he said, and -- I don't know. I'm saying I just -- if he thought that it could help him or if Mac had access to it or whatever, I would just think that he, maybe, would give him -- you know, he might have given him a shot.

Q Do you know whether McNamee ever injected any of his other clients, anyone other than you and Roger, with anything like B12 or a pain shot?

A No. I don't know.

Mr. Schiliro. If there is no objection, may I ask Mr. Pettitte a question?

Mr. Farrell. Sure.

Mr. Reisinger. Could you read his question back, please?

Mr. Schiliro. I think we have one more minute.

Mr. Farrell. Okay. Could I just clarify something?

I hope you didn't get the impression that Andy ever saw McNamee inject Clemens with anything.

The Witness. No. No. Never. Never.

Mr. Reisinger. I couldn't understand from the way you asked that last question. That's all.

Mr. Gordon. Thank you for that.

BY MR. GORDON:

Q Do you have any knowledge of whether Clemens ever used any substances that were banned by Major League Baseball other than steroids and HGH that we've already discussed?

A No.

Q Amphetamines?

A No.

Mr. Gordon. That's the end of my round of questioning, but I want to make sure to offer you an opportunity to take a break if you'd like one.

The Witness. I would love to use the restroom.

[Recess.]

Mr. Castor. I'm Steve Castor, Andy, with the Republican staff.

Again, thanks for joining us today. You've been very cooperative. We appreciate that. Your lawyers have been cooperative. That's to be commended. It's probably not the greatest day of your life to come here to Washington to talk about this stuff. We appreciate the difficulty this presents.

EXAMINATION

BY MR. CASTOR:

Q When did you first find out your name was going to be mentioned in the Mitchell Report?

A I think it was about 5 or 6 days before the report came out.

Q How did you find out?

A McNamee called me, and I was actually on my way down to my ranch, and I just was getting out of Houston, and he had called me -- he called me and said, hey, man, I need you to call me from a land line as soon as possible, and I mean -- I was like, you know, you're like what's up. Something's going on. So I said, I'm heading to my ranch. I won't be able to get to a land line. I mean, it'll be 5 or 6 hours. I said, you know, I'll try to call you when I get back from there; and he said, I can get in a lot of trouble if anybody knows that I'm talking to you. So that was it. He hung up.

You know, I called my agents, the Hendricks Brothers, and told them the call that I just got; and, you know, they said, whatever you do, don't call him back. So I didn't call him back. I didn't call him back.

Mac continued leaving me messages and text-messaged me for the next couple of days, just basically saying, I'm sorry, man. I apologize. They made me talk. You know, I

hope you'll speak to me again someday. You know, just kind of stuff like that.

And then, finally, he just sent me a text and said, I understand you can't talk to me, and that was -- you know, that was -- that was it. I kind of assumed -- I mean, I knew that -- you know, that something, you know, had happened where they'd -- you know, he had to say something to them about it.

Q During that period, did you talk with Roger?

A No.

Q It was just between yourself and the Hendricks Brothers? That was the universe of folks you were communicating about with that?

A Yeah. Yeah.

Q Did you get a sense it was the Mitchell Report that he was calling about?

A Oh, yeah, yeah.

Q Did you ever get any letters from Senator Mitchell inviting you to come down and talk with his staff?

A No, I did not. My agent, Randy Hendricks, got one.

Q One letter?

A I believe one. That's all I know of was one.

Q When did that come in, do you know?

A I think Randy called me about August, maybe, and told me that they were wanting to speak with me.

Q Did you see the letter?

A No.

Q Did you have any discussions about whether it would make sense to go down and talk to the Mitchell folks or was it pretty much preordained that you weren't going to --

A Yeah.

Q -- get in the mix there?

A Pretty much. I think we, you know, for a second talked about it, and I asked him a question, and I just said -- I remember him saying that, you know, there's no active players that are talking. So I mean, to me, you know, that was kind of the end of it, and then I wasn't going to talk either.

Q Did you talk with Clemens at all about whether he was going to go down?

A No.

Q I guess there was an L.A. Times story in '06 -- October '06 that was reporting the Jason Grimsley news. The L.A. Times story, you were in it and so was Clemens as being supposedly --

A Right.

Q -- in the Grimsley affidavit.

Did you think that that was what the Mitchell Report folks were interested in --

A I didn't think so.

Q -- or did you think it was the HGH use in '02?

A Yeah. I just -- I knew that -- I mean, I just had a feeling that he had told me -- I mean, that he had told them that, you know, he injected me in '02 with it.

Q Looking back on the allegation that your name was in the Grimsley affidavit, what do you remember from that?

A I just remember that -- I can't remember exactly. I just know that before that came out that there was -- that I had heard that my name was going to be in the report before it even came out. So I just -- I remember -- I know for a fact I went online and was looking at the affidavit and reading through it; and, as I read through it, I was like there's no way -- there's no way my name's in this thing, you know, so -- and then the season continued, and I mean this was, maybe, in the middle of the season in '06. You know, so I just kind of, you know, kicked it aside or whatever and just didn't think anything of it.

And then, you know, the last -- the second to the last game of the season, I think our owner and our GM calls me and Roger into, you know, the office in Atlanta, and it was late -- I mean, it was late after, you know, the second to the last game of the year, and they told me that, you know, our names -- the L.A. Times was going to run an article saying our names were in the Grimsley report. So, you know, that's kind of what I remember about it.

Q There were some names that were blacked out at one point; and then I think, after the Mitchell Report came out, they released the full affidavit. Do you remember if McNamee's name was in the '06 --

A I don't know.

Q -- or was his name blacked out or you don't know?

A I don't know if he was in it or not.

Q You played with Grimsley for, I think, 2 years in New York, '99 and 2000?

A Uh-huh. Yeah.

Q Did you ever have any discussions with Jason Grimsley about the use of HGH --

A Never.

Q -- or anabolic steroids?

A Never.

Q So is it fair to say that -- when your name was connected to Grimsley's, is it fair to say that was a surprise to you?

A Yeah, big time.

Q Did McNamee ever ask you or -- "ask" is the wrong word. Did he ever tell you anything about the Grimsley affidavit?

A No. Well, I think we did talk about it, and I think that -- I think we did talk about it, and I think that he was -- he didn't think that he was in it either, that his

name was in there either. I'm sure we've talked. I'm sure we talked about it, yeah.

Q After the Mitchell Report came out, I guess the Hendricks released a statement on your behalf --

A Yes.

Q -- talking about the one use of HGH over a 2-day period in 2002.

A Uh-huh.

Mr. Reisinger. Steve, just for clarification, there were two statements that actually came out.

Mr. Castor. Okay.

Mr. Reisinger. There was one that came out the Thursday night that the Mitchell Report was released and then another statement on behalf of Andy that was released that Saturday.

Mr. Castor. Okay. I think I'm talking about the Saturday one.

Mr. Reisinger. Okay.

Mr. Castor. It's lengthier.

The Witness. Uh-huh.

BY MR. CASTOR:

Q Obviously, it omitted the '04 HGH use, and I thought it might make sense to give you a chance to talk about, maybe, why that wasn't in the statement.

A Uh-huh. The main reason why was because of my dad.

And I mean I knew that my dad had brought it over to me. I didn't want to bring my dad -- he's my dad. I didn't want to bring my dad into it. And, at that time, I was having a real hard time recollecting even if I'd -- what I did. I imagine because it was my dad just -- and it was me and my dad, no one else. Nobody else knows about this. But, you know, I thought that maybe -- that -- I mean, I was just trying to protect him, I'm sure, you know. And, again, it was for a day and, you know, was very insignificant, but, you know, that was -- that's -- that's not -- that's not a true statement, and I released that statement.

Q Any time a person has a management firm like the Hendricks -- an agent, a lawyer -- obviously, these statements are a combination of your thoughts, the advisor's thoughts, because it was a pretty hard-hitting statement.

A Uh-huh. Yeah.

Q I have tried to do things the right way my entire life -- and, again, ask that you put those 2 days in the proper context, pretty much zoning in on those 2 days.

A Yeah.

Q Did you have any reluctance going forward with language that was as strong with the Hendricks folks?

A No. I mean -- that statement -- you know, it kind of -- I know it kind of, maybe, doesn't even make sense, but when I released that statement, I just -- I felt -- I was

having a hard time even thinking that I ever even had done anything else. But over the last 2 months, you know, I just know that when I released that that's not a true statement. You know, I could recall doing it again.

Like I told you, it was my dad that gave it to me, so I would imagine, just out of protection and trying to protect him, I was worried about what people would think if I did say that or bring him up that it would -- you know, that it would look -- it would look terrible. But, you know, that's what it is. I'm under oath now, and, you know, I have to tell you guys the truth about it.

Q When you called your dad in 2004 and had him bring the HGH over to your place, had you decided at that point that, you know, maybe you were going to use it again?

A Yes. Yes.

Q Prior to that, you had, I think you'd said, tried to convince your dad that this is not a good idea.

A Yeah.

Q Did you have any back-and-forth with your dad that you remember about? You know, on one hand, you were telling your dad this was not a good idea, and then now you're calling him, asking him to bring it over?

A Yeah.

Q What do you remember from that?

A I don't remember -- you know, I just can't remember

a whole lot of conversations, you know, as far as that. I don't know exactly how it went, but I just know that, you know, I talked to my dad, probably, you know, a month or so in advance up to him giving it to me and just, you know -- and told him what -- I'd spoke with, you know, our strength trainer about it for the Astros and just said that he thought it was a bad idea.

I knew that I had taken it before. I knew why I'd taken it before. I knew I was 31 years old, 32 years old. I mean, I wasn't concerned about my health from the standpoint where my dad's got stints in his heart; he's had open heart surgery. I mean, he's doing all this other stuff. You know, I just --

Again, I don't know what to tell you other than I was desperate, just trying to do anything that I could. You know, now that I look back on it, it was about as boneheaded as a -- you know, just as boneheaded a thing as I could have done. I mean --

Q Well, it wasn't banned by Major League Baseball at the time.

A No, but you have to take this stuff. You know, you have to take this stuff for an extended period of time, and that was never -- that was never the issue either time that I tried it.

Q Do you have any idea where your father obtained the

HGH?

A Yeah, I do now. Yes.

Q Where is that?

A The gym that he works out in. A guy that's the trainer there.

Mr. Farrell. Just to be clear, when you say "you do now", you mean your father has told you.

The Witness. Right.

Mr. Farrell. You didn't know at the time?

The Witness. No.

Mr. Farrell. And he has told you since long after 2004. I mean, he didn't tell you in 2004. He told you recently.

The Witness. Right.

BY MR. CASTOR:

Q When you talked about HGH with McNamee, going back to '02 or before that, was there ever a discussion that you remember that it's important to be careful where you get some of this stuff from?

A I don't remember. I don't remember a conversation like that.

Q Because I imagine one of the -- you know, through baseball, you know, apparently, you know, anabolic steroid use is, you know, a lot more widespread than initially thought. And I think it's fair to say with the use of

anabolic steroids there is a problem about, you know, where are you getting this stuff. Is it coming from Mexico? Is it coming from somebody whom you trust?

Did you ever have any of those "you've got to be careful where you're getting some of this stuff" because you don't -- you know, it's not --

A No. I mean -- no. I asked Mac for it. You know, I just trusted that -- I just trusted him. I mean, you know, I trusted that he was getting me whatever was the right stuff, you know.

Q I guess, after the '01 season, McNamee was not with the Yankees anymore. He was Manhattan-based, I guess, or New York area-based?

A Yeah.

Q For the '02 season, you were down in Tampa on a DL.

A Uh-huh.

Q Do you remember how long he was in Tampa with you?

A Yeah. I think he was there for a week and a half.

Q A week and a half?

A Yeah.

Q You flew him down. So I guess that meant you paid for his airline ticket?

A Yeah.

Q Did you pay him like a weekly stipend or anything?

A Yeah. Obviously, I paid for his airline. I paid

for his hotel room. I paid for food. You know, we ate meals together, you know, every meal together pretty much, and I wrote him a \$1,500 check whenever he left.

Q Do you have a recollection if you talked with McNamee before he flew down about the possibility of using HGH?

A I don't think we did. No, I don't think we did.

Q So he was there for about a week, you said. Do you remember when in the course of the week you first talked about using it? Was it right after he got there?

A Yeah, I'd have to say it was right after he got there that we started talking about it. Because I believe we -- like I said, I mulled it over for, I think, 2 or 3 days or so and then told him to get it, and then he had -- you know, the next day, he had it or the day after that. So I mean he might have been there for 5 days, you know, before I decided to take it.

Q So you think he went out and got it somewhere while he was in Florida?

A Man --

Mr. Farrell. To the extent you know.

The Witness. Yeah, I don't -- like I said, I think he told me that he got it from his family doctor. That's what I recall.

BY MR. CASTOR:

Q But he probably didn't have a doctor in Florida.

A No. I didn't -- I don't think I assumed that he did. I just assumed he either had it with him or he had it shipped down overnight or --

Q Oh, okay.

A That's what I assumed.

Q That's another possibility.

Did he have any discussions with you about keeping it confidential, that you can't be telling people you're doing this stuff?

A No, not that I can remember.

Q Any conversations about, even if you were drug tested, it wouldn't show up?

A Yeah. I'd have to say that there were, that I did know that, you know, because I don't know -- I'm sure they were testing us at that time for something. You know, I don't know what. So, I mean, I would think -- I would think that I definitely had asked, you know, about that.

Q I mean, that was before anabolic steroids were unfolding in a big way.

A Yeah. Certainly, there may not have been. If something -- if there wasn't something banned, then I wouldn't have asked him that, you know, but --

Mr. Farrell. Wait a minute, Andy. So -- you're going back and forth. Do you remember whether you talked to Brian

McNamee about whether the HGH would show up on any sort of screening test that baseball had?

The Witness. All right. Then I would say no. No, I don't remember a conversation.

Mr. Farrell. Just try to stick to answering his question as to what you talked about and not what you're guessing.

The Witness. Oh, I'm sorry.

Mr. Farrell. That's okay.

BY MR. CASTOR:

Q But you had an awareness that HGH wasn't steroids?

A Yes.

Q Did McNamee tell you anything about it's a naturally occurring substance in the body, and it promotes healing, which is good for injured people? Do you remember anything like that?

A Yeah, that's what he told me. He told me, you know, basically that. He told me that it's supposed to be a wonder drug as far as recovery. And, like I said, the main thing that sticks out in my mind is he told me that it could help repair tissue, is what he'd heard; and so that was the only reason why I ever even considered doing it.

Q Do you remember anything about the length of time you were signing up for this HGH?

A Yeah. No.

Q He didn't say you needed to take it for --

A Yeah. No.

Q -- a certain amount of time?

A No, he didn't. I mean, it was just -- I just kind of went into it like blindfolded. I didn't know nothing about it.

Q Then at some point you said you felt uncomfortable?

A Yes.

Q You said part of feeling uncomfortable was that you're in this guy's hotel room. He's not a trainer -- or, you know, a team trainer -- and he's not an orthopaedic surgeon, and he's not another kind of doctor.

A Yes.

Q Is that primarily why you just felt uncomfortable?

A Yes.

Q You said you met McNamee in '99. Was that after he was done with his stint with the Blue Jays?

A Yeah. He came over with Roger and, you know, worked with the Yankees as the assistant strength trainer.

Q I forget when Roger signed with the Yankees or, I guess, he was traded.

A In spring training.

Q Was he traded in the spring training of 2000 or of '99?

A '99.

Q '99. Okay.

So Roger was on the Yankees for all of '99?

A Yes.

Q McNamee was up in Toronto, I think is what was going on, right? Didn't he have another year left with the Blue Jays?

Mr. Farrell. McNamee or Clemens?

Mr. Castor. Yes, McNamee.

The Witness. No. McNamee came over in '99, I believe, unless I'm going crazy.

Mr. Farrell. Well, the answers are about what you remember.

The Witness. Yeah.

BY MR. CASTOR:

Q Because I think McNamee, as I understand it, reported in the Mitchell Report and whatnot that Clemens was traded and that McNamee had another year left with the Blue Jays.

A Okay. Okay.

Q Then McNamee joined the Yankees organization for the 2000 season.

A Okay.

Q If that is the case, does that sort of push everything back a year like when you first met him?

A Yeah, definitely. I mean, I would have never met

him until that off season then in '99.

Q Do you remember where you met him?

A I don't remember the first time, you know, that I met him, no.

Q So you don't remember meeting him when he was on the Blue Jays' staff?

A No, I never met him while he was on the Blue Jays' staff.

Q As we understand it, Clemens had the Yankees, you know, bring him in. Do you remember that?

A Yes.

Q So you don't remember whether you met him at Roger's house after the '99 season?

A Yeah, that's where I would have had to have met him for the first time.

Q Okay. You met him, probably, at Roger's house, to the best of your recollection?

A Yes. He wasn't on the team in '99. I'm losing my mind.

Mr. Farrell. It's a long time ago.

BY MR. CASTOR:

Q Was it right around that time when this first discussion with Clemens and HGH may have happened?

A Yes.

Q Do you remember where the discussion occurred? Was

it at Roger's house?

A Yes.

Q I forget if you said this earlier, but did you have a conversation with McNamee shortly thereafter about the use of HGH?

A Yes.

Q Was it something along the lines of "tell me about this" and "how does it work?"

A It was just -- yeah, it was like, you know, what is HGH, you know. You know, Roger told me that, you know, he was doing it, and then that was -- and then, like I said, Mac was kind of upset that he had said that to me, and I don't think we had very much of a conversation about it.

Q I guess, after Rusty Harden came in the mix, he had his investigators go up and talk with McNamee, and they produced a transcript of that interview. I believe, at that time, you were a client of Harden's; is that right?

A Right. Yes.

Q And I believe your attorneys, you know, gave us a copy of that transcript, but maybe not.

Mr. Farrell. Yes, I think Rusty did, but we have a copy, and Andy has seen it.

Mr. Castor. You have a copy of it.

Mr. Farrell. Yes.

Mr. Castor. I think maybe that's what happened.

BY MR. CASTOR:

Q Have you had a chance to look at that transcript?

A Yeah, I think I have a little bit.

Q He talks about one conversation with you and the use of HGH in that transcript, and I'm just wondering if that was the conversation, the way he describes it.

Mr. Farrell. I just need to help him out. I think you have to be more specific. I think what you're talking about is the CJ Nitkowski-Thompson conversation.

Mr. Castor. Right.

The Witness. Yeah, I think that's the one he's talking about also.

Mr. Castor. I think it's on page 104 of the transcript.

Mr. Farrell. That's right.

BY MR. CASTOR:

Q Yes. Obviously, people's minds get, you know, fuzzy, but does that refresh your recollection? Is that sort of the --

A Yeah. No.

Q I mean, maybe the year was wrong.

A Yeah. I don't -- I don't remember that conversation taking place with CJ and Justin Thompson, you know, there.

Q But, to the best of your recollection, there was only one conversation with McNamee?

Mr. Farrell. Do you mean before he used it?

Mr. Castor. Right.

The Witness. Help me out again.

Mr. Farrell. All right. You only had one conversation with Brian McNamee about HGH before you used it with him in 2002. Is that accurate? It was only one?

The Witness. Yeah. Yes, in regards to Roger; and then, like I said, like I can't remember a specific conversation, but I had to have asked him other questions --

Mr. Castor. Sure. Right.

The Witness. -- about it, you know, to start talking about it in Tampa with him.

BY MR. CASTOR:

Q So, '04, was that the year that he was your personal trainer?

A Yes.

Q Did he move to Houston before that?

A Just whenever I would have a home stand, he would fly in.

Q Okay.

A I have a gymnasium out separate from my house and a room out there, and he would stay out there.

Q Do you know what he was doing with Clemens at the time? Was he also working out with Clemens?

A Occasionally. Not very often.

Q I guess you kept in touch with McNamee a little bit after he left the Yankees at the end of the '01 season. Do you have any idea what he was doing in '02, in '03 and in '04?

A I stayed in touch with him. You know, he got into some trouble in '01 which caused the Yankees to release him; and, you know, he just stayed in touch with me to -- you know, because he wanted to continue to train -- to train with me and stuff like that and really just, you know, wanting me to say that he was -- you know, give his side of the story. I'm straightening myself out, you know, because I wasn't going to train with him anymore.

So it was more of just -- more calls of just saying, you know, apologizing, you know, that this happened. I was in the wrong place at the wrong time kind of thing; and so, you know, I continued -- I told him I would continue to work with him.

Q And you told us about 2002. Do you remember anything that he did with you or with Roger in '03? I think you both were on the Yankees at that point.

A Yeah. I mean, he continued to work us out. He would meet us on the road, you know, and we would train on the road and stuff like that at places that were kind of close, you know. So we still -- you know, we still continued to work out with him. Me on the road, that's it

to the extent on the road in '03.

Q Then, in '04, you guys both go to Houston --

A Uh-huh.

Q -- and sign with the Astros. You brought Mac on board as your personal trainer. You said you paid him a salary, I think.

A Yeah. Roger retired. So, when Roger retired, you know, he, you know, was wanting me to, you know, use -- you know, try to get me to use him full time, and so, you know, I decided to, and I paid him a salary, you know, that year.

Q When did Roger unretire the first time?

A Probably -- I think it was like January.

Q Okay.

A Yeah.

Mr. Farrell. Of which year?

Mr. Castor. Of '04. I'm sorry. Of '0 --

The Witness. Yeah, of '04.

BY MR. CASTOR:

Q Yeah, of '04, because you signed first with the Astros.

A Right.

Q Then Roger signed in January of '04, to the best of your recollection?

A Something like that.

Q Did McNamee when he was your guy, your trainer, have

access to the Astros' facilities?

A No.

Q Did most of the training that he helped you with happen at your place?

A Yeah.

Q Did Roger join you or did you do the training at Roger's, too, after he signed with the Astros?

A Roger would come over occasionally and work out with us; and I think probably I went over to his house maybe occasionally, too, just to mix it up, you know.

Q Do you know if Roger was paying him as well at that point in '04?

A I have no idea if Roger was paying him in '04 or not.

Q Then you decided not to have him as your salaried --

A Yeah.

Q -- trainer going forward in '05 --

A Right.

Q -- and '06, but was he still working with yourself and Roger?

A Yeah, just not -- not to the extent that we were before, but, yeah, he still worked with us.

Q Do you remember was there a falling out between him and Clemens at any point in time or was it merely just the way things happened?

A Yeah, I think it's just the way things happened. I think Roger was just getting older. He couldn't train, you know, like he used to, so it was just a necessity to have Mac around like we were training. You know, it was just -- and, to be honest, they had worn me out, you know, also to an extent, so --

Q How common is it for players like yourself or Roger to have personal trainers nowadays?

A Nowadays, it's pretty common.

Q Going back last year on the Yankees, do you remember, of the 25-man roster, how many guys had personal trainers, to the best of your knowledge? Most of the big guys?

A Yeah, I would say so. Yeah. So I'd say six -- five, six.

Q McNamee liked working with you and Roger, right?

A Yes.

Q He, by all accounts, was good at what he did. Is that a fair statement?

A Yes.

Q There had been newspaper articles that both Clemens and yourself had a legendary workout regimen. Is it fair to say that McNamee had a role in that?

A Yes.

Q So I would gather -- and maybe I'll see what you

think about this. Is McNamee one who's like at the top of his game? I mean, if you're a personal trainer and you're signed up with Roger Clemens, is it fair to say that you've reached sort of the peak of your profession?

A Mac's as good a trainer as I've ever seen. You know, I've sent, you know, kids to him, you know. I mean, I have him try to train my kids when he's around, you know. He's very good.

Q You know, his credibility is being called into question by what was reported by Senator Mitchell, and Clemens has been outspoken that McNamee is telling falsehoods. So I'm just trying to understand if you would know of any reason why he would want to put an end to this relationship with Roger and yourself by telling falsehoods.

A Yeah. No, I don't.

Q Do you have any reason to believe that anything that has been reported, you know, in the Mitchell Report is false that McNamee has said?

A No, not me.

Mr. Farrell. About?

BY MR. CASTOR:

Q Are you aware of anything that he has said that is false?

Mr. Farrell. Well, Andy said not about him. Could you be more specific about who --

Mr. Castor. Well, McNamee --

Mr. Reisinger. I mean I think we'd better start with did he read the entire Mitchell Report.

BY MR. CASTOR:

Q Well, did you read the parts of the Mitchell Report that deal with McNamee? I think that's the Knoblauch piece, the Clemens piece, the Pettitte piece -- obviously, your piece.

A The only piece that I've ever read of the Mitchell Report is what's been written about me.

Q Okay. So your ability to analyze his credibility is very limited to what he said about you in the Mitchell Report?

A Yes.

Q Okay. That was my question.

Do you ever remember any conversations about when BALCO came out with McNamee about whether the question would arise of HGH use?

A No, I don't.

Q Right around the BALCO time, Sheffield was quoted in one of the New York papers, saying something to the effect that somebody ought to check Clemens' water. Do you remember that?

A I don't.

Q It might be helpful to walk through Mac's program

with you, because I think there are a lot of folks who may not know a lot about baseball and what pitchers do in terms of running. They hear of Mac's program; and, you know, I've heard people discuss it cynically that, you know, Mac's program was doling out steroids or HGH. So it might make sense to just walk through at a 5,000-foot level the types of, you know, athletics he was putting you through.

A Uh-huh. Well, I mean, obviously, that would be extremely difficult because, you know, there's so much that we would do throughout the course of a 5-day period to get ready for your start. But I think when you say "program" it would be an aerobic program that we'd do, and it's basically a session of running with agility, with a whole lot of ab work mixed in together, and I think that's the legendary workout that people, you know, can't do or whatever.

And it really just is a mile or a mile-and-a-half run to just start off your workout and then literally just a series of agility work and different sets and different kinds of repetitions throughout it, combined with some sprint work in between the sets, then ab work and -- a whole lot of ab work, and it would last 30 to 45 minutes, and that was the -- you know, the extent of the legendary, you know, you know, program that he would run us through as far as the cardiovascular program.

Q Did he have a weightlifting routine for you guys

to --

A Yeah.

Q -- participate in? Did he design that or tell you what to do?

A I don't know if he designed it, but we had a -- we had a set -- you know, a routine where the day after we pitched was a heavy leg day for us, which -- you know, we lifted extremely heavy on our lower body; and then the next day it would be an upper body day, which we never lifted heavy on an upper body day at all. Then the next day would be a light leg day; and the next day would just be kind of a cardiovascular, kind of low intensity, and get ready to make your start the very next day.

Q You said earlier at one point, you know, when you got into your 30s, you realized that it was becoming more difficult to do what you did when you were 28.

A Yeah.

Q Did you ever wonder how Clemens was continuing the intensive training at his age?

A Yeah. I just chalked it up to being Roger Clemens. Amazing.

Q The program you just walked us through, how does that compare with other major league starting pitchers, to the best of your knowledge? I mean, were you lifting more weights than most folks or running more than most folks?

A I mean, I would say that we were, definitely. I don't want to say that, because I think you kind of sound arrogant if you say that, but I would have to say that we were probably doing a lot more work than most people were.

Q So did you credit any of your success or did Roger credit any of his success with the intensive workouts with McNamee?

A Oh, yeah, I'm sure that we have. Yeah. I can say, for myself, that the workouts have definitely helped me.

Mr. Farrell. I mean, besides designing it for you, he pushed you through it and made sure you gave your utmost, didn't he?

The Witness. Yeah. Yeah.

Mr. Farrell. Was that part of what he was really good at?

The Witness. Yes. Yes.

BY MR. CASTOR:

Q You said the Yankees' trainers gave you B12 shots, and that was available, and with Houston it was not?

A Right.

Q Was it the team physician who would give you the B12 shots?

A The trainers would --

Q The trainers would, too?

A -- in New York, yeah.

Q How about lidocaine? I forget what you said this morning. Have you ever had a lidocaine shot?

A No. No.

Q You've had cortisone shots?

A Yes.

Q Any other shots you can think of?

A No. That would be it.

Mr. Farrell. Toradol.

The Witness. Yeah. I'm sorry. Toradol is a painkiller.

BY MR. CASTOR:

Q Do you remember if that was administered by the orthopaedic surgeon?

A It was administered by our orthopaedic surgeon, Dr. Lintner, in Houston; and it was also administered by our team trainer in Houston.

Q So, in Houston, the trainers would give out these shots, too?

A Uh-huh.

Q You have been very clear that you've never done anabolic steroids, and I want to say that I hear you, and I just want to ask you some of the more commonly talked about anabolic steroids, whether you've ever heard of them.

A Uh-huh.

Q Have you ever heard of Winstrol?

A I can't say that I have, other than hearing the Mitchell Report come out, and they'd start, you know, talking about it.

Q How about Decadurobolin?

A No.

Q Have you ever heard the name of any specific anabolic steroid?

A No.

Q Anadrol 50?

A No.

Q Sustanon?

A No.

Mr. Farrell. Are you okay? Do you need a break?

The Witness. I'm okay.

BY MR. CASTOR:

Q What types of over-the-counter supplements? I guess you talked about the multivitamin from InVite Health. What other types of supplements are part of the program for you?

Mr. Farrell. Do you mean Mac's program?

Mr. Castor. No, for Andy.

Mr. Farrell. Oh.

BY MR. CASTOR:

Q What type of supplements -- have you ever used Creatine?

A Yeah. Yeah.

Q How about some of the other -- how about Androstenediol? It's not a steroid. It's not an anabolic steroid. You know, it's the thing that Mark McGwire said he was taking.

A Yeah.

Q It's like a steroid precursor. Have you ever used Andro?

A No.

Q Any GNC products?

A You know, all I can tell you is that I take like a protein drink that -- you know, that I get from our trainers with the Yankees. I don't know what the stuff has in it. They just tell me -- they tell me it's a protein drink. It has protein, you know. So, you know, the trainer for the Yankees will make me up one after I pitch. It's supposed to help with recovery and stuff like that, so -- that's one of my downfalls, I guess. I don't ask a whole lot of questions about stuff. You know, I just kind of trust people to give me what's good for me, I mean, if I surround myself around them.

Q You're familiar, I guess, with the BALCO scandal or the distribution of the cream and the clear. I mean, are you familiar with that story somewhat?

A That's about it, yeah. I'm just familiar with the story.

Q There is another sort of similar story out of Albany, New York; and it involves getting doctors who are not your doctor to write you a prescription to a wellness center. And some of the folks -- it has been reported in the Mitchell Report and in news stories that they're getting HGH through wellness centers. Have you ever had a relationship with a doctor who wasn't your doctor where the doctor prescribed something for you?

A No. No. No.

Q Do you have any awareness of Clemens' friendship with Canseco?

A Yes.

Q Are they good friends, do you know?

A I'd have to say it seems like they are.

Q When Canseco's book came out in 2005, did you have any awareness of what he was saying, you know, the allegations he was making about the use of anabolic steroids throughout baseball?

Mr. Farrell. Did you read the book, first of all?

The Witness. Yeah. No. I mean, I didn't read the book, no. I was aware that he was bringing up stuff, you know, and that, you know, steroids is more prevalent than people think, but as to any further extent of it, that's about all. I've never read the book. I never really paid any attention to, you know, what it was saying.

BY MR. CASTOR:

Q Did you ever have any conversations with Clemens about the book?

A Yeah, I think we had a conversation. I think it said something about Roger in there, that he took B12 shots; and, I mean, you just asked me that, and I think that was, you know, the extent of it.

Q Did you have any other friends or baseball players who you remember who were named in the book?

A No, not that I can remember.

Q There has been a report recently that Canseco reached out to a now current major leaguer with an opportunity to avoid being included in Canseco's next book. That major leaguer, instead of pursuing the opportunity, notified the FBI.

A Uh-huh.

Q Did you ever hear anything like that, you know, that Canseco might be approaching guys and affording them the opportunity to participate in a business deal with him to avoid inclusion?

A No, not until this came out.

Q There was a news story about an alleged or an apparent abscess that Clemens may have had. In the transcript -- it's on 97, if you want to look at it -- McNamee talks about injecting Winstrol in such a manner that

it caused an abscess.

Mr. Reisinger. I'm sorry. What page is that?

Mr. Castor. 97.

Mr. Farrell. 97.

BY MR. CASTOR:

Q There were some news stories about this apparent abscess, and I just wanted to see if you've ever had any conversations with Roger about an abscess that he may have had and whether it was from steroids or not.

A No.

Q As I understand it, it was in the '98 season, so you weren't teammates at the time.

A Right.

Q Looking at pages 99 and 100, McNamee told the investigators that you had expressed a concern to him that Clemens was talking too freely and, perhaps, with Giambi --

A Uh-huh.

Q -- you know, about using banned substances.

Do you have any recollection of any type of conversation that --

A I don't. I don't remember that conversation.

Q That, I guess, gets back to that news report where Sheffield said you ought to check Clemens' water. You said you don't remember that either?

A I don't. I don't remember that conversation.

Q During your tenure with the Yankees, I guess, the first tour -- '95 through '03 -- were B12 shots always administered or was there a particular point in time when they started becoming available, to your knowledge?

A I think that they went away a little later. I think I was -- that they were giving them to me, you know, earlier in my career. So like the longer I was with the Yankees the less frequency, I think, that anyone was getting them.

Q A lot of doctors -- and I think you had said this about the Astros --

A Yeah.

Q -- medical personnel, say B12 doesn't do anything for you, but it's commonly known -- at least down in the Dominican Republic, a lot of Latin players grow up with taking B12 shots. Did you ever have any awareness that maybe some of the Dominican Republic guys like B12?

A No. No. In my early days with the Yankees, there weren't a whole lot of Latin players on my, you know, teams then, so --

RPTS McKENZIE

DCMN MAGMER

[12:04 p.m.]

Q One of the -- one of the things about B12 we were wondering was whether -- whether or not it helps or has an actual medical benefit?

A Right.

Q We were wondering whether maybe the trainers or the approved medical personnel were giving B12 shots because they thought to themselves, it's better we do it than have the players do it themselves. Do you have any thoughts about that? Could that have been a reason?

A I'm not really understanding the question, maybe.

Q Major League Baseball's chief doctor says B12 doesn't do much. The Astros' doctor said B12 doesn't do much. A lot of the folks we talk with, USADA, the U.S. Anti-Doping Agency, says B12 doesn't do anything.

A Okay.

Q And that being said, a lot of players like B12 --

A Uh-huh.

Q -- and so I guess the question was, I was wondering whether you thought maybe the approved medical personnel were giving B12 shots just to avoid the players giving it to themselves?

A Oh, I don't think so. I just -- I believe over the

years that maybe they've proven that it really doesn't do a whole lot. Like I said, early in my career I know they gave them to us. And if you give me something and, you know, and I felt like I got better, you know, mentally I'm thinking I need another B12 shot. So I just think over the years that there have become -- evolved some stuff that B12 really doesn't work. Because the Astros were adamantly saying, it does nothing for you, where the Yankees training staff was, you know, would give it to us.

Q Did you ever notice an effect from it?

A I can't say that I really did, no.

Q So when the Astros told you that we don't do that, it wasn't a big deal?

A I kind of bought into it. Yeah, I did.

Q Did you ever get any B12 shots when you were on the Astros outside of the -- McNamee or anyone ever give you a B12 shot when you were on the Astros, to your knowledge?

A No.

Q Is it possible that players talked about B12 shots as sort of a code or a way to avoid talking about getting steroid injections.

Mr. Farrell. Is it possible?

The Witness. Not that I know of.

BY MR. CASTOR:

Q If players were using anabolic steroids, you know,

on the Yankees when you were there, is it fair to say that they didn't talk about it? We're not asking for any names. I'm not going down that path. But if people were using steroids, was it something that was confidential in nature?

A I'd say it had to have been. I don't know of anyone that has used anything except me.

Mr. Farrell. You're the only one.

The Witness. And the reason -- you know, the reason we go down that path is because outsiders hear about all the steroids in baseball so they sort of jump to the conclusion, now everyone's got steroids in the locker room. And any player who ever played during the, quote, steroid era and said they didn't see any steroids is -- you know, they have a hard time swallowing that. And I'm trying to say that maybe this, you know, if anyone was doing it was all, you know, in private.

BY MR. CASTOR:

Q So you never saw anyone using steroids in the Yankees locker room?

A Never.

Mr. Farrell. Jose Canseco also said that he used steroids because it was his mother's deathbed request of him. So I've seen that in Canseco's book, but --

BY MR. CASTOR:

Q I just have one more question. As part of the BALCO

matter, the Federal Government seized the anonymous drug tests from '03. Did you hear about that story?

A Yes.

Q So there was -- in '03 there was an anonymous survey tested, completely anonymous, you know, just trying to get the percentage of Major Leaguers that were I guess using anabolic steroids or other substances they were testing for. And then, going forward, I guess the plan was to, you know, have full-blown drug testing. Is that the way you understood it?

A Uh-huh.

Q Did you ever have any conversations with McNamee or Clemens about this, the seized drug test and how these supposedly anonymous tests might become public?

A No.

Q Did Jimmy Murray at the Hendricks Agency, was he your contact person on the ground in New York?

A Oh, yeah.

Q And how about in Houston? Was he your contact person there, too?

A Jimmy -- yeah, Jimmy's who I spent all -- you know, if I needed anything, Jimmy was who I'd call.

Q And did you ever have any conversations with him about that?

A Never.

Mr. Castor. Okay. I think that's all my questions.

Mr. Schiliro. We have a short number of questions for you. Do you want to take a break or do you want to go straight into it?

[Recess.]

BY MR. SCHILIRO:

Q There have been stories written through the years about your relationship with Mr. Clemens.

A Uh-huh.

Q There was a training relationship. I don't know if you remember a long Sports Illustrated story that described just the closeness of your relationship. It talked go about going on vacation together in Hawaii. He I think in the article said that the number one reason he went to the Astros was because you were there.

A Yeah.

Q And you've been very helpful this morning because we're asking a lot of difficult questions and you are being very forthcoming. And, as I understand it, you have a friendship with both Mr. Clemens and Mr. McNamee.

A Yes.

Q And there's a conflict there. Which a little bit puts you in the middle.

A Right.

Q How have you resolved that, how to answer our

questions today, when you're in conflict between two friends?

A Because I just -- I live my life and the truth, you know, and I just -- I have to tell you all the truth. I mean, I got -- I told y'all the stuff about my dad because I have to live with myself. 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 with y'all that I've shared with y'all today that I wouldn't like to share with y'all.

Q We appreciate that.

Let me ask you one question that I thought you were very careful about, and I just want to make sure there is no confusion on the record about it. And I think you were careful because I think you were trying to be very polite. You discussed with us the conversation you had with Mr. Clemens where he told you for the first time he was taking HGH. And then you told us about the later conversation and you related what you remembered, and he said, oh, no, no, I said it was for my wife.

A Right.

Q And you said when we were talking this morning that you thought maybe you misunderstood --

A Uh-huh.

Q -- and I thought that was almost another word for

being polite. Do you -- today, as you look back, do you think you misunderstood?

A I don't think I misunderstood him. Just to answer that question for you when it was brought up to me, I don't think I misunderstood him. I went to Mac immediately after that. But then, 6 years later when he told me that I did misunderstand him, you know, since '05 to this day, you know, I kind of felt that I might have misunderstood him. I'm sure you can understand, you know, where I'm coming from with that conversation.

Q Sure. Well, given the closeness of the relationship and the admiration you have for him.

A Right.

Q But you would have remembered if he raised his wife in that conversation.

A I would think that I would have.

Q And when you spoke with your wife, you would have probably have mentioned that he mentioned his wife was taking HGH in that conversation. And you don't have any recollection of doing that? You just have a recollection of telling your wife that he told you he took HGH?

A Right.

Q Okay. On HGH itself -- this is really not anything you said, but the record got a little confused this morning. Baseball prohibited HGH specifically in 2005.

A Yes.

Q But it's been prohibited for much longer than that in baseball, because baseball has a clause that prohibits the use of substances that need a prescription if an individual doesn't have a prescription.

A Uh-huh.

Q And we can enter into the record an exhibit on that. But, again, that's not -- I just wanted to clarify the record so there was no confusion on it?

A All right.

Mr. Farrell. So you are just telling him to make it clear for the record?

Mr. Schiliro. I'm just telling you just so you know. Because there were some comments back and forth.

Mr. Farrell. I don't think he knew that.

Mr. Schiliro. I don't know if you did or you didn't. I just wanted to make sure it was clear on the record.

The Witness. Right.

Mr. Reisinger. Well, as far as the exhibit you are going to put in the record, joint drug testing provision? I think it's section 18 or action 18.

Mr. Cohen. Memorandum. This is prior to the joint drug testing provisions that were in place. There's a commissioner's policy on drug use and drug prevention.

BY MR. SCHILIRO:

Q Again, this doesn't really affect you.

A Okay.

Q Just so I'm clear, B12 shots, my understanding was that, in most cases, that would be administered by the team doctor. Has that been your experience?

A Yes.

Q And do you remember -- I thought you said you remembered a time when a trainer for the team may have given a B12 shot, and I wasn't sure if I misunderstood that or you did remember a time.

A Yeah. The B12 shots that I got with the Yankees were administered to me by our trainer, not by our team doctor.

Q So by a medical trainer?

A Uh-huh.

Q And is that trainer different from someone like Brian McNamee in terms of his background or degrees? Someone like Brian McNamee normally wouldn't be administering B12 shots because he's not a doctor?

A Right. All I can say is Brian McNamee was on staff with Toronto, on their medical staff. So I have no idea. But I would think that Brian maybe administered B12 shots to players in Toronto.

Q But you have no personal knowledge that he did?

A No. No.

Q Okay. I want to just talk a little bit about your approach to injuries and to the extent you know Mr. Clemens's approach to injuries.

A Uh-huh.

Q It sounds to me that when you were going through your problems, you sought medical advice --

A Uh-huh.

Q -- for how to deal with your elbow.

A Uh-huh.

Q Including you talked to one doctor or several doctors, tried different approaches. It sounded as if, when nothing worked, that's when you turned to human growth hormone. You were a little bit frustrated. Is that correct?

A Yeah. I would say that I think the main reason is, like I said, I had been on the DL before with my elbow. Like I said, in 1996 was the first time I hurt it. So I spent a lot of time, you know, over those years just dealing with my elbow. The Yankees would give me cortisone dose packs to get me through the seasons, as far as like it's a pill you take and it gets inflammation out of your elbow, almost like exactly getting a cortisone injection right into your elbow, but it's a period of 4 or 5 days that you take. So -- oh, man, I'm sorry. I just lost my train of -- I just lost my train of thought.

Q That's okay. It's been a long day. This is dealing with doctors for injuries.

A Right.

Q Your first instinct is to go to a doctor when you have an injury?

A Right. Right.

Q When you dealt with Brian McNamee, would he substitute his medical judgment for a doctor? Or would he encourage you to go to a doctor if you needed something?

A I'm not real sure. I just know that Mac was very sure of what he said when he would tell me something. I can't sit here and tell you that he told me to go see a doctor, ask his opinion on this. When Mac told me something, I know Mac was very confident in what he told me, you know, about knowing medical, you know, and knowing about injuries and stuff like that.

Q Was there never ever an occasion where he told you something that was contrary to what a doctor was saying? That he was giving conflicting medical advice?

A I don't think so.

Q Okay. There's an issue that's come up about Lidocaine. Do you know what Lidocaine is?

A I really don't.

Q As I understand it -- I'm not a doctor, but, as I understand it, it helps numb an area if there's some pain.

So it could be used in that way. And there's an issue with Mr. Clemens and whether Brian McNamee administered a Lidocaine shot to him. And I think counsel asked you earlier about that and you have no knowledge about that.

A Right. No.

Q Do you think, based on your knowledge of Roger Clemens, and you said earlier he did not get injured a lot, but if he were injured he would seek medical advice?

A I would think that he would.

Q Not just go to Mr. McNamee and rely on him, is that right?

A Yes. Yes.

Q The reason I'm asking you about this is Lidocaine, if taken incorrectly, can cause pretty serious damage. If the amounts are sufficient and if it's taken incorrectly, it can cause cardiac problems. It can cause temporary paralysis even. So something that has potentially serious consequences. In your experience with Mr. McNamee, is that the kind of substance he would administer?

A No. No. I mean, my experience with Mr. McNamee, the only thing I know is he's injected me with the HGH.

Q And did he ever hold himself out to be someone who would do that -- again, in your personal experience -- to have different substances for pain, different treatments for you or for Mr. Clemens?

A No. For me, nothing, nothing, nothing like that. He never would let me know that I've got B12 or, you know, Lidocaine available for me. I think that's what you were -- I think that's what you were asking.

Q Right. That's exactly what I am asking.

As part of our investigation, we've tried to understand what happened in clubhouses; and counsel asked you earlier about stories that came out in the 1990s, different books have come out. Did you have any knowledge of that generally in the clubhouses that you were involved in? Did players talk about any of the substances?

A Not at all. I'm telling y'all, like I've said, just -- not at all. I know of no one other than the guys that have come out and admitted to doing something. Besides myself, I know of no one who's ever taken anything.

Q The only reason I was asking the question is if you had any insights for us, and it sounds as if you don't.

A No.

Q Do you have anything else you want to add that we haven't asked you?

A No. No.

Q So, as I understand what you've said this morning, the material in the Mitchell Report about you is correct?

A Yes, sir.

Q There was an additional instance where you took

human growth hormone. That was in 2004?

A Yes, sir.

Q You recollect a conversation with Mr. Clemens in 1999. Your recollection is that he said he was taking human growth hormone?

A Yes.

Q And you have no doubt about that recollection?

A I mean, no. I mean, he told me that.

Q And you remember telling your wife about that conversation?

A I can't say that I remember telling my wife. I just know that I tell my wife everything. When he asked me -- when he kept asking me, did I say anything to anybody else? I'm just telling you, I tell my wife everything. So --

Q You remember a subsequent conversation with Mr. Clemens in 2005?

A Yes.

Q And when you raised the subject, he then said it was for his wife?

A Yes.

Q And that's the first time you recall that ever --

A Yes.

Q -- coming up? And after that first conversation with Mr. Clemens, you then talked to Mr. McNamee?

A Yes.

Q And told him and he was angry --

A Yes.

Q -- that that came up? In your personal experiences with Mr. McNamee, is there any reason you would doubt his credibility?

A No.

Q Okay. I guess the only point you confirm in your testimony this morning, you had a subsequent conversation with Mr. McNamee when you were talking about the vitamin company --

A Uh-huh.

Q -- and he mentioned in that conversation that Mr. Clemens was using steroids?

A Yes.

Q And you remember that clearly?

A Yes.

Mr. Schiliro. That's it.

Mr. Farrell. Okay. Thank you.

Do you folks have anything?

Ms. Safavian. We do not.

The Witness. Can I say one thing?

Mr. Farrell. Why don't you talk to me first?

The Witness. I mean, I just -- and y'all can do what you may with it. But I just would ask, you know, y'all -- I know we're going to have this hearing I guess on the 13th.

Obviously, it's going to be on national TV, and it's going to be televised for the whole world to see. And I don't see where my dad has anything to do with steroids and steroids in baseball. And I know it's a great story, and I know that from the way things look that it's going to end up coming out. I'm pretty sure of that.

I've known that some, you know, people know about this, about my dad, before the Mitchell Report, even before I released my statement of what I said the first time. So it wasn't like I didn't think this about my dad was going to come up at some point in some time. But just was wondering, and whatever, but it would be a very uncomfortable situation for me to try to talk about this in front of the whole world about my dad.

If Congress Members have to ask me questions about it, I understand. Okay. You know, I'll deal with it. But I just may be pleading to the court here, if we didn't have to bring up my dad in that and y'all just ask me questions and I don't have to go there, which it might be tough. Because if anyone asked me if I ever at other times used it, I would have to say, obviously, I did and bring him up.

But I believe that questions can be brought up to me -- and a lot of serious questions to be brought up to me maybe without embarrassing me on national TV where I have to talk about my dad in this. I know I've got to deal with it. But

that was really all I wanted to ask y'all.

Mr. Schiliro. We appreciate that, and we'll talk to the chairman and the ranking member about it.

Mr. Farrell. There was one thing Andy omitted about his dad besides all his physical problems or -- as you can expect, these physical problems caused him to be unable, to work to support his family, really pitched him into a deep depression; and he was suicidal for a while. And that was part of the reason he turned to using HGH. So it's on both the physical, emotional, psychological level a very sensitive subject for the family.

Mr. Schiliro. We understand.

I think it's also important to say for the record, so you know, the committee tries to balance our legitimate needs with information with the legitimate privacy rights of individuals. So we're very sensitive to that. We can't make the decision as staff, and it's difficult because it's in the transcript. But it's certainly something we'll talk about.

The Witness. Right.

Mr. Schiliro. And it's also important that you know -- and this should be on the record as well -- that in the 3 years that we've -- we've done this investigation, I don't think we've had another player who's been more forthcoming than you have and devoted to some time to trying to work

with the committee so we appreciate that as well.

The Witness. You bet.

Mr. Reisinger. One point before these documents get attached to the transcript, and I just want to make sure that I'm clear and that the committee's clear. These are the policies of Major League Baseball, and they were not the result of the joint bargaining and the basic agreement.

Mr. Schiliro. That's right.

Mr. Reisinger. So, ultimately, there is a joint drug policy that was collectively bargained for, but these are not. So what is being attached here is not collectively bargained for. And I just want to make a note of that for the record.

Mr. Schiliro. As I understand, this was baseball's official policy.

Mr. Reisinger. I understand it was baseball's official policy. But it was not collectively bargained for.

Mr. Schiliro. That's correct.

Mr. Reisinger. And there was a grievance as to the applicability of this and the enforceability of this until it was collectively bargained for, which it ultimately was. And I just want to make that known for the record.

Mr. Schiliro. Correct.

[Pettitte Exhibit Nos. 2-5
were marked for identification.]

[Whereupon, at 12:30 p.m., the deposition was
concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

ERRATA SHEET

FOR DEPOSITION OF ANDREW PETTITTE

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
36	15	Change "alkylation" to "kelation." Change noted by witness.
77-78		Witness noted the following: "When asked any other shots, Mr. Pettitte meant by team doctor or trainer. Of course, has received shots (e.g., immunizations) from family doctors. Also, regarding lidocaine: In 1 st game of 2005 NLCS, Mr. Pettitte was hit in the knee with a line drive. The Astros team doctor administered numerous injections to enable Mr. Pettitte to continue pitching. Mr. Pettitte does not know if lidocaine was one of the medications injected into his knee."