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

INTERVIEW OF: VINCENT KENNEDY McMAHON

Friday, December 14, 2007

Washington, D.C.

The interview in the above matter was held at 2157 Rayburn
Lounge commencing at 1:50 p.m.

Appearances:

For COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

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For MR. McMAHON:

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Mr. Leviss. Welcome.

This is a transcribed interview of Mr. Vince McMahon by the Committee on Oversight and Government Reform. The chairman of the committee sought this transcribed interview as part of the committee's investigation into allegations regarding the abuse of steroids and illegal drugs in professional wrestling.

Would the witness please state your full name for the record.

Mr. McMahon. Vincent Kennedy McMahon.

Mr. Leviss. Behalf of the Committee on Oversight and Government Reform, I welcome you and I thank you for joining us today.

I am David Leviss. I am a Senior Investigative Counsel with the majority staff of the committee. There are many of us here in the room, so I'm going to ask everybody to go around and introduce themselves and give their affiliation so to speak.

Mr. Cohen. My name is a Brian Cohen, and I am a Senior Investigator with the majority staff of the committee.

Mr. Buffone. Sam Buffone for the majority staff of the committee.

Ms. Despres. Sarah Despres, Senior House Counsel with the majority staff.

Mr. Chance. Benjamin Chance, Republican staff.

Ms. Safavian. Jennifer Safavian, Republican staff.

Mr. McMahon. Why is it Republicans are smiling and the Democrats aren't.

Mr. Cohen. You would think it would be the opposite, wouldn't you?

Mr. McMahon. They seem very friendly down here.

Mr. Leviss. Hopefully, we're all friendly here. I'll try to smile more.

You're represented by counsel today; is that right?

Mr. McMahon. Yes, I am.

Mr. Leviss. Is this the three gentlemen to your left?

Mr. McMahon. Yes.

Mr. Leviss. If you gentlemen wouldn't mind introducing yourselves again for the record.

Mr. Koch. George Koch, K&L Gates.

Mr. O'Neil. Mike O'Neil, K&L Gates.

Mr. McDevitt. Jerry McDevitt, same firm.

Mr. Leviss. Great. Thank you.

I'm going to go over some ground rules that we have for these interviews. We in the majority will begin asking questions. Our colleagues on the Republican staff will have the opportunity to ask questions as well.

We tend to move in sort of rough topic areas. Sometimes we jump around a little bit, if that's the way the flow of the interview is going. But we'll try to be orderly about it.

We tend to take a short break every hour or so. If you need

to take a break sooner than that, please let us know because we'll be happy to accommodate you.

An official House reporter is taking down everything we say, so that we can make a written record of this interview. As a result of that, it's important that you give verbal, audible answers to every question. Do you understand that?

A Yes.

Also on the record, I would like to state -- if you would state again what the intention of this is.

Q Sure. I tried to at the very beginning, but --

A I know you did, but I just want that on the record.

Q No. Absolutely.

And my point was, the chairman of the committee has invited you to come for this transcribed interview as part of a committee investigation into allegations that we have received about the abuse of steroids and illegal drugs in professional wrestling.

A Thank you.

Q You're welcome.

As I was saying, we have a reporter here. It's difficult to impossible for a court reporter to take down an accurate record if we speak over one another. So it's important that you allow me to finish asking a question or any question before beginning your answer, and I, in turn, will try to wait until you have said your complete answer.

And the same is true when attorneys are speaking over one

another, so we'll try to yield to one another. Is that a fair rule?

Mr. McMahon. I'll do my best.

Mr. Leviss. Okay. If I ask you a question that is unclear to you or confusing, will you ask me to clarify it or explain it?

Mr. McMahon. I will definitely do that.

Mr. McMahon. Good. I would like that.

You are, of course, required by law to testify truthfully to Congress in answering your questions today. If you fail to testify truthfully, you could be subject to criminal prosecution.

Is there any reason why you're unable to testify truthfully today?

Mr. McMahon. No.

Mr. Leviss. Do you understand all the rules that I've laid out?

Mr. McMahon. Yes, I do. Thank you.

Mr. Leviss. Are you or your attorneys recording this session today in any means, a tape-recording or in any other capacity?

Mr. McMahon. No, not that I'm aware of.

Mr. McDevitt. Are we allowed to?

Mr. Leviss. No.

Mr. McDevitt. I didn't think so.

Mr. McMahon. You're shaking your head. We are allowed to?

Mr. Cohen. No, you are not. We are asking the question to confirm that you are not.

Mr. Leviss. It's not something that we discussed and I just wanted to clarify that.

Mr. McDevitt. Why would you even think we would do that?

Mr. Leviss. I didn't suggest that you would do it.

Mr. McDevitt. What good-faith basis would you even have to ask a question like that, whether we're recording this? We know it's against the rules.

Mr. Leviss. You asked me if it was against the rules, so maybe you didn't know.

Mr. McDevitt. Well, no, I thought it was. That's why I'm stunned by your question.

Mr. Leviss. I have a good-faith basis to ask all the questions that I'm asking here today.

Mr. McDevitt. What's your good-faith basis to ask if we're recording this?

Mr. Leviss. It's not something that we had discussed and I wanted to clarify that you understood that it's not allowable.

Mr. McDevitt. You didn't ask any of the other two witnesses that question.

Mr. Leviss. You're right. And it didn't occur to me until this afternoon that I hadn't asked them, so I wanted to clarify that.

Mr. McMahon. Please go ahead.

Ms. Despres. If we may, we have asked other witnesses that question.

Mr. McDevitt. You didn't ask Linda. You didn't ask Stephanie.

Ms. Despres. No. We have asked other witnesses as part of this investigation that question.

Mr. Leviss. Mr. McMahon, do you have any questions before we begin with the substantive part of the interview?

Mr. McMahon. No.

Are you guys recording any of this, other than the stenographer over here, in terms of television or radio?

Mr. Leviss. Our record of it will be the transcript that you'll have a chance to review.

Mr. McMahon. Just thought I would ask.

Mr. Cohen. And per our discussion with Jerry beforehand, we've not alerted the media. Our intention was that you were able to come in here without having a media circus.

Mr. McMahon. Thank you.

Mr. Cohen. You're welcome.

Mr. Leviss. Why don't I start with some background questions about yourself and WWE?

EXAMINATION

BY MR. LEVISS

Q What is your current position within the company?

A I'm the chairman.

Do we have to go through this rigamarole? Why don't you just get to the meat of it? You know who I am, you know what my

position is. Why don't we just get to it?

Q Well, there are a couple background questions I have.

A You know who I am, what my position is in the company. I think you guys know that. Why don't we just get to it?

Q Okay. I'm happy to.

A Thank you.

Q Let's talk about allegations about the use or abuse of steroids and illegal drugs. I'll have a number of questions for you. Before I get to the more detailed questions, I'm interested in your views on the risks of steroids, using steroids or other performance enhancing drugs.

Do you believe that steroids or illegal drugs can cause long-term health risks for their users?

Mr. McDevitt. I object to that. You have a compound question, either steroids or illegal drugs. Could you ask one question at one time?

Illegal drugs covers everything from heroin to cocaine to whatever you want to call it. Would you be specific in your questions please?

BY MR. LEVISS:

Q Do you believe that the use of steroids can cause long-term health risks for users?

Mr. McDevitt. He is not a doctor.

I just want to say this. He is not a medical here. He's not here to testify about medical opinions or anything like that.

He's here to testify about the subject matters he was told about. And his views and medical opinions about the health risk of steroids is so far beyond his competence as a layman it's not even a fair question to begin with.

Mr. Leviss. It's a perfectly fair question.

BY MR. LEVISS:

Q I understand you're not a physician. I'm interested in your answer and your opinion on whether the use of steroids can cause long-term health risks to users.

Mr. McDevitt. Do you have a foundation that this layman would be capable of rendering a medical opinion on that subject?

Mr. Leviss. I'm going to ask the question and I'm going to expect an answer.

Mr. McDevitt. You can ask any question you want, but do you have a foundation for believing this layman could render a medical opinion about the long-term effects of steroids?

Mr. Leviss. I believe that this gentleman has extensive experience in professional wrestling and has familiarity with this issue. And I think it's fair to ask his layman's opinion about it, yes.

Mr. McDevitt. How would he have familiarity of the long-term effects of steroid use? He's not a doctor; he's not a physician.

Have you established any foundation that he studied the subject in a scientific fashion or anything that would give a meaningful opinion on the subject? No.

BY MR. LEVISS:

Q Do you have an opinion on this?

A I'm not a doctor. I would suggest -- if I wanted to know long-term effects of any drug, I think the first place I would go is the FDA. That would be the first place I would go.

And, quite frankly, I don't think the FDA tells anyone about the long-term effects of steroid usage or abuse. And I would suggest to you that that might be someplace where your committee and Mr. Waxman, since you have oversight over these areas, might want to begin.

Because that was the first big lie in terms of the FDA producing, I believe, the first steroid called Diablo. And I think if you go there now, rather than me speculate or even read about speculation in the newspaper, which we've all read, I think if you go back to the FDA, I would like to read -- and perhaps you would like to read -- what the purposes of these drugs are and what the long-term effects really are.

Because I think everybody would benefit from that -- the Federal Drug Administration, which I think you guys have some degree of oversight over; and whether or not the drugs should have been produced to begin with, knowing what you know now about the possibility of long-term effects of steroids, whether or not there would be a review by the FDA as to whether or not that drug should continue to be produced or whether or not there should be review into determining what are the long-term effects, what are the

advantages, what are the disadvantages.

I believe most drugs, prescription drugs, tell you that because the FDA tested things of that nature. So answering your question, I think if I wanted to know more, I'm a layman, I don't have an opinion in terms of doctors and that sort of thing; but I would probably go back to the FDA, which is where I suggest if you really want to clean up this mess that might be where you want to go.

Q It sounds like you've been some thinking about this topic. I'm interested if, from a layman's perspective, you have a belief about whether there can be long-term health risks from the use of steroids.

A I'm not a doctor. I don't know.

Q I understand. I'm not asking if you know; I'm asking if you have any beliefs.

A I'm a layman. I don't know. I would like to know that. I would like to know whether or not there are any long-term effects and, if so, what are they. Can you tell me?

Q What would you tell WWE talent who asked you if there were long-term health risks from using steroids?

A I would tell them the very same thing I just told you. I'm not a doctor. I don't know if there are really any long-term effects of steroid usage.

I guess maybe I could from a layman standpoint look at professional body builders. And again I don't know of any

long-term effects, but there might be some. I'm not a doctor.

Q And what do you conclude from looking at long-term body builders?

A How many times do you want me to answer that question?

I just said, let me repeat, I don't know. Do you know?

Q I don't know.

A You're a layman just like me. I don't know what long-term effects because the FDA hasn't bothered to tell me or anybody else.

Q Have you sought a medical opinion from a medical expert about whether there can be long-term health risks from the use of steroids?

A No.

Q I'm also interested in your views about whether there are risks within professional wrestling if wrestlers are under the influence of -- let's start with illegal drugs -- wrestling in the ring, performing in the ring under the influence of illegal drugs.

Mr. McDevitt. Define what illegal drugs you're referring to, please, so we have a clear record.

Mr. Leviss: I guess illegal performance-enhancing drugs.

Mr. McDevitt. Well, if you talk to pharmacologists, they'll tell you almost every drug is a performance-enhancing drug.

Mr. Leviss. I'm not talking to a pharmacist, am I?

Mr. McDevitt. No, you're but confusing in your questions. If you would ask what drug you're referring to, then he'll answer

your question.

Mr. Leviss. Why don't we start with steroids then?

Mr. McDevitt. Go ahead.

BY MR. LEVISS:

Q Is it safe to say that wrestling can be a dangerous activity or sport? Professional wrestling, I'm talking about.

A It's not a sport. We know this is entertainment.

Q Can it be dangerous?

A Yes, it can.

Q Can it be dangerous to the wrestlers?

A Yes, of course. They're the one wrestling.

Q Can it be dangerous to other people in and around the ring?

A Generally, certainly, no.

Q Okay. But --

A Are you referring to spectators?

Q Referees or anybody else who might be in or right near the ring.

A It can be dangerous to a referee.

Q Do you have any opinion on whether the use of steroids by wrestlers in the ring could present a potential danger to themselves or others in the ring, physical danger?

A Well, let me go back to your original question.

Since I don't know any long-term effects of steroid usage, because there hasn't been any studies on it by people who approve

it, the FDA, I don't know any more about that than I would -- my knowledge of whether or not there are long-term effects.

Q Well, what about short-term effects?

A I wouldn't know that either. I don't think the FDA gives you that either, do they?

Q You don't have any opinion on whether a wrestler who is currently using steroids could have his abilities impaired in the ring?

Mr. McDevitt. In other words, you're asking whether he knows whether steroids cause mental impairment?

Mr. McMahon. Mental impairment?

BY MR. LEVISS:

Q Any sort of impairment?

A I'm not a doctor. I wouldn't know.

Q You don't have any opinion on it?

A I wouldn't know.

Q Have you thought about it at all?

A No.

Q Has it come up in conversations at WWE?

A As to whether or not using steroids could cause some sort of physical impairment to safety? Is that what you're talking about?

Q Sure. About whether the company ought to be concerned at all about --

A Let me just say, the company is always concerned about

safety of our talent, absolutely. We were the first people to do any number of things to make things safe for our talent, if that's the direction in which you're going.

Q Well, do you consider or does the company consider being under the influence of steroids as a possible safety issue in the ring?

A I don't know.

Q You don't know whether the company considers that at all?

Mr. McDevitt. He answered your question.

Mr. Leviss. I don't understand your answer.

Mr. McDevitt. You -- if don't understand his answer, that's not his problem. You ask the questions; he gives the answers.

Mr. Leviss. This is not about problems, Jerry. This is about making sure that I have a clear understanding of his answers to my questions.

Mr. McDevitt. No, it is not about making sure you have a clear understanding about anything. It's about answering the question you ask him. He has answered the question you asked him.

If you don't understand, that's your problem.

BY MR. LEVISS:

Q You just said that the company has --

A If you want to know what I just said, we'll have it read back. I'm not going to take your word for what I just said.

Q Has anyone in management at WWE considered whether the

possibility of talent being under the influence of steroids could present a safety risk to people in the ring or around the ring?

A Since no one in the company has any knowledge any more than anyone here at this table has any more knowledge about short-term or long-term effects of steroids, I don't know.

Q So it hasn't come up in discussions at the company; is that what you're telling me?

A I don't know about discussions in the company. It hasn't come up in any of my discussions, if that's your question.

Q Well, you answered that nobody knows about the short-term risks or if there are any.

A And long-term as well. And we would like to, I think, average -- whoever takes whatever drug would like to be able to read the table and have the FDA tell you what some of the possibilities are about using these drugs and so forth.

I think everybody at this table would like to see that. I don't think that's what you'll find from the FDA.

Q How do you know that no one in the company has any views about this?

A I don't. I just said me.

Q Okay.

A I don't know what other people in the company -- I can't tell you what they are thinking.

Q Why did you put the company's Wellness Policy into place?

A Why did I?

Q Uh-huh.

A Because we're concerned about the wellness of our talent. That's why it's called the Wellness Policy.

Q And one aspect of the Wellness Policy is discouraging abuse of steroids; is that correct?

A That's correct.

Q Why is that included in the Wellness Policy?

A It was suggested it should be included by Dr. Black.

Q Do you think it was a reasonable inclusion?

A Yes, because he suggested it.

Q Did you agree with it?

A Otherwise it wouldn't be in the policy.

Q Is there anything that Dr. Black suggested for the policy that you disagreed with?

A No.

Q Do you have any understanding about why Dr. Black suggested that steroids, that the policy should address the possible abuse of steroids?

A The original idea and the original problem that we thought, and indeed I think we had, was --

Because you can't measure these things, the original idea was that we felt that the abuse of prescription drugs was the problem that we had; so naturally we went out and had a program put together by professionals.

Dr. Black suggested that any program put together by professionals should include steroids, so we included steroids.

Q What made you conclude that there was a problem with -- I'm sorry, you said abuse of --

A Prescription drugs.

Q -- prescription drugs?

A Right.

Q What made you reach that conclusion?

A There were a number of incidents in which, in the past, people have fallen asleep when they shouldn't, which would indicate that they were taking too many pain killers, things of that nature.

Q So did you task Dr. Black to put together a policy?

A Yes.

Q And what sort of instructions did you give him about what should go into the policy?

A Really, it's more Dr. Black's decision. I mean, in terms of what is the very best Wellness Policy we can put together. So Dr. Black really made most of the recommendations.

Q And did he explain to you his reasons for different elements of the Wellness Policy?

A Not really.

Q Did you question any of his, any elements of the Wellness Policy as he presented it?

A No, not really. We had discussions in terms of

formulating it, but other than that --

Q Some witnesses have told the committee that they believe WWE's current business model requires talent that is willing to use steroids and illegal drugs.

How do you respond to that opinion?

Mr. McDevitt. Wait a minute. How do we respond to witnesses we haven't heard and that you're telling us say things? We don't.

Mr. Leviss. How do you respond to the opinion that I have just described to you?

Mr. McDevitt. Who rendered the opinion?

Mr. Leviss. I just rendered the opinion --

Mr. McDevitt. No. No. I just who rendered that opinion so he can comment on their opinion?

Mr. Leviss. Do you have an objection?

Mr. McDevitt. I do. He wants to know the bias of the witnesses, who they are, so he can comment on it.

Mr. Leviss. Is that your response to the opinion?

Mr. McMahon. Yes, it would be my response.

Mr. McDevitt. Who are these people?

BY MR. LEVISS:

Q Do you have any other response to it?

A I'm a businessman.

Q Okay.

A I'm a good businessman.

Q I have no doubt, a successful one at that.

A Thank you.

Q Why is it an absurd question? Educate me.

A Repeat the question.

Q The opinion that some witnesses have expressed to this committee is that WWE's current business model relies on talent who are willing to use steroids or illegal drugs.

Mr. McDevitt. And who expressed the opinion?

Mr. Leviss. I'm not going to tell you who expressed the opinion.

Mr. McDevitt. Why would you comment on that?

You don't even have to answer that, Vince. You don't have to comment on that, and I wouldn't if I were you. That isn't even a good-faith question.

You can't even ascertain from what you said whether this person even works for WWE, has personal knowledge or some nut bag, and he's supposed to express an opinion on that?

Mr. Leviss. Mr. McMahon, you're here voluntarily. I can't compel you to answer the question.

Mr. McDevitt. That's right, you can't.

Mr. Leviss. I would ask you to consider your willingness to be here today and respond to our questions.

The committee has a good-faith reason for asking these questions, based on the investigation so far and the witnesses we've interviewed. I merely ask you to respond to them.

Mr. McDevitt. If you have a good-faith reason, then tell us

who expressed the opinion so he can comment on it.

Mr. McMahon. I would like to know who expressed the opinion.

Mr. Leviss. I understand that, and that's a reasonable desire. And, unfortunately, I'm not at liberty to share that with you.

Mr. McMahon. It's totally absurd.

Mr. McDevitt. I thought you were here to ask him fact questions.

BY MR. LEVISS:

Q Why do you think people might have that view?

Mr. McDevitt. Wait. Let me be clear here.

We brought him in here voluntarily to ask fact-based questions about the subject on Brian's list, not opinions about some nut bag that you won't even identify, that we don't even know if he ever worked for the WWE, has any knowledge of the WWE and expressed opinions.

If you have fact questions to put to this witness about the subject matters you put there, he's voluntarily here to answer them, and I suggest you make use of your time to do so.

BY MR. LEVISS:

Q Mr. McMahon do you have any idea why somebody would tell us something like that?

A Yes, I do.

Q Okay. Can you share it with us?

A Insanity.

Q No other reason?

A Insanity.

Mr. McDevitt. Vince, don't even take these baits. You don't have to answer those kind of questions.

We're not here to answer those. And if you think you can ever get a subpoena to ask questions like that, go ahead and try.

BY MR. LEVISS:

Q Do you have input into the creative side of the business? And by that, I mean a role in determining who among the talent is promoted within WWE?

A Yes.

Q And what role is that?

A To do the best I can to present these talents to the public so the public can pretty much determine who is the most popular and to put these talents in the most popular environment we possibly can so that we can do good business.

Q Sure. No, I understand that.

It's more of a process question. I'm trying to figure out where you fit into the creative process. You know, do ideas -- as an example, do ideas float up within the organization and get presented to you? Do you tend to involve yourself early on in discussions about who to promote when?

I'm trying to get a better understanding of the day-to-day business on the creative side, what your involvement is like.

A Well, I guess maybe it depends on the development of the

talent. Do you want to start from scratch?

Q Sure. I mean, overview. I don't want to waste your time, but I do want to understand how the business goes.

A Okay.

Well, the business goes in a situation whereby if someone is in a developmental system and they think that this person has the possibility of making it in WWE, then they enter some sort of an elementary program.

We take a look at them and see what kind of work ethic they have, whether or not they have the "it" factor in terms of personality and the crowd accepting them, what kind of verbal skills they have, overall personality.

Q And are you involved at that stage?

A No.

Q Does "we" mean the company?

A Right, that's the company. I'm not involved in that stage.

Q When would it come to your attention?

A After you have someone who basically has those qualities, then I'm going to try to find the right scenario, you know, or my staff would find -- writing staff, Stephanie certainly would be very much involved in terms of talent relations, and try to develop the talent in some way.

Q Stephanie is Ms. McMahon Levesque?

A That's right.

Q Just for the clarity of the record.

A Sure.

Q What about involvement in creating story lines? Are you involved in that process?

A Sure.

Q In what way or at what stage in the process?

A It depends. We get story lines from our writers, we get story lines from our talent, things of that nature. In the newspaper, or whatever, we try to come up with things that are relevant to what's going on in today's environment and try to relate to that.

Q But where do you fit into the process?

A Ultimately, if it's top talent, I'll fit in at a very high level.

Q Meaning?

A Meaning I will be very much involved in the development of that talent, of the story line.

Q By top talent, is that like the champions in the divisions?

A Not necessarily champions, but top talent.

Q What does top talent mean to you?

A Top talent means to me that the people that are drawing the money and people with popularity of them coming into the arena.

Q Do you have any role in determining which wrestlers

receive top billing within the organization?

A Sure.

Q And what role is that?

A Determining whether or not they receive top billing.

Q Do people make recommendations to you or do you come up with the particular wrestlers yourself?

A A combination.

Q Do you have any role in assigning wrestlers to specific divisions within the company?

A What do you mean by specific divisions?

Q ECW, Raw, SmackDown?

A Sure, I have a role in that.

Q And what role is that?

A Supervisory role, general oversight.

Q What about choosing talent to appear at pay-per-view events?

A Sure. A general oversight, sure.

Q Is there any aspect of the company's operations where you don't have some involvement or some oversight role?

A I'm the chairman of the board, so I would think I would have some oversight over everything that we do as the chairman of the board.

Q Would that include marketing?

A That definitely would include market.

Q Would it include talent relations?

A Sure.

Q Operations?

A As the chairman of the board, I think I just said that I would have some degree of oversight over everything that we do.

Q In your involvement in determining which wrestlers appear in which story lines or which wrestlers are advanced within the organization, do you know whether discussions of steroid use have ever come up in these considerations?

A No.

Q And just to clarify, discussions of steroid use have not come up? Or, no, you're not aware?

A Not aware.

Q What kind of things do you look for in top talent?

A Principally the "it" factor, which is a broad-based term for whether or not they have "it," which -- "it" defining whether or not the public finds them pleasing: the "it" factor, their personality in general, their flare for showmanship, their athleticism as well, and their work ethic, their overall knowledge of the business and things of that nature.

Q How do you assess whether someone has "it" or not?

A By listening to the audience and watching the audience.

We pretty much have, I guess -- what would you call "it"? We have an experience almost every night with our -- our audience is very vocal, like a test kind of environment. So they'll tell you whether or not they're reacting to a talent, be it positive or

negative. And if they don't react to a talent, that tells us that's not good.

Q Your daughter characterized it as a focus group?

A Thank you. That's what I was trying to remember, focus group.

Mr. Cohen. When you talk about the "it" factor, is physical appearance part of the "it" factor, size and strength, is that part of the "it" factor?

Mr. McMahon. No, not necessarily. We have an expression, and I'll have to describe this for you, we have an expression that this is where you make your money, meaning your face, okay?

BY MR. LEVISS:

Q So you're holding your hands up on the side of your face?

A Yes. Up by my face in a square. It depends on, again, your personality and your projection more than anything else, whether or not you have it. No different than, it applies to most everything in show business, which is, of course, the business that I'm in.

I'm in the entertainment business. So that's really the way that you, quote, make your money, is your face. If you have a very expressive face and you can show happiness and you can show anger and you can show sympathy and you can show things of that nature in your face, then the audience generally can relate to you.

Q Some witnesses have described to us their perception --

Mr. Leviss. Part of this investigation, Mr. McMahon, is our determining whether testimony that we receive from witnesses is credible, is supported or not. We wouldn't need you in here if we were going to believe every witness.

Mr. McDevitt. I don't believe what you just said, because if it was true, you would tell us the names of the witnesses, and then you would get the benefit of what we know about the witnesses.

If you really want to know if they're credible, how do you expect them to comment without knowing their names?

Mr. Leviss. I'm interested in --

Mr. McDevitt. You just said other witnesses.

Mr. Leviss. -- hearing your perspective on some opinions that have been reported to us. I can't imagine that we could bring anybody else in here with broader experience in professional wrestling at this point. And I'm interested in your perspective over time.

Some witnesses have expressed that wrestlers in the '80s had a different physical look than they do today, meaning they were less muscular, they were less sculpted, many of them had guts.

BY MR. LEVISS:

Q Is that an opinion that you would share about wrestlers in the '80s versus wrestlers today?

A No. As a matter of fact, in terms of size, wrestlers of

today are much smaller than wrestlers of yesteryear.

Q Really? Do you have any idea why that's the case?

A We can't find big guys. I mean, there is not an attraction to our company of big people wanting to be a part of it. I suppose it's the NFL and things of that nature.

Q And by "big" do you mean height, do you mean muscles?

A Stop trying to put words in my mouth.

Q I'm not.

A You are. That's what you're trying to do.

I'm just talking overall, general appearance, not muscularity. I'm trying to help you here in terms of your speculation of the '80s, as opposed to where it is now. And quite frankly, I'm telling you that from a weight standpoint, from a height standpoint, wrestlers today are smaller than they were in the '80s.

Q Have you ever told a WWE talent or prospective talent that they needed to gain weight or be bigger or more muscular in order to succeed?

Mr. McDevitt. You have three questions there.

Mr. Leviss. I'm happy to break it up into three questions.

Mr. McDevitt. Why don't you do that? There's a standard way to ask a legal question.

BY MR. LEVISS:

Q Have you ever told a WWE talent or prospective talent that he or she needed to gain weight in order to be successful?

A No.

Q Have you ever told a WWE talent or prospective talent that he or she needed to be bigger in order to be successful?

A No.

Back to the weight, I have suggested they lose weight.

Q You suggested losing it, but not gaining it?

A Right.

Q Have you ever told a WWE talent or prospective talent that he or she needed to be more muscular or words to that effect?

A No.

Q Are you aware of whether anyone representing WWE has ever told a talent or prospective talent that he or she needed to be bigger?

Mr. McDevitt. Anybody representing? Do you mean an employee?

Mr. Leviss. Anybody who can speak for WWE.

Mr. McDevitt. Anybody can speak for WWE.

Mr. Leviss. You're the lawyer. Not anybody can speak for WWE.

Mr. McDevitt. Anybody can claim to speak for WWE. Do you mean an employee?

Mr. Cohen. Employee or a contractor.

Mr. McMahon. No.

BY MR. LEVISS:

Q Are you aware of whether anybody with authority to speak

for WWE has ever told -- I'm going to have to run through my three questions at the assistance of your attorney.

A Sure.

Q Whether anybody with authority to speak for WWE has ever told either a WWE talent or a prospective talent that he or she needed to gain weight?

A No.

Q Are you aware of whether anybody with authority to speak for WWE has ever told a WWE talent or prospective talent that he or she needed to be more muscular?

A No.

Q Thank you.

Mr. Cohen. Are you familiar with the term to be "on the gas"?

A Sure.

Q What's your understanding of that term?

A Taking steroids.

Q And are you familiar with the term to be on the juice or the juice?

A Sure.

Q And what's your understanding of that term?

A It means the same thing.

Mr. Cohen. Thank you.

BY MR. LEVISS:

Q Have you or anyone at WWE ever made it part of a script

or story line that a particular talent needed to be bigger or more muscular?

A No.

Q Have you or anyone at WWE ever made part of a script commentary on the fact that a wrestler has lost weight or is smaller than he or she used to be?

A Repeat the question.

Q Have you or anyone at WWE ever made part of a script commentary on whether a wrestler or talent had lost weight or is smaller than he or she used to be?

Mr. McDevitt. I assume the way you phrased the question, you mean to his knowledge.

Mr. Leviss. Every question I ask you today is to your knowledge.

Mr. McDevitt. Well, no, you don't phrase them that way.

You just said, "have you or anybody at WWE." That's not the way you phrase that kind of question if you want to ask that kind of question; you say, "have you, or anybody to your knowledge" is the way you phrase that question if you're going to ask it, Counsel.

Mr. Leviss. Mr. McMahon, to save us time today, you can assume that every question I ask you today is preceded by "to your knowledge."

BY MR. LEVISS:

Q Have you or anyone at WWE ever made part of a script

discussion about whether a wrestler has lost weight or is smaller than he or she used to be?

A Not part of a script, no.

Q Has it been part of the discussion in a program, whether or not it was originally scripted that way, to your knowledge?

A I don't script everything our talents say. They ad lib, so I -- you know, there may have been ad lib somewhere over the course of the last 25, 30 years in which something would have been said about someone's size.

In terms of scripting, answer, no.

Q Can you recall any recent program where --

Mr. Leviss. What did you call them, "talent"?

Mr. Cohen. Talent.

BY MR. LEVISS:

Q -- where talent have commented in advance of the match about the fact that a wrestler has lost weight, is smaller than he or she used to be?

A As I recall, there was one incident in which Triple H, as an ab lib, made reference to Randy Orton who had been injured and had not been training and first came back just in terms of weight loss.

Q And what was that reference? Could you elaborate for me?

A All I can remember is the weight loss.

Mr. Cohen. Are there any other incidents?

Mr. McMahon. That wasn't scripted, it was ad libbed.

Mr. Leviss. I'm going to go to a different topic. I don't know if you all have questions.

Ms. Safavian. We're good. Thank you.

Mr. Leviss. I have some questions for you about the transition from WWE's original drug testing program, which I understand from our previous interviews, the documents ran until 1996 to the current policy, which I understand went into effect in February of 2006.

I'm not going to run through the mechanics of the development of that first program because we covered that with prior witnesses. But I would like to discuss some of the differences between the two programs.

BY MR. LEVISS:

Q As I understand it, you all eliminated the random drug testing program in 1996. This is the program that ran from '91 through '96; is that correct?

A Yes.

Q Why, in your view, did WWE stop that program?

A One of the reasons was, we were competing with Ted Turner and we were fighting for our survival. It was a private company at the time. We had lost \$5 million to \$6 million, and testing was very expensive.

Q How expensive?

A In the six figures.

Q How did the testing program affect your competition with Ted Turner?

A I don't understand your question. You have to ask Ted Turner.

Q I believe you said you were competing with Ted Turner's program?

A Right.

Q So how did continuing or eliminating the drug testing program impact on your competing with Ted Turner?

A Well, we eliminated some of our costs and at the same time we laid off a lot of people in our organization, because, again, we were fighting for economic survival. As a matter of fact, our COO -- actually, CFO at the time -- even eliminated water coolers, and that was where most everybody in the company drew the line, almost revolted, because we took the water coolers away.

So that's how deep some of the cuts were in terms of trying to save money. And one of the ways that we did it was the cost of the drug program.

Q Had the drug program been successful, in your view?

A Sure.

Q When we were interviewing Linda McMahon yesterday, she said that, in your view, there was not a level playing field with Ted Turner's wrestling program, WCW, and that the drug testing program put WWE at a competitive disadvantage.

Is that your view?

Mr. McDevitt. This is the way you recharacterize witness' testimony, huh?

Mr. Leviss. Linda McMahon used the phrase "level playing field"?

Mr. McDevitt. Now I have a clue as to how accurately you characterize witness' testimony; you ask him about what other witnesses have told you.

Mr. Leviss. Are you suggesting that Linda McMahon did not say "level playing field" yesterday?

Mr. McDevitt. That is not the totality of Linda McMahon's testimony about the circumstances surrounding the termination of the drug testing program, at all.

Mr. Leviss. I never suggested it's the totality.

Mr. McDevitt. It's interesting how you condense all of that, Counsel. But anyway, go ahead.

BY MR. LEVISS:

Q Do you have any view on whether there was a level playing field with WCW?

A This wasn't level at all. Ted Turner at that time had joined forces with Time Warner, and his resources were just vast and ours weren't, so it was not a level playing field.

Q In your view, did having a drug testing program, while WCW did not have a random drug testing program, did that place WWE at a competitive disadvantage?

A Well, again, as we were facing economic survival, saving the cost of that program helped us in terms of saving money and helped us then hang in there and compete with Turner.

Q Is it just a matter of cost? Is there any other reason why having a drug testing program put you at a competitive disadvantage?

A Where are you going with this?

Q It seems to me any cost the company has could be an issue.

A Absolutely. That's why I said we did everything. We even took the water coolers out and had to put them back in.

Q In your view, was there a risk that you were losing talent to WCW because, in part, WCW did not have a drug testing program?

A Absolutely not. Ted Turner opened his wallet, wrote a huge check and basically took all of our top talent by writing big checks which we could not compete with.

Q Just so I understand, in your view, it was a purely economic decision to eliminate the random drug testing program?

A I would suggest that was a major reason, yes.

Q Are there any other reasons? Maybe they're not major reasons, but --

A There may be, but not that I can think of at the moment.

Q Was there any dissent within the company about whether to eliminate the program, the drug testing program, in 1996?

Mr. McDevitt. Expressed to him or that he knows of?

BY MR. LEVISS:

Q Again, to your knowledge?

A No.

Q To your knowledge, did Dr. Black express any dissent about eliminating the drug testing program?

A Not to my knowledge.

Q Did you have any concerns that if you stopped random drug testing, the successes you had achieved in that area might be reversed, that talent might start using or abusing drugs?

A I suppose there's that possibility. Again, I think the most important aspect of our company was to remain in business, first and foremost.

Q But was it a concern that you had at the time?

A Well, let me see, from a commonsense standpoint, if you have any form of testing and all of a sudden you don't, there is a possibility then that someone may use illegal drugs, more so than if you are testing.

Q That was a concern you weighed and you made your decision?

A I just told you what my concern was. We were fighting for economic survival and even took the water coolers out.

I don't know how much more clear I can be on this.

Q In the year prior to ending the program, how many wrestlers approximately were suspended for positive drug tests?

A I don't know.

Q Were any?

A I don't know. I imagine so.

Mr. Cohen. Were you responsible for administering suspensions under that program?

Mr. McMahon. Yes.

Mr. Cohen. Was anybody else -- did you share that responsibility with anybody else?

Mr. McMahon. No. And again that's the biggest difference between programs of the past and their current program.

I don't have anything to do with the current program other than the formulation of it. And I think it's kind of like baseball, that you need to have an independent source overseeing these things, which is what we have now.

I'm not involved at all, again, except the formulation of the wellness program. So that makes this program in and of itself far superior than anything we've ever had.

BY MR. LEVISS:

Q After the random testing policy was suspended in 1996 and before the current policy was implemented in the beginning of 2006, were any drug tests conducted on WWE talent?

A I believe so.

Q Any idea how many?

A No. I don't recall.

Q Were they conducted -- it's a 10-year period we're

talking about. Were they conducted every year, to your knowledge?

A They were for cause, okay? But I can't tell you how many and I can't recall how many we had for cause.

Q What kind of reasons would justify or did justify drug testing during that time period?

A If someone were tardy consistently, if they missed dates, if they would fall asleep when they're not supposed to fall asleep. Any aberrant behavior, I think, would have been, in all likelihood, a reason, a probable reason to test.

Q Anything else?

A Huh-uh.

Mr. Cohen. Who conducted the tests?

Mr. McMahon. I think Black did, but I'm not certain.

Mr. Leviss. I'm going to show you a document that you all produced to us that we're going to mark Exhibit 1. And I'm going ask you to take a look at it please.

[Vince McMahon Exhibit No. 1
was marked for identification.]

Mr. McMahon. Sure.

Mr. Leviss. Tell me when you've had a chance to review it.

Mr. McMahon. I'm on the second paragraph. I'm a slow reader.

Mr. Chance. This says that random suspension has been stopped. I mean, I just want to make sure you were saying that the group testing had been stopped, but random was still in place.

I'm just wondering if that was -- I just want to make sure we're on the same page in terms of that, that the group testing had been stopped, however random testing was still an option after '96.

Mr. Leviss. An option?

Mr. Chance. Right.

Mr. Leviss. Yes.

Mr. McMahon. Okay. I've read this.

BY MR. LEVISS:

Q Just to clarify what Ben was asking, random testing was an option between '96 and 2006?

A An option?

Q Well, that was his question that I'm trying to confirm.

Is that the case, was random testing an option in that time period?

A Let me see. I can probably read this to you in the event you haven't read it.

Q I've read it.

A Okay, great. "Additionally, we reserve the right to test any individual any time for the use of illegal substances."

Q So that means that the company reserved the right to conduct random drug tests, correct?

A Yes.

Q And when I asked you before whether individuals were tested in that time period, I got the sense from your answer that

all the tests you could recall were for cause, that they were not random drug tests.

Am I understanding your answer correctly?

A Right.

Q The document I asked you to take a look at is a memorandum. It's dated October 25, 1996. It appears to be signed by you and sent to all talent, agents, referees and ring crew. Is that, in fact, your memorandum?

A Yes. Not my handwriting, but it doesn't matter; it's on my stationery and I'm sure I approved it.

Q And this memorandum announces that effective immediately -- "WWE, effective immediately, is suspending drug testing and collection on a group basis"?

A That's what it says.

Q And when I was asking you questions about ending the random drug testing policy in 1996, this is the memorandum that ends that drug policy; is that correct?

A That's correct.

Q Okay, that's fine. Thank you. I don't have any other questions about that.

A Just for the record, by the way.

Q Sure.

A We are the only wrestling organization in history to ever have any kind of drug and/or Wellness Policy ever. This is our third one now, which is unquestionably our best. But we're

the only organization in the history of this business, to my knowledge anyplace in the world, that has instituted anything like this.

We certainly are more concerned -- it shows we are more concerned for our talent than any other organization in history, including the standardization of rings, which is extremely important, to make sure that rings are clean; make sure that they are all the same size, because if they are not all the same size, you have a 16-foot ring as compared to an 18 or a 20.

The way it used to be years ago, you would go to a certain area and you could have a different size ring, different type of ropes as well, and the rings could be very hard or different than that. So we went through the effort of standardizing rings.

We also went through the effort of creating a barrier around the ring so that it would have a corral in essence. We also were the first people to have mats down on the floor around the ring in the event that someone fell out of the ring, as opposed to falling on concrete.

So there are many, many things like that in the history of this industry in which we're very proud to say that we have demonstrated our concern for the wellness of our athletes -- just for the record.

Q And I appreciate your adding that.

Who within the company or what group within the company had the responsibility for coming up with new safety measures,

recommending some of the improvements that you've talked about?

A Basically, they come from anybody.

Q I mean, is it anybody's job in particular?

A I think it's everybody's job.

Q Where have many of these suggestions come from, the idea to put the mats around the rings instead of concrete?

A That was mine.

Q Were any of the others your suggestion?

A Sure. Standardizing rings was my suggestion, as well.

Q Is it safe to say that you are continually evaluating risks to the talent and the spectators and improving the ring set-up?

A I don't think we can improve the ring set-up. I think it's as good as it can possibly be. But we're open for suggestions by anyone in terms of improvement.

Even our current Wellness Policy, the current Wellness Policy continues to improve all the time. I don't think there's yet to stay with the times in terms of a Wellness Policy or any other policy as it relates to safety and the benefit of your performers. Nothing is set in stone.

We've added Dr. Ray, we're considering adding an endocrinologist, things of that nature. We've added more drugs that are prohibited. This is a work in progress, as any good program would be, a work in progress. Nothing is set in stone. So we're always looking for ways in which we can better our

company in an overall basis.

Q What are the goals or -- what are the goal or goals of the Wellness Policy, in your view?

A To have wellness for our athletes generally, just as it's stated.

Q Is it, in effect, company-wide, does it govern everybody at the company or just talent?

A It only governs those talents that are regularly scheduled to compete in the ring. I say "compete," perform in the ring.

Q So what categories of employees or contractors are excluded from that?

A Well, we live in Connecticut, our headquarters are in Connecticut. And I believe it's against the law to test any Connecticut resident.

Mr. McDevitt. Employee.

Mr. McMahon. Employee. Thank you.

BY MR. LEVISS:

Q So that means no one from headquarters is covered; is that what you're saying?

A That's correct.

Q Are there any other -- are all of the operations in Connecticut or are they elsewhere, as well?

A By operations, our world headquarters are in Connecticut. We have offices in London. Let's see. We just

opened one in China. We have six or seven offices all over the globe.

Mr. Cohen. Are any of your talent from Connecticut?

Mr. McMahon. Sure. I think some of them are.

Mr. Cohen. Are they subject to the Wellness Policy testing provisions?

Mr. McMahon. Yes.

Mr. McDevitt. Because they're independent contractors and they have contracts.

Mr. Cohen. So full-time employees; contractors aren't?

Mr. McDevitt. The wellness program is about wrestling talent. An independent contractor is not a corporate employee.

Mr. Cohen. I know. I'm trying to understand the policy. I'm not familiar with Connecticut law with regard to random testing of employees and contractors. I'm trying to understand that.

Mr. McDevitt. I can provide the cite for Connecticut law, if you want it. But you can't drug test employees under Connecticut law. And several States, by the way, have laws like that. Some people find it offensive to have to piss in bottles in front of people.

Mr. Cohen. And you can drug test contractors in Connecticut?

Mr. McDevitt. The statute covers employees. It does not address independent contractors.

Mr. Cohen. Okay.

Mr. McDevitt. That's why the designation is important.

BY MR. LEVISS:

Q What about performers, I guess, who appear on camera, but who aren't wrestling, are they independent contractors?

A Such as?

Q Referees. They're talent, right?

A I think referees are independent contractors.

Q Are they subject to the Wellness Policy as well?

A I believe so.

Q What about the trainers; are they talent?

A No. I think they're independent contractors, as I recall.

Q You think they are independent contractors?

A Do you want this back?

Q Sure. Why don't we put it here. The trainers, you believe, are independent contractors; is that what you said?

A Look, I'm not real certain at that level whether or not someone is an independent contractor, whether or not they're an employee.

We got them out of HealthSouth, okay, so I don't know whether or not they are, or not. And some of the other individuals, you know, on a lower level, I wouldn't know.

Q Is anybody else apart from the wrestlers covered by the Wellness Policy?

A Specifically -- I mean, again, you said -- why are you

frowning?

Q I'm not frowning. I'm trying to understand. I'll try to smile more.

A Good. There you go.

I'm not sure. Generally this is for our full-time employees -- not employees, but performers in the ring; there may be some other people that are under. Whether or not referees are -- I believe they are, okay.

But there may be somebody I'm forgetting, so, you know, generally. I mean, that's what this Wellness Policy is all about.

RPTS KESTERSON

DCMN HOFSTAD

[2:49 p.m.]

BY MR. LEVISS:

Q In the time period between 1996 when the random drug testing policy was ended and the beginning of 2006 when the wellness policy went into effect, did you ever learn firsthand or receive firsthand information that any individual associated with WWE had used steroids?

A "Associated," do you mean like the janitor or something like that in the building? You know, what -- I don't know what "associated" means.

Q Anybody paid by WWE -- independent contractors, talent, employees.

A Again, we pay a lot of people. It is such a broad question. I don't have any idea what you are talking about.

Q Let's start with talent then.

A Do I have any knowledge of any talent that took steroids during that period of time?

Q Took steroids, correct.

A Not that I recall.

Q How about employees? Same question.

A Not that I recall.

Q How about management? Same question.

A Not that I recall.

Q Okay. Again, in the time period between 1996 when the random drug testing policy was ended and 2006 when the wellness policy went into effect, did you ever receive firsthand information that any individual associated with WWE -- I'll start with talent -- had used illegal drugs?

A By "illegal drugs," are you making reference to steroids?

Q No. I already asked you about steroids. I guess the use of steroids without an appropriate prescription would be illegal.

A That's correct; it would be illegal.

Q So, yes.

A Not that I recall.

I have to say something here, guys. I don't know where you're going in between these policies. Okay. But let me just state again for the record, okay, that I think what most everyone should be concerned with is what we're doing now, what our current policy is.

And I don't want to be penalized and I somewhat feel I'm insulted, quite frankly, sitting in front of you today by answering some of these ridiculous questions. I'm a businessman. I'm a good businessman. I do things legally. We're a public company. We put smiles on peoples faces all over the word. That's what we do. This is a fun business.

So it seems to me that this inquiry is some sort of witch

hunt in which I guess someone is trying to penalize me or suggest that what goes on at our company is not proper. Again, with this wellness program, this is the best one we have ever had. So I don't understand the relevance between the second wellness program and this. I don't have any idea where you're going or why you're even asking me these questions.

Q Well, nobody is trying to penalize anybody.

A Then I would expect a gold star on my lapel when I leave this room.

Q We'll look for a gold star.

The question goes to trying to understand what your knowledge was between the end of the first program and the beginning of the second program about the level of steroid usage among WWE talent and employees and the level of the abuse of illegal drugs, whether there was any or not. We're trying to understand --

A There could have been. I think I suggested earlier there could have been an incident in which we had testing for individuals that, you know, had aberrant behavior or what have you. Other than that, the answer is, no, I don't recall anyone who has had a problem with anything illegal.

And, again, we are a public company now and ran it pretty much like a public company in the past. We're not going to be dealing in illegal activities. That is not good business.

Q Of course.

A So when you ask me something like that, did some sort of

illegal activity -- I find it to be offensive.

Q I'm not asking you if you're engaged in illegal activity.

A It sounds to me like you are.

Q Before you had your original drug testing policy, did you have any knowledge about whether WWE talent or employees were abusing steroids?

A No.

Q So you put the policy into place for what reason?

A You're talking about the very first one?

Q Sure.

A The first policy was generally put in place because it was perceived, and I believe accurately so, that we had a cocaine problem. And it was the '80s and a lot of people were engaged in that kind of party atmosphere. That is the reason why. I don't even know if we tested for steroids in that first policy or not.

Q So there was a perception at that time that there might be a cocaine problem among some WWE personnel or talent?

A Yes.

Q Prior to starting the old policy. Was there any perception, in between the two policies, between 1996 and 2006, was there any perception about whether WWE talent or personnel might have a steroids problem?

A I don't know how I would determine someone has a steroids problem, quite frankly.

Q Okay. How about an illegal drug problem, like the cocaine problem you alluded to in the '80s?

A There could have been instances in which there were someone engaging in that kind of activity.

Q Was that your perception?

A Look, I don't know where you're going with this. I really don't.

Q I'm trying to understand your answer.

A We keep going around and around here on this stuff. I can't tell you, in terms of my recollection. This was a long time ago, guys. A lot goes through my head, you know, as the chairman of the board of a public company on a daily basis. I can't remember a lot of this stuff.

All I can tell you is, you know, we've had -- this is our third wellness or drug -- whatever you want to say -- policy put into effect, and no one has ever had one, including Ted Turner from Time Warner. Okay? No one has ever had one of these, to my knowledge.

I mean, I don't get your line of questioning here. I really don't. It is accusatory, and I find it offensive.

Mr. Cohen. Mr. McMahon, we're not here to offend you. We're here to get the facts.

BY MR. COHEN:

Q Prior to 2006, were you aware of any media reports of the use of steroids?

A Could have been, absolutely.

Q Or the use of illegal drugs?

A Could have been.

Q Do you remember any specific instances of information being brought to your attention?

A No, I don't.

Q Thank you.

BY MR. LEVISS:

Q What made you start up the wellness policy in 2006?

A I thought it was the right thing to do.

Q Okay. Why?

A Because we were concerned about the wellness of our performers.

Q Sure.

A What do you mean, "sure"?

Q Well, I believe you when you say you're concerned about the wellness of your performers. That's why I say sure. Why did you feel that there was a need for a wellness policy?

A Well, because we're concerned about the wellness of our performers. And it was something that we had discussed internally, as to institute a wellness policy, not a "gotcha" drug policy kind of thing, although that is part of it, but more of a wellness policy for the concern of our performers.

Q Okay.

[Discussion off the record.]

Q Did developing a wellness policy have anything to do with the death of Eddie Guerrero?

A No. Quite frankly, we had begun developing the policy prior to Eddie's untimely demise.

BY MR. BUFFONE:

Q By "developing the policy," what do you mean?

A Formulating strategy. I believe -- I think Dr. Black actually was engaged in this prior to Eddie's death.

Q So it is your recollection that you contacted Dr. Black prior to Eddie Guerrero's death?

A I believe it would have been a part of it. I know that it was discussed in terms of building in a wellness policy prior to Eddie Guerrero's death, correct.

BY MS. DESPRES:

Q Can you describe what the major components of the wellness policy are?

A The major components are the overall wellness of our talent.

Q But specifically what does the wellness program focus on?

A I think that you all have copies of the wellness policy, and I would suggest you go read that, because that will tell you most everything you need to know.

What? Cardiac includes wellness --

Mr. McDevitt. But it is not in the document.

Mr. McMahon. Oh, I beg your pardon.

BY MS. DESPRES:

Q And, actually, the cardiac -- we do know about the cardiac program, and that is one of the things I was wondering, is, why did you choose -- let me step back.

The wellness policy consists of a drug testing component, which is a fairly significant component of the policy, and a cardiac wellness policy component. Why those two as the focus?

A Well, the heart is a major portion of the body, and it is needed to pump blood through the body so you can perform daily duties, and the heart is extremely important in everything that you do. A lot of cardiovascular testing is being done now with various sports, things of that nature.

So it was important for us, you know, in terms of our athletes, to make sure -- as a matter of fact, we had one instance lately in which the new wellness program, in terms of the testing, actually found a significant problem in one of our performers. Subsequently it was fixed. The individual was taken off the roster, in terms of his performance, at the time until subsequently he was released by a medical physician and the problem had been fixed.

So I think it is a logical extension, if you're trying to do a wellness policy, that you'd certainly include the heart.

Q Do you include neurological -- is there a neurological component to the wellness program?

A No, there isn't. It is something we're considering though, in our wellness program.

Q What about orthopedic?

A What is orthopedic?

Q I'm just thinking wrestlers probably are at increased risk for all kinds of, you know, hip issues and knee issues, ankles, elbows, shoulders. Is that component included in the wellness program, as well?

Mr. McDevitt. Why don't you ask them where we send people for orthopedic problems when they get hurt. That might answer your question.

BY MS. DESPRES:

Q I would like that, but just in terms of, if I could, in terms of understanding the wellness program, is there a specific orthopedic component to the wellness program?

A I don't exactly understand your line of questioning. We have problems sometimes because of the nature of our business, you know, that require things to be fixed. I had a double quad tear on both legs.

You're sympathetic with that. Thank you. If only it were genuine.

But there are a lot of problems that you have, broken ribs, things of that nature. It is the nature of our business. Other than saying, "Don't go out there and perform," I don't know where you're going with this.

When someone does have an injury, we send them to the appropriate parties. Dr. Andrews is one of the foremost doctors, in terms of putting people back together down, in Alabama. He has done some work on me as well as a lot of our other performers.

But I don't know what you mean by that, other than a concern, obviously, for our athletes.

Q I guess, with the cardiac component, if you have cardiac screening for the wrestlers, that is part of that wellness program, that they go and they have this cardiac doctor that they get screened by. And I understand that's a new feature of the wellness program.

A That's correct.

Q Right. And so I was just wondering whether there was something similar for other body parts, where wrestlers may be, you know, particularly vulnerable. And that's why I thought that orthopedic -- just asked you about an orthopedic program or perhaps a neurological program.

A I think I answered your question, in terms of the neurological program is something we're looking into, actually, with some guys out of Pittsburgh. But I don't know how we could throw in some sort of orthopedic aspect into the wellness policy. I don't understand, really, what you are even saying.

But all I can tell you is that, as I said earlier on, this program is a work in progress. And whatever that work in progress continues to make this a better wellness policy, we are continuing

to pursue.

Q Thank you.

Mr. Leviss. I'm going to mark this as Exhibit 2. And I'll ask you to take a look at it.

[Vince McMahon Exhibit No. 2
was marked for identification.]

BY MR. LEVISS:

Q Tell me when you've had a chance to review it.

A I've just scanned it. If you want me to read it line by line, I think we'll be here for another hour or so.

Q I hope that won't be necessary.

What we marked as Exhibit 2 is a collection of documents that your company provided to us, which I believe to be the 2006 Substance Abuse and Drug Testing Policy as it was effective on February 27, 2006. Is that what you believe this to be, as well?

A Sure.

Q I understand that there have been some amendments to the current policy in between February 2006 and today that shouldn't really be important for these questions.

Under Section 11 of the policy, which is on page 67 -- the page number I'm referring to is the page number at the bottom there.

A What is the page number?

Q Page 67.

A I'm with you.

Q Section 11 defines a positive test, and it states among other things -- let me see -- it talks about baseline testing, that, "The initial test of talent under this policy shall be considered baseline testing and shall not, if positive, subject talent to disciplinary action." I'm reading at (b).

What was the rationale, if you know, for having a baseline test under the policy that does not include any penalties for a positive test?

A I think you have to start somewhere.

Q Okay. You have to start somewhere, meaning what?

A You have to start somewhere in terms of the institution of a wellness policy.

Q Okay.

BY MR. COHEN:

Q Why was the decision made to start with baseline tests that did not subject talent to initial penalties?

A I think, again, I think probably every program is probably a little different. You can find a number of differences in every program. For instance, in the NFL -- my understanding is that we test, on average, four times each talent, four times a year; the NFL doesn't.

So I think that there are a number of things where you can pick apart, you know, every test. I would suggest we felt this was the fair way to begin testing. And, you know, it is a way to begin the evolution of what I now consider to be, you know, an

excellent wellness program.

And I might add this just for the record, that we are, to my knowledge, not only, as I stated before, the only wrestling company to ever institute anything like this, we are the only, to my knowledge, entertainment company to do anything like this. We are in the entertainment business. And, as I recall, Congressman Waxman is from the district or what have you of pretty much of the heart of entertainment. I don't know of any other entertainment company that institutes any type of wellness program like this.

So, again, just for the record, there is a big distinction between WWE as an entertainment company and Major League Baseball or any other sport that is out there.

So I believe that this was a way to start the program so that it evolves into what it is now and will continue to evolve into the best wellness policy anywhere around, is what we hope.

BY MR. LEVISS:

Q Who are your primary competitors in the entertainment business?

A Anyone who asks for a dollar from the consumer. It can be movie companies. It can be any place where you are asking for a buck. That's our competition.

Q Are there particular companies or entities who you view as being in competition for the same market share, the same audience?

A Well, there is another wrestling company, if that is

your question.

Q Only if that's who you view as your primary competitor.

A I just told you who I view as my primary competitor, unless you want her to read it back. Do you want me to restate it?

Q Anybody involved in entertainment is your competitor --

A That asks the consumer for a dollar. It doesn't matter what it is, because we cross almost every line. We're in the film business, okay? We are in the live event business, the pay-per-view business, the publication business. We're across the board. You know, we're almost in every form. So, yeah, anyone who is in the entertainment business is our competitor.

BY MR. COHEN:

Q As entertainers, do you believe your talent has an influence on the behavior of the general public in any way?

A An influence in what respect? Influence in terms of whether or not they enjoy our product?

Q Whether they -- let me specify it. Adolescent males, as a particular demographic, adolescent males, do you believe they look up to the WWE wrestlers? Do they desire to be like them in any way? Do they see them as role models?

A I would suggest not. I would suggest -- you're smiling again. Better than a frown.

I would suggest to you that adolescents are pretty smart, even though that is a very small segment of the viewing audience

that we have. But nonetheless, I think that they're pretty smart. They know that what we do is a performance. So they know that everything we have are characters. They are not real-life individuals.

So I would suggest that no one believes any of these human beings are role models any more so than Batman.

BY MR. LEVISS:

Q As a businessman, how do you gauge the success of the company? Do you look at financial metrics versus those of another company, or do you have some other way that you evaluate whether the company is meeting your business goals?

A Well, let me, for the record, again state that I'm never satisfied with anything, in terms of our bottom line or our grosses or anything at all like that.

Q You want world domination in entertainment?

A That's your words, not mine. I'd like to have as big a piece as we can all over the word. But the question is --

Q I was trying to understand how you evaluate business success for the company.

A Bottom line and stock value and things of that nature.

Q Back to the baseline testing and the wellness policy, do you know whose idea it was to incorporate that provision into the policy? And by "that provision" I mean a baseline test for which there is no penalty for a positive test for a prohibited drug or a metabolite of a prohibited drug.

A No, I don't recall whose idea it was.

Again, guys, you have to start someplace. We're an entertainment company. We started someplace. This was a part of the way we started the wellness program. When you look at it on an ongoing basis and the things that we put in since then, this is an excellent wellness policy. You've got to begin somewhere.

Are you trying to slap my wrists because there was some sort of, you know, provision like this? I guess that's your opinion. If that's what you want to do, go right ahead. It was a start.

Q Nobody is slapping anybody's wrists. We're trying to understand --

A Great. Thank you very much. I don't want you to spank me on the butt either. I want that gold star when I leave here.

Q I will look for one.

We're trying to understand how the policy evolved. In documents that were provided to the committee, it indicates that approximately 75 WWE wrestlers tested positive in that baseline round of tests.

A Tested positive for what?

Q For either a prohibited drug or a metabolite of a prohibited drug.

A Okay.

Q Were you surprised by that number of positive test results?

A Yes, I was.

Q And why were you surprised?

A I didn't think that we'd have that kind of population, you know, with those problems.

Q That was a higher number of positive tests than you expected? Is that what you are saying?

A That's what I just said, than I would've anticipated, yes.

BY MR. COHEN:

Q Did you anticipate a certain number of positives?

A No. I was just surprised. I wasn't shocked maybe, but I was surprised by that number.

Q In this baseline testing, were you ever made aware of whether any -- at the time the tests were conducted -- this was in early 2006, when the tests were conducted -- were you ever made aware of any current or former WWE champions or top WWE talent that tested positive under this baseline testing program?

Mr. McDevitt. Was he given the names by Dr. Black? Is that the question?

Mr. Cohen. Were you given any names -- did you find out by Dr. Black or through other sources, did you at the time of the testing?

Mr. McDevitt. You've put some identifiers in the question. I think a fair paraphrase to your question is, did Dr. Black give him the identities of the people who tested positive on the baseline testing? Is that essentially what you are asking?

Mr. Cohen. I don't know if I can restrict the question to Dr. Black. I don't know who else in the WWE might have had this information, might have provided it to Mr. McMahon.

Mr. McDevitt. Well, it has to come from Dr. Black, at least originally. Did Dr. Black or anybody that Dr. Black told the identities to convey the identities of the baseline tests to Mr. McMahon? Is that essentially what you are asking?

Mr. Cohen. That is my question.

Mr. McMahon. And whether or not I read the names, or things of that nature? I don't recall reading any of the names.

To me, it doesn't matter. It doesn't matter. What mattered was the ongoing testing. Anyone who tested positive, in terms of this baseline thing, wouldn't have been a concern of mine, other than the fact that the number was larger. What would be a concern of mine is the ongoing testing. That would have been the concern.

So, no is the answer to that.

BY MR. BUFFONE:

Q Did you get the results of the baseline tests?

A I don't believe I did. If I did, I didn't look at them. Like I just said, I --

Mr. McDevitt. Sam, when you say "results" -- I mean, we go back and forth, so I just want to be clear whether we're talking, like, 86 tested positive, or whatever that number was, or individual names.

Mr. Buffone. The total results in the general speaking of

how many tested positive on baseline tests.

Mr. McMahon. I was told how many tested positive.

BY MR. BUFFONE:

Q So you were given the general results of the baseline tests?

A I just said I was told of the number of positives.

Q I just wanted it clear for the record.

BY MR. LEVISS:

Q And did you ask for any of the specific individuals?

A No, I did not. It wouldn't have mattered, okay? It wouldn't have mattered to the ongoing development of this policy. That's what matters, guys. Whether or not it started this way or didn't -- here is the way it started. Okay? So?

Q Do you recall the adoption of a warning policy governing talent who test positive for a prohibited drug and then provide a prescription that is deemed not medically justified?

A Damn, I didn't understand that question at all.

Q Okay. A talent takes a drug test under this wellness policy, tests positive for a prohibited substance, and then is required to produce a valid prescription, if the talent has a valid prescription, justifying that prohibited substance. Is that correct? Are you following me so far?

A No. I think I know where you're going.

Q Okay.

Mr. Cohen. May I?

Mr. Leviss. Sure.

BY MR. COHEN:

Q The information you provided to the committee contained test results, positive test results, broken into three categories for wrestlers who tested positive following the baseline testing. You indicated a number of wrestlers, 15 in March of 2006 to February 2007, you indicated that 15 wrestlers were suspended, three wrestlers received therapeutic use or medical use exemptions, and 12 wrestlers received warnings.

Can you describe the circumstances under which those 12 wrestlers received warnings?

Mr. McDevitt. You're reading from that list Dr. Black gave us? When you say "you," just so -- that is the quantitative information the committee asked us to get from Dr. Black and that came -- okay. You're basically asking him what he knows about the warning business?

Mr. McMahon. That's what you are asking.

Mr. McDevitt. Just get to the question. We all know why we are here. Ask the question.

Mr. Leviss. He tried to get there.

Mr. McDevitt. He didn't try to get there. He tried to dance everywhere but. Ask him about his conversation with Dr. Black, for Christ's sake. Come on, quit dancing.

Mr. McMahon. I don't have anything to hide, guys. Just shoot me right between the eyes, okay?

So, in any event, yeah, I recall the conversation with Dr. Black. And the conversation with Dr. Black was one in which a number of individuals had stated that they had legal prescriptions for using steroids. And Dr. Black had stated in the meeting -- we had one big meeting in Washington, D.C., ironically, in which --

Mr. Leviss. I'm smiling.

Mr. McMahon. Yes, you are. Thank you.

In which Dr. Black stated that if you had a legal prescription for a drug that was listed here, you know, is on the substance list, that, you know, that would be okay.

So a number of the performers took that as meaning that, hey, if I had a legal script from a physician, my physician, that would be okay.

So in calling Dr. Black, I stated, "Dr. Black, this is what you said," and then furthermore said, "Now, you've got two choices, Dr. Black. And the way I would look at it -- and I'm fine with whatever your decision is. You're the guy administrating this, not me. A, you can tell these guys, 'Hey, look, you misinterpreted what I said, and screw you, you're positive.' Or, B, you can suggest, maybe, that, you know, you get a warning if there was some misunderstanding, you get warning for this, and then, ongoing, you clearly understand Dr. Black."

Dr. Black, himself, chose the warning aspect, not the first aspect of, "If you misunderstood me, screw you anyhow." So that was all that was, Dr. Black's decision.

BY MR. COHEN:

Q Do you remember, did Dr. Black initially recommend that those wrestlers be suspended?

A Yes.

Q He did. And what was his rationale for that?

A They tested positive.

Q And did he believe that there was something wrong with the prescriptions that were provided to him?

A I don't know whether he thought there was something wrong with the prescriptions provided. You're telling me that there were a couple of exceptions. I don't know his rationale other than the fact that there seemed to be some confusion by talent, is what Dr. Black stated in the meeting.

That confusion, obviously, was cleared up very quickly by Dr. Black. It was Dr. Black's decision that instead of saying, "Well, if you misunderstood me, it's too bad," or, "If you misunderstood me, here is a warning, and going forward it is very clear what I mean." That was Dr. Black's decision.

You had to start somewhere, and if there was some sort of misunderstanding anywhere in the policy, it's important to straighten that out. That's what Dr. Black did.

Q How would you describe the tone of that conversation?

A The tone of what conversation?

Q The tone of your conversation with Dr. Black.

A Pretty much like the tone of my conversation now. "It's

up to you, Dr. Black, which way you want to go."

Q Your recollection is you didn't advocate for one view over another, you simply suggested to him that he had two options?

A Absolutely. And it was his decision.

Q You presented no views regarding whether those wrestlers should or should not be suspended?

A I think you just asked me that question, didn't you?

BY MR. BUFFONE:

Q Do you recall who initiated that conversation?

A I did.

Q Do you recall why you initiated that conversation?

A Yes, a number of complaints about the individuals who were suspended, or about to be, I guess. They had been notified by Dr. Black, and they had some scripts.

Q And had they been notified by Dr. Black that their prescriptions were invalid or, or under his judgment, were not a for legitimate medical purpose?

A I can't speak to Dr. Black's judgment. All I can speak to is some degree of confusion among talent having what they felt to be a legal script as compared to what Dr. Black said in the meeting or the intent of what he said. So the only thing I'm trying to do is clear this up so that talent, and Dr. Black for that matter, would make sure everybody understands what this policy really means. That is it.

Like I said, all of this is a work in progress. When you

first institute something, you're likely to have a little bit of confusion one way or the other. This was cleared up very quickly.

BY MR. COHEN:

Q The complaints that came to you, I gather at that point you obviously became aware of some of the wrestlers who had tested positive and received warnings.

A Uh-huh.

Q Did you become aware at the time about any of the other wrestlers who had tested positive and received warnings?

A I may have.

Q Do you remember if any of the wrestlers that you became aware of were WWE champions or top WWE stars?

A I don't know where you're going with this either, okay?

One individual specifically came to me and suggested that a number of individuals were very much in the same boat that he was, which prompted me to make the phone call to Dr. Black.

Q Is this an individual you'd describe as a top talent?

A Middle of the road.

Q Not a champion, not a top-of-the-card talent?

A Middle-of-the-road, middle-card talent.

Q Okay.

Mr. McDevitt. This was talked about yesterday in this whole timetable is whenever Dr. Andrews came in, and he had a list of the programs to add medical expertise, back-up, any judgments that Dr. Black was making that the talent were not presenting a

legitimate medical script. This is the evolution of the program.

Mr. Buffone. Just to clarify, I think you meant Dr. Ray and not Andrews.

Mr. McDevitt. Dr. Ray. Well, he is with Dr. Andrews's outfit, and he is completely independent from Black, completely independent party in the evolution of the program.

BY MR. LEVISS:

Q During the discussion with Dr. Black that you've been describing here, did you mention at any point that he could be removed -- "he" meaning Dr. Black -- as program administrator?

A That's laughable. No.

Q Okay. Did you mention that the program could be moved to a different lab?

A No.

Q Did you mention any other repercussions that could happen if he did not concur with your recommendations?

A Absolutely not.

Q Okay.

BY MR. COHEN:

Q Is there a provision in this wellness policy that specifically allowed for warnings in these circumstances?

A I don't think there is necessarily anything written in this policy that relates to that.

Again, I think I've said this, I'll say it maybe for the seventh or eighth time: You have to begin somewhere. Okay? And

you need to make certain that everyone totally understands this policy. That's all this was, is the evolution of this policy. And it continues to be evolved to this day and will continue going forward.

BY MR. LEVISS:

Q Okay. Well, let's talk about where we are with the policy today. I understand that 30 wrestlers tested positive in 2006 and 11 in 2007 for steroids or illegal drugs.

Mr. McDevitt. Where did that come from? Is that from Dr. Black?

Mr. Leviss. It's from Dr. Black.

Mr. McDevitt. If you would, just give him the reference.

Mr. Leviss. Sure.

Mr. Cohen. It is Exhibit 3.

[Vince McMahon Exhibit No. 3
was marked for identification.]

BY MR. LEVISS:

Q I'm sorry. Let me just identify it before I hand it over, so we have it in the record. I'm handing you two pages that are base-numbered WWE/OGR 942 and 943. And the heading at the top of both pages is "Aegis." "Response to Congressional Letter (Section 3)."

Mr. McDevitt. I'm sorry. Did you have a pending question? What was the question?

BY MR. LEVISS:

Q I was saying that we understand that 30 wrestlers tested positive for steroids or illegal drugs in 2006 and 11 in 2007.

A If that's what the document says, that's what it says.

Q Okay. Are you satisfied with the level of progress in the program at this point?

A Well, I would like to have no one testing positive. That would be, I think, the goal, no different than anyone else looking at this from a wellness standpoint.

Q Okay. Are there steps that you're taking or that you have in mind to change or refine the policy to get closer to that goal?

A Wow. I think I've stated, now, this would be the eighth or ninth time that this is an evolutionary part of our process. And we try and do the very best we can with this. We changed it a number of times. Like I've said, we are contemplating bringing on an endocrinologist, a possibility as well of someone with head trauma. You know, there are all kinds of things that we're doing.

So the nature of this policy is to do exactly what it was designed to do: the overall wellness of our talent. Let's face it, as a good businessman, I don't want talent that isn't well. They can't perform. They can't perform at their highest level, and they won't be with us. So, obviously, I want talent to be healthy. Notwithstanding the fact that I am a human being and want other human beings to be healthy, aside from that, I'm a good businessman. I want my talent healthy, because if they're

healthy, their clear longevity is much greater as intellectual property to the company.

So, yeah, you know, I want this policy to be as good as it possibly can be.

Q And that means no one testing positive, ultimately?

A Well, I don't think you're ever going to get to that, you know, realistically speaking. But nonetheless, I think the closer we can get to the zero, the better off it is going to be.

Q Okay. That seems fair.

A That is pretty much common sense.

Q The Albany district attorney's office in the Signature Pharmacy case identified 11 wrestlers who were abusing steroids.

Mr. McDevitt. He didn't use the word "abusing." He used the word "purchased."

Mr. Leviss. They purchased, excuse me. Thank you.

Mr. McDevitt. That's the word he used. He was a little bit more precise in his rhetoric than you are.

Mr. Leviss. I'm lucky that I have you to help me with that precision.

Mr. McDevitt. You are.

BY MR. LEVISS:

Q So the Albany DA in the Signature Pharmacy case identified 11 wrestlers who had purchased steroids or human growth hormone and were identified by law enforcement authorities rather

than by WWE testing.

A Right.

Mr. McDevitt. No, no, that is not true either, and I object to you saying that.

Mr. Leviss. Were they identified by WWE testing?

Mr. McDevitt. Well, why don't you establish a foundation and he would know that. You stated it as a fact in your question.

Mr. Leviss. Mr. McMahon, were they identified by WWE testing before the --

Mr. McDevitt. Establish a foundation as to whether he'd know that, counsel, before you ask him the question.

Mr. Leviss. Mr. McMahon, did WWE testing identify these 11 wrestlers prior to the Albany DA identifying --

Mr. McDevitt. That does not establish a foundation of knowledge. Do you not know how to do that?

Mr. Leviss. Are you instructing your witness not to answer that question?

Mr. McDevitt. No, I'm asking you to do the right thing for a change. Establish the foundation of knowledge before you ask the witness the question. Did you ask Dr. Black the -- Dr. Black does the testing. He doesn't.

Mr. Leviss. Mr. McDevitt, if you have a valid objection to my question, you may make it.

Mr. McDevitt. You're not asking questions. You're giving speeches.

Mr. McMahon. I have no idea what the question is now.

Mr. Leviss. The question is, with respect to the 11 wrestlers whom the Albany DA's office identified to WWE as having purchased steroids or human growth hormone from Signature Lab, had WWE identified any of these 11 wrestlers as users under its wellness policy?

Mr. McDevitt. Do you know either way, Vince, whether Dr. Black detected the drugs that those people purchased on the drug test? Do you know either way?

Mr. McMahon. Well, let me just go into where I think you're going.

BY MR. LEVISS:

Q Well, I'd prefer you start with answering the question that I asked.

A I don't care what you prefer. I'm going to answer the question the way I want to answer the question, okay? That's what I'm going to do.

So my understanding, my recollection, okay, is of these 11 individuals identified by the Albany outfit, my understanding is that, of those 11, two of those had some sort of infraction with the testing with Dr. Black. But that was --

Q What do you mean by infraction?

A Tested positive for something. Okay? I'm not certain whether or not it was a result of this Signature Pharmacy thing or not. It may have been; I don't know.

But I think the important part here -- and let me make a very strong objection to Congressman Waxman's comments in the media, which concerns me greatly. Congress Waxman -- I'll paraphrase here -- basically said that, since there were 11 individuals who were -- now you're frowning again -- since there were 11 individuals that were identified by this Albany outfit, that, in essence, in some way -- I'm paraphrasing -- it proves that the WWE wellness policy is full of crap.

Mr. Cohen. I need to state for the record that that is not what Congressman Waxman said in that article.

Mr. McMahon. Well, then, you go read --

Mr. McDevitt. He didn't say full of crap, but he said it didn't work.

Mr. McMahon. I said paraphrasing.

Mr. Cohen. Congressman Waxman criticized the policy in light of those 11 wrestlers being caught by law enforcement rather than the WWE policy.

Mr. McMahon. And I would suggest --

Mr. McDevitt. He said more than that.

Yeah, go ahead.

Mr. McMahon. And I'm taking great offense to that, because it says to me, basically, that this is sort of a witch hunt kind of like thing. You guys already have the answers before you even ask me the questions. If Congress Waxman says that without even having the opportunity of me to sit down here, and other people,

Dr. Black or whatever, I think that is stupid, okay? That is out-and-out stupid.

And I resent the fact that, you know, someone would fry us in the court of public opinion without having the knowledge of the knowledge you're now going to give him based upon my testimony, as well as others in the company. So we've already been fried in the court of public opinion by Congress Waxman's comments, and I object to that.

Because, quite frankly, as far as testing is concerned, I would suggest Congress Waxman would look at Marion Jones, who has gold medals and things of that nature and the vaulted Olympic-type testing, and somehow she never tested positive for anything and has all these gold medals. And she just admitted that she took performance enhancing drugs. So many cases like that.

And this instance, as it relates to these infractions, there are a number of things going on here. One, there is no proof, quite frankly, that any of these people actually took the drugs that they purchased. That is a possibility. There are other possibilities as well.

So to basically state that, because of the situation in Albany, our program is full of crap, I just think that is --

Mr. Cohen. And, for the record, Congress Waxman did not state that.

Mr. McDevitt. What were his exact words, Brian?

Mr. Cohen. I don't have the exact words in front of me, but

I can say with 100 percent confidence that his exact words were not that the program is full of crap.

Mr. McDevitt. He didn't use the words "full of crap."

Mr. Cohen. No, he didn't.

Mr. McDevitt. That's pejorative. But he definitely stated it showed that the WWE program was a failure.

And I'd be willing to bet you that Congressman Waxman, nor you, nor you, even know the dates of the Signature purchases. I bet you haven't lined them up against the drug tests that the WWE did. I'll bet you didn't go through them with Dr. Black to ask what the detection cycles were. And I'll bet you didn't do any homework at all before that conclusion was made. I bet you still haven't.

Mr. Cohen. Mr. McMahon, you seem eager to answer this question, so I'll come out and ask it.

Mr. McMahon. Well, again, to me --

BY MR. COHEN:

Q In your opinion, does the fact that 11 wrestlers were suspended following the fact that their names were given to you by law enforcement rather than Dr. Black, do you believe that represents a failure of the policy?

A Absolutely not. As a matter of fact, I'm still looking for that gold star, and the reason I am is because we took action. You know, the Albany people said, "If we give you names of people who have purchased from this Signature Pharmacy" -- which, by the

way, is against the wellness policy; you can't buy stuff from Internet pharmacies. There it is in black and white. It doesn't mean they used it. It doesn't mean that they -- some of them purchased things, from my understanding of human growth hormone, which is undetected, okay? It can't be detected in anybody's test, let alone ours.

So, quite frankly, I would suggest that our policy is not infective, it is extremely effective, because not only did we tell the Albany officials we would take action, once we were given these names, the next day I had those individuals in my office. And every one of them, except for one of them that was named, which I didn't interview, which was incorrectly named by the Albany people -- but aside from that, every single one of them confessed that they had purchased from the Signature Pharmacy.

That's an infraction. Whether or not they these used these drugs, whether or not they took human growth hormone which is undetectable, I don't know.

But on the contrary, I would suggest to you, certainly, far more than any other program -- and, by the way, the Albany people weren't -- you know, the WWE performers weren't the only ones named. Baseball was named. And, again, that is a big topic of today, obviously, yesterday. No action was taken there by baseball until, you know, last week.

Mr. McDevitt. They didn't do anything.

Mr. McMahon. That's true.

Mr. McDevitt. They didn't do anything for half of them. Just so we're on the record, the Mitchell report was written yesterday, was released yesterday. You'll find around page 238, compared to the WWE response -- when we got a call, we went up and talked to David Soares. Apparently Major League Baseball didn't even send a representative up there to speak to them. They cite all their sources from the news.

They were talked to by those people before we went up there because they told us that, and yet they didn't take any action until December 7th, which was last Friday, no doubt in anticipation of the report, and did nothing for half of those people. So while you are faulting us, you might want to take into account what sports leagues did in response to this information.

Mr. Cohen. We have Major League Baseball coming in Tuesday.

Mr. McDevitt. When you compare a corporate response -- I mean, your boss faulted him for -- I mean, when the information comes to you, you can do two things. You can do nothing with it, or you can act on it. You can question whether the drug tests could have caught it or should have caught it, or -- why don't you ever give credit for, when the information does come to somebody and the corporation acts, they get some credit for it, instead of no good deed goes unpunished in this business. He did exactly what -- and if he hadn't have done anything, you would've been here saying, "Why didn't you do anything?"

BY MR. LEVISS:

Q Mr. McMahon, a moment ago, you suggested that the committee should look at the Olympics for, you know, their failure to detect Marion Jones's steroids abuse until she admitted to it. Do you think that reflects a failure of the Olympic testing program?

A Certainly, you know, based on Waxman's criteria, it sure as hell would.

Q By your criteria does it?

A Look, there is no drug test, okay, there is no policy that is foolproof. None of them are foolproof. Yesalis, who is a recognized expert from Penn State, quoted The New York Times, I think it was on Tuesday, that those who fail drug tests are basically careless or stupid, I think, paraphrasing. So I don't think there is any program that is foolproof.

However, you know, Congress Waxman is -- and I would expect an apology, and I am going to ask for one, just for the record, from Congressman Waxman -- you're smiling now -- at the conclusion of all of this, because, again, I don't think anyone, certainly not someone who is elected, should make a determination of whether or not a policy is effective or not without having all the facts.

And, again, I'm extremely proud of our policy, very, very proud of it, as I am proud of our product and everything that we do. So I'm going to expect an apology from Congressman -- and I'm certainly going to ask for one publicly. I want that apology. It is absolutely irresponsible for a Congressman to state things of

that nature without having the facts.

Mr. Leviss. I can hear that you're upset about that.

Let's maybe move on.

Please, go ahead.

BY MS. SAFAVIAN:

Q Mr. McMahon, prior to retaining new talent or placing them under contract, do you require them to undergo any tests for prohibited drugs?

A Yes, we do, as well as cardiac testing. They are all tested coming in now, and we don't even sign them up until they past all of these tests.

Q So if they were to fail a test, would you check to see whether or not they had a legitimate prescription? Or do you not even bother to go down that road with them?

A It depends on what they failed. Generally speaking, if they failed any sort of test, there is no reason to bring them on. I mean, there is a proliferation of prospective talent out there. If they failed anything, whether it is a heart problem or whatever it may be, we wish them luck and bring in somebody else. So, right away, we test talent before they even sign with us.

Q And you mentioned just a few minutes ago that, once the 11 names were mentioned to you, you actually called them all into your office. I think you said, with the exception of one person, you spoke with each one of them.

When you learn the results and you learn that somebody has

failed the test, do you speak with each one of the talent?

A No, I don't. As a matter of fact, Dr. Black notifies our legal department, who then notifies our Talent Relations, and action is taken there. I really am removed.

In this case, it was somewhat different, because we were asked whether or not we were going to take action. It really didn't involve Dr. Black because it wasn't, you know, someone who has flunked a test, in essence. That's why I got those guys in there and asked them individually whether or not, you know, is this correct, did you buy from this Internet pharmacy? And some of them -- I mean, all of them confessed that they had. Some said they didn't take the drugs and things of that nature, but that is just too bad because it is an infraction of the policy.

So we took action. The next day, you know, we flew all of these guys in from -- they were off, so wherever it is their residence is, it didn't matter, we flew them in and had that conversation with them and took action.

Q And did you initiate the action or did Dr. Black, under the policy?

A This was not Dr. Black's purview, in essence. I did it personally.

Dr. Black was very much involved in discussions of what we were doing, for sure.

Q Was he present during the meeting you had?

A No, he wasn't, no.

Q Under the wellness policy, there are portions in here where you talk about when there is substance abuse and how the talent should get help for that.

A Correct.

Q And we've been told by Mrs. McMahon that you all front the cost of such counseling or treatment.

A Right.

Q For instances like that, do you have conversations with talent before they are about to receive such treatment?

A Me, personally? Probably not. You know, I may.

But the talent understands this process, that, you know, if they -- it depends. If they voluntarily -- if someone comes up and says, look, I've got a problem, I want to voluntarily go into some sort of drug prevention program or whatever, then, again, same thing, we would front the cost of that. And then at the conclusion of graduation, in essence, we would then take out a portion of a half of the cost and ask -- not ask, but demand the talent pay the other half.

But it's over a period of time. And the reason I like to do it over a period of time is there is a deduct there, so that it reminds that talent, you know, every time they get a paycheck, "Oh, that's right. I screwed up. I don't want to do that again." That's why we do it that way. Otherwise you could just take it in one lump sum.

Q Sure. And I would also like to try to understand, it

seems to me that you probably do interact with talent quite often.

A Yes.

Q So I guess I'm trying to get a feel for -- has this happened or would talent feel comfortable coming to you and just discussing with you that they have, say, a substance abuse problem or some type of other, you know, medical condition or they're looking for some assistance or some help? Does the talent, do they feel like they can come to you to discuss such issues?

A I'm sure they do. I don't know, you'd have to ask those talents that question. But I've got pretty much an open-door policy to anybody.

But aside from that, I think that talent generally now -- it would depend on the talent. But, generally, I think they would go through Steph or John Laurinaitis, who works for Steph. And I think that would be the way it would go now.

Mr. Leviss. We have been at it for about 2 hours. And while I appreciate your level of stamina, we're going to take about a 10-minute break.

Mr. McMahon. Do we have to? How much longer is this going to go on?

Mr. Leviss. Part of what we're going to figure out during that break is whether there is material in our prepared questions that maybe we can dispense with. So I'd prefer to talk to my colleagues.

Mr. McMahon. I understand. You bet.

Mr. Leviss. We can limit it to 5 minutes. But, realistically, everyone is going to take 10 minutes, whatever I say.

Mr. McMahon. All righty. Thanks.

[Recess.]

RPTS MERCHANT

DCMN BURRELL

[4:08 p.m.]

Mr. McDevitt. There is something I would like to note on the record about some other things that we did following the meeting with Signature that you don't have on record because you don't know how the company works and who does what and some of those things that are not deliberate, but they operate to create sort of a misleading impression. I mean, for example, one of the things you had asked me was how the policy continues to evolve and get better.

I can use Signature to give you further examples of how it works in the real world, not the ivory towers of people who want to criticize drug programs but try to implement them. When you get information like you do from Signature Pharmacy, one of the things we learn from looking at the list of substances that were being purchased were some substances that we didn't even know what they were, we don't even know what they are. And you have to do due diligence; what are they buying, what is this. And I'm sure David Black will confirm this for you. And so we called David Black and said do we have any idea what this substance is or why anybody would even take it, and you have to investigate it. And you find ways that people are always trying to get an edge in the drug world. They do. That's part of what you're trying to detect, catch and prevent. And as a result of that there were

other substances that we now add to the bad substance list when we find out that they are taking things that could have a deleterious effect on their health. And there were amendments made to the prohibited substance list as a result of what we learned from going up to visit Signature Pharmacy. We didn't have any idea before as a result of conversations Vince had with particular talent.

That's how these things evolved. You don't get that sense by the kind of questions you ask because you're not really trying to find what are the good things they're doing, you're trying to criticize. And I just wanted to make that part of the record.

Mr. Cohen. Anything else you want to submit to us and to the committee we will be more than happy to accept.

Mr. Leviss. Yes. And if there's more information that you want to provide us that you think will give us a more complete picture, we welcome that. I take issue with your characterizations here and elsewhere today and yesterday about what it is the committee is trying to do with this investigation.

Mr. McDevitt. David, I've been doing this for 27 years. I know when a question is adversarial and I know when it's trying to find out facts. We're not here to find out facts, we're here to write a report. So we understand the dynamic of what's going on. We understand the chairman's prejudged it, but we're going along with it anyway. So let's just continue. I just wanted to put that on the record.

Mr. Leviss. Jerry, I'm sure that we each have opinions of each other's lawyering, but I'm going to ask you as a courtesy to stop commenting on what you think of my approach today.

Mr. McMahon. Well, let me comment on it. I've already said I find it offensive. I already said that I find, you know, that Congressman Waxman's points of view have already determined this is not a very good policy. So I suspect that the only reason you're here today and the reason I'm here today is to substantiate that because you guys work for him. So I find this whole process to be offensive as opposed to one in terms of actually determining the facts, notwithstanding the prejudgment of the guy you work for.

BY MR. LEVISS:

Q I hear you saying that, and I'm not sure I can convince you --

A You can't.

Q -- that that's not the case. I will ask you that. If you think there are facts that we ought to have that will clarify this situation or this investigation, please provide them. If I'm not asking the right questions to get to the facts that you think we ought to have, I would like to hear them, whether it's today or in some follow-up to the committee.

A Thank you.

Q You're welcome. Thank you.

I have a question about one specific wrestler, Chris Benoit.

I know that this is a sensitive subject, and I'm trying to be very careful about how this question is framed. Media reports have indicated that Mr. Benoit may have tested positive under WWE's testing program, tested positive for steroids. Prior to Mr. Benoit's death, were you aware of any positive test results from Mr. Benoit under the wellness program?

Mr. McDevitt. Hang on one minute. I want to be clear in terminology.

Mr. Leviss. Sure.

Mr. McDevitt. When you're using the phrase "positive," David Black runs a drug test. It will show the presence or absence of a drug. That is positive in a sense of it shows the presence, but it isn't a positive drug test result in the sense that it isn't until he confirms that it was not made for a legitimate medical purpose. So I just -- I don't want to have a confusing record here. There's a big difference between the chemical result of a drug test and the end conclusion of the analysis that Dr. Black goes through to determine whether or not this was for a legitimate medical purpose. What we usually get, and I think the record shows you this, what we get is when he gets done with the conclusion of the process. So when you say positive test, is that the sense in which you mean that? Did Dr. Black ever tell Vince or did Vince learn from anybody that Dr. Black did tell that he had determined that Chris Benoit had a positive drug test in the sense that he was taking medicine for other than a legitimate

medical purpose? Do you understand what I'm saying?

Mr. Leviss. I do understand your clarification. Give me a moment, please.

[Discussion off the record.]

BY MR. LEVISS:

Q In that case it becomes two questions. The first question is, prior to Mr. Benoit's death, were you aware of any positive test result, positive in the sense of detecting a substance that the test is used to scrutinize? Not a conclusion about whether that substance was medically justified. Were you aware of any positive test results that Mr. Benoit had under the wellness program prior to his death?

A I only become aware of positives once they are conclusion positives. And Dr. Black independently makes that determination. That's when I am told there is a positive.

Q That's as a matter of course you're saying?

A Absolutely as a matter of course, as well as the specific person.

Q Okay. So specific to Mr. Benoit. That's what I wanted to know. Prior to Mr. Benoit's death, were you aware of any positive test results as reported by Dr. Black?

I'm sorry, let me just make that less confusing. Prior to Mr. Benoit's death, had Dr. Black advised you that any of Mr. Benoit's test results were positive in Dr. Black's assessment?

A I think I just answered that question, didn't I? The

only time that I get test results that are positive is when Dr. Black has concluded that that is a positive test result. I never got a positive test result on Chris Benoit in any manner, if that answers your question.

BY MR. COHEN:

Q One final question on this. Did you ever receive -- prior to Mr. Benoit's death, did you ever receive any information indicating that he had ever received a warning or a medical use exemption for the use of steroids?

A No. I'm not involved in that, guys. I get the end result. This is independent. Dr. Black administers it, okay, independent of me, which is what I stated one of the reasons why I believe that this is the best policy we've ever had, and would suggest that baseball do the same thing, which they haven't.

BY MR. LEVISS:

Q I have a few questions for you about two of the amendments to the policy. And maybe it makes sense to show you the amendments just so that you understand what I'm talking about.

A Absolutely.

Q I'm going to mark these as Exhibits 4 and 5. This copy had a handwritten mark by one of us from yesterday. I just put a sticker on it. It's not part of the way you produced it.

A Okay.

[McMahon Exhibit Nos. 4 and 5
were marked for identification.]

BY MR. LEVISS:

Q Exhibit 4 that I marked here, and I'll show it to you in a minute, is the second amendment dated August 21, 2006 to World Wrestling Entertainment, Inc.'s 2006 substance abuse and drug testing policy, dated February 27, 2006. That's the Wellness Policy as I understand it.

Mr. McDevitt. Do you want him to have both of them, Dave?

Mr. Leviss. I was going to give him both. I was going to let you review that. I'll identify Exhibit 5 as well. It's the third amendment, dated May 16, 2007, again to World Wrestling Entertainment, Inc. 2006 substance abuse and drug testing policy dated February 27, 2006.

Mr. McMahon. And what do you want to know about this?

BY MR. LEVISS:

Q As I understand it, these two amendments under certain circumstances allow suspended wrestlers, or at the time that they were in effect, allowed certain suspended wrestlers to appear on television and in pay-per-view events without pay or with limited pay?

A Okay.

Q Is that correct; is my understanding of it correct?

A Yes.

Q Do you know how often either of these two suspension exemptions were invoked?

Mr. McDevitt. Object to that.

Mr. McMahon. That's not an exemption. Why is this an exemption?

BY MR. LEVISS:

Q How often were talents allowed to appear on television or at pay-per-view events with either limited pay or without pay following a positive test result?

A It depends on the talent. It depends on where they are in a story line. For instance, when we got the Albany information back we had one individual who was a champion and I needed to get that championship belt off of that individual. The only way to do that is to do it on television. There was someone else who was involved in a real hot angle, as we call it, a real hot issue, story line, okay. I had to resolve that. There are a number of

things like that, which is not an exemption under any set of circumstances. We're Hollywood, we're in show business, we write scripts. So I don't want to leave something unwritten. If you're in the middle of a story line, you need to conclude that as quickly as possible. And once we started this whole Wellness Policy with Dr. Black I explained that to him; hey, look, someone may test positive here, but I need to get those test results back and have a number of days to be able to conclude what that story line is. So that's what we did. That still exists today.

BY MR. COHEN:

Q That does still exist today?

A Oh yeah, absolutely.

BY MR. LEVISS:

Q I thought that the current policy is that a wrestler who's suspended because of a positive test result cannot appear on television or pay-per-view?

A No. The intent here is to obviously punish the performer. Not punish the performer, certainly not reward the performer. So you're sure as heck not rewarding the performer or his characterization by further putting him on television and having that person look less than favorable. And it's important to conclude a story. There's no advantage -- if that's where you're going, there's no advantage to someone appearing on television even though they've tested positive at all. Because when they do appear on television and/or pay-per-view, then they

don't look too favorable.

Q Because they lose their belt, is that why?

A Well, yeah. I mean they will do, quote, the honors as we call it. You know you will conclude a story line. And generally speaking in concluding a story line you know someone who has tested positive is not going to -- they're not going to fare well, they're not going to win in the story line. You need to conclude that, okay. And it normally takes us about a week to conclude some of those stories. Now, if you're not involved in a story line then we don't put you on television, period.

Mr. McDevitt. Give me a minute.

[Discussion off the record.]

BY MR. LEVISS:

Q You've had a chance to speak with Mr. McDevitt. Is there anything more that you want to add?

A Only that the document speaks for itself. Again, a situation in which there is a performer and the story line needs to be concluded. You know, I don't want to reward the individual who has failed a test of some kind. The idea here with this new amendment, as of November 1 we are announcing the positive test results, which we haven't done before. Because the public is then aware. As a matter of fact, we even sent out a press release for the last two who tested positive. They were not involved in a story line, okay. They did not appear on television. If in fact, okay, it's important that someone who tests positive, when they

test positive we announce -- which we haven't run into that quite frankly. We haven't run into the situation. And again the program is evolving, guys, okay. You're trying to do some sort of gotcha bullshit, okay. But the program is evolving.

So quite frankly we haven't been given the circumstances yet in which someone has tested positive, we announced to the public they've tested positive and been on television. We haven't had that yet. So quite frankly the intent certainly is not to put them on television and reward them. But I don't exactly know what we're going to do about that if we are confronted with that. Because it seems to me some sort of a logical fashion that we should conclude a story line. But the idea of not putting them on television to reward them is important, and that's in essence, I believe, what this is saying. But we haven't been presented yet with that problem of, okay, Vince, you announced someone has tested positive, yet they're on television on Monday night.

Q Do you have any idea how often the situation we've been discussing has occurred, this situation in which a suspended wrestler appears on television or on pay-per-view without pay or with limited pay?

A Well, are you referring to since November 1st?

Q Since August 21st.

A Since August 21st --

Q -- 2006?

A A handful, a handful.

Q Less than 10 do you think?

A Yeah.

BY MR. COHEN:

Q To give you some context here and to help us understand, the Aegis lab numbers that were given to us show that prior to our, let's see -- through June 30, 2007 there were 15 suspensions -- there were 19 suspensions between March 1, '06 and June 30, 2007. Of those 19 what's your best estimate of the number that appeared in events?

A I don't know. I wouldn't imagine it would be many at all. I would say about five. Again, not everybody, you know, obviously is involved in a story line.

I don't know where the hell you guys are going with this line of thinking, I really don't. You know, I'm not rewarding anyone. I don't know where you're going with that. I'm resolving an issue on television, and I'm doing it very quickly. I'm doing it as quickly as we possibly can. When someone tested positive, I'll take action then at the next TV so I can resolve that issue. If in fact, for instance, wrestler A tests positive and he was supposed to meet wrestler B over here, then I need to resolve that so that wrestler A, who has some sort of infraction, doesn't appear his best. I need to eradicate that, change the story line, okay.

And again we're different than anybody else. We're not a sport, emphasize, okay. It's not like baseball or whatever else

it may be and you're not playing, you're out for 14 games or whatever it might be. This is entertainment. We are so different than sport. We are entertainment.

BY MR. COHEN:

Q To give us some context to how this is handled, if you have a champion who, not someone who tests positive for a drug, but let's say a champion painting his house falls off a ladder and breaks his arm, how would you handle that in the story line?

A If he broke his arm?

Q Yes.

A In all likelihood -- it would be up to the talent, but in all likelihood there would be some sort of story about him breaking his arm, or someone else. You know, probably his adversary broke his arm, but yet he's going to be gallant enough to go out there and defend his talent. He would trip on something and lose his championship if he broke his arm. That would probably be logical.

Q Would it be possible to incorporate the fact that a wrestler tests positive and then is suspended into a story line?

A Would it be possible?

Q Yes. Could you take care of the problem that way?

A Well, first and foremost, in the entertainment business I guess anything is possible. But if you have a number of suspensions that happen to be on television, I don't think I can come up with the same story line for each and every one of them.

And quite frankly for you to ask me or suggest to me what we do in our business, you know, in terms of creative is absurd.

Q I'm not suggesting. I'm trying to understand what the possibilities are on the creative end of your business.

A Right.

BY MR. LEVISS:

Q After November 1st, like prior to November 1st, how do you announce positive tests? You mentioned that --

A We haven't announced any positive test prior to November 1st.

Q I got the sense from your answer that as of November 1st --

Mr. McDevitt. After November.

BY MR. LEVISS:

Q I said after November 1st how do you announce positive tests, what's the policy, what's the procedure going to be?

A Well, it may change. The procedure right now is that we issue a press release and we also put it on our Internet site.

Mr. Leviss. That's all we have on the amendments. Jennifer? Ben?

Ms. Safavian. No, thank you.

BY MR. LEVISS:

Q There have been -- I guess over the past couple of years there have been published reports or articles suggesting that fatality rates for individuals who are or have been professional wrestlers are above the norm, what would be expected comparing professional wrestling to professional sports. And I understand it's not a sport. But I'm explaining to you what some of these reports have suggested. And by way of background, there was a March 2004 story in USA Today with the headline High Death Rate Lingers Behind Fun Facade of Pro Wrestling. And in the story they identified 65 former professional wrestlers who had died early between 1997 and 2004.

Mr. McDevitt. Did they identify them by name?

Mr. Cohen. They did not.

BY MR. LEVISS:

Q Are you familiar with the story that I'm describing?

A Generally.

Q The journalist, a wrestling journalist, Dave Meltzer, in a July 2007 piece compiled --

Mr. McDevitt. That's an oxymoron.

BY MR. LEVISS:

Q -- a list of 60 or over 60 former professional wrestlers who in his assessment had died early. Are you familiar with --

A I'm not familiar with anything Dave Meltzer writes. He's a gossip columnist. I don't read what he has to write. Like I say, he's a dirt monger. There are a number of those. We call them dirt sheets and they have very little credibility.

BY MR. COHEN:

Q What about -- some of his work received coverage in a number of other more mainstream outlets, for example, Sports Illustrated. I believe Frank Deford did a story on the Meltzer numbers. Are you familiar with that?

A Look, I've borrowed one of Frank Deford's shoes one night. He doesn't like me.

Q Are you familiar with his story?

A No. Other than Frank Deford wrote something derogatory. But, you know, he has no sense of humor and he doesn't like me. We were bowling one night and I borrowed one of his shoes and he never found it. And so he had to walk home in a bowling shoe and one of his others, and he was upset about that I understand.

Mr. Leviss. I'm going to have to note that would be

upsetting too.

Mr. O'Neil. Now we know the rest of the story.

Mr. McDevitt. You're hearing something for the first time, too. I never heard that one.

Mr. McMahon. Well, actually I also borrowed one of his wife's shoes, too.

Mr. McDevitt. That's a whole different story.

Mr. McMahon. I left that part out.

Mr. Leviss. I take it she was not your size.

BY MR. LEVISS:

Q Are you familiar with the book Wrestling Babylon by Irv Muchnick?

A I never read it, but I'm familiar with it.

Q I understand that he published a list of 89 former professional wrestlers who -- again he contended had died early. Have you heard of that?

Mr. McDevitt. I think that's the one he had a couple of people on the list twice.

Mr. McMahon. No.

Mr. McDevitt. That's the one he had a couple of people on the list twice.

Mr. Leviss. I'm sorry?

Mr. McDevitt. That's the one that has the same people on the list twice. That's the quality of his journalism.

Mr. Leviss. Okay.

Mr. McMahon. Where are you going with this? Cut to the chase, will you, please?

Mr. McDevitt. What do you want to do with these lists?

BY MR. LEVISS:

Q Before you wanted to know -- before you responded to an opinion, you wanted to know where it was coming from, and I'm trying to give you an understanding of that. I would like to know how you respond to publications, writers or authors who contend that professional wrestlers and former professional wrestlers have an increased chance of dying early. What's your opinion of that, what's your response?

A My response to that is if it's one wrestler it's one too many.

Q Okay.

A Okay.

Q Are these -- have there been any discussions within WWE management about having the company determine for itself whether this is an issue to consider, an issue worth pursuing?

A Well, let me just say this, that as a company you can't very well dictate to someone how they behave. Ultimately I think we are all as human beings responsible for our own behavior. The only thing we as a company can do to try and help former performers is to -- what we have done is to say if anyone you know -- and not just those that have worked with WWE, which I think there are five out of the list, but certainly a minority to say

the least, but not just those. What we have done you know is from a magnanimous gesture is that we have extended to anyone who has ever been in a ring here in the United States or in North America, I believe, that if you have a problem as a result of your lifestyle that you continued or picked up or whatever the case may be, if you have a problem that requires intervention, a problem that requires you going to school, in essence some sort of a drug program, we would pay not just half of it, as we do for performers currently under contract, we would pay for all of it. That is unfortunately the only thing that we can do. I don't like to read about these deaths at all. And some of these people who have overdosed and things of that nature have been friends of mine. It's upsetting on every conceivable front. So as a -- not necessarily a responsible, but I think I would like to throw in responsible as well, corporate member of society, notwithstanding again the fact I'm a human being, I don't know anything else we can do other than to extend that service or whatever to someone who may have a problem.

Q Do you think that professional wrestlers and former professional wrestlers face any increased risk of premature death as compared to other entertainers?

Mr. McDevitt. How could he render an opinion like that, seriously? Do you have any idea the kind of work you would have to do to draw a meaningful conclusion scientifically about that?

Mr. Leviss. I haven't asked you for a scientific or medical

conclusion. I'm asking you for your personal opinion.

Mr. McDevitt. It doesn't mean anything unless it's that kind of opinion. What's the point of that kind of opinion, really? He's here as a fact witness. If you look at -- you know what's so unfair about this, Dave. I would assume you guys are not trying to be unfair. There are people on this list -- Vince, for example, have you ever heard of Javier Hernandez in Mexico City?

Mr. McMahon. No.

Mr. McDevitt. Do you have any knowledge of why that man died?

Mr. McMahon. No.

Mr. McDevitt. Do you know -- have you ever heard of Scott "Hog" Irwin?

Mr. McMahon. No.

Mr. McDevitt. Do you have any knowledge of how that man died?

Mr. McMahon. No.

Mr. McDevitt. I mean, go down this list like that. Now, I could do the same to you as you could do to him. You have no more idea why that man died than he does. And yet you expect him to have an opinion about whether this is somehow related to professional wrestling. Most of these people never touched the WWE in any way, and yet you expect him to have opinions on that.

BY MR. LEVISS:

Q Do you think it's an issue worthy of your time or not?

A What is an issue?

Q Whether or not former or current professional wrestlers face an increased risk of premature death than other entertainers.

A I would suggest to you that we are certainly concerned with our current performers under contract, and that's why we have our Wellness Policy. Those who are not under contract to us, those who were at one time and long not been under contract, you know, I don't believe our company has any responsibility for their behavior. I think ultimately the individuals themselves are responsible for their individual behavior. So again as a magnanimous gesture all we can do is reach out to some of those former guys and the people I don't even know on that list and don't even know why they died, people like that, to reach out to that have put on a pair of tights and called themselves a professional wrestler. So that's all I can do is say, hey, if you have a problem we would be happy to help you and pay for all of it. In terms of things of the past, I can't control the past, guys. Nobody can control the past. The past is what it is. What I am concerned with, however, is the present, which is why we have this Wellness Policy, to make certain that our talent, while they're under contract to us, have good habits and can perform at their highest level and be well. That to me is my responsibility, and I don't take it lightly. I can't be held responsible for deaths that have nothing to do with me. I won't accept that.

Q What led you to make, you the company, to make the

magnanimous gesture of offering counseling services to current or former employees or contractors?

A Two words. Public relations. That's it. I do not feel any sense of responsibility for anyone of whatever their age is who has passed along and has bad habits and overdoses for drugs. Sorry, I don't feel any responsibility for that. Nonetheless, that's why we're doing it. It is a magnanimous gesture.

Q Mr. McMahon, we're almost finished today. I have a final set of questions to ask that we've given careful consideration to. We've given careful consideration to all of these questions.

A I hope you have.

Q But that in particular, because while it's a short set of questions they're more personal than some of the other questions we've been asking today. And we recognize that you may not want to answer these questions. But we feel, we believe that they're important and relevant to this investigation, and that's why I'm going to ask them. We understand that you've chosen to come to this interview voluntarily, that you're not here under compulsion. No one can require you to stay or answer any particular question.

Mr. McDevitt. What's the question?

Mr. McMahon. Let's get to the question, guys.

Mr. Leviss. But I hope you do understand that we do consider these to be important questions and I hope you'll answer them.

BY MR. LEVISS:

Q It's my understanding that you play a dual role in WWE as both an executive and separately as WWE talent?

A Yes.

Q Is that correct?

What kind of roles does your character Mr. McMahon play?

A Basically he's a heel, a bad guy.

Q Does he ever wrestle?

A On occasion.

Q How often?

Mr. McDevitt. Why don't you ask him the question?

Mr. McMahon. Twice a year.

Mr. McDevitt. Why don't you ask him the question you want to ask him?

Mr. Leviss. We're getting to that.

Mr. McDevitt. No, you're not, you're playing. We all know the question you want to ask him. Ask him the question.

BY MR. LEVISS:

Q In your role as WWE talent are you subject to the provisions of the Wellness Policy?

A Let me answer where I think you're going. I do not test. I'm 62 years old. The Wellness Policy is a policy designed for talent that's regularly scheduled to compete, which I may wrestle a couple times a year. And not only not regularly scheduled, at 62 I'm not exactly a 24-year-old guy of which we're

concerned for his wellness. So I don't fall in the category.

Q So you're not subject to the terms of the Wellness Policy?

A No.

Q And are you subject to testing?

A If I'm not in the Wellness Policy, then I'm not subject to testing, as I said before. I'm not a regularly scheduled performer. In addition to that I'm 62 years old, not 26. And the Wellness Policy is designed for those young competitors who compete on a regular basis.

Q Is the Wellness Policy --

A I'm in good health at 62.

Q It appears that you are. Is the Wellness Policy age limited by its own terms?

A I don't believe so, no.

Q Have you ever been tested under the Wellness Policy?

A No.

Q Have you ever been tested for steroids by any other authorities?

A No.

Q In your trial, in the trial of Dr. George Zahorian, you admitted to having used steroids on at least one occasion.

Mr. McDevitt. That's false.

BY MR. LEVISS:

Q You didn't admit to using steroids?

Mr. McDevitt. He didn't even testify in his trial. He didn't have to testify in his trial. We whipped the government's ass in 19 days without putting a witness on. Get your facts right. He didn't testify in the trial.

BY MR. LEVISS:

Q Is it true that your lawyer in that trial, Ms. Laura Brevetti, submitted that you had received steroids from Dr. Zahorian for personal use?

A I believe so.

Mr. McDevitt. A different question. By the way, do you mean to tell me, Brian, this was your list of questions and this was so important that he had to preface all his comments about this with how important this was for the committee to ask these questions, yet it's not on that list? And I'm supposed to believe this is all in good faith, huh? You didn't think those questions that he now has prefaced was so important he was going to ask is not so important to put on there?

BY MR. LEVISS:

Q You did admit to having --

Mr. McDevitt. Wait a minute. Has this just come up after this, Brian?

Mr. Cohen. It did.

Mr. McDevitt. You lost every bit of credibility you ever had with me with that answer, because I know better.

Mr. Cohen. I told you that over a week ago, one week before

the interview. And I indicated at the time that there may be other issues.

Mr. McDevitt. Do you have any other questions?

Mr. Leviss. I do.

BY MR. LEVISS:

Q Several witnesses that have contacted the committee as part of the investigation have shared their perception that you may be using steroids or other performance enhancing drugs.

Mr. McDevitt. Fine. Do you have another question? We're not commenting on that.

BY MR. LEVISS:

Q Several witnesses have shared their perception of that and they have told us that in their view this perception weakens the Wellness Policy because it creates a sense that steroid use in the WWE is tolerated. Mr. McMahon, have you used steroids since 1996?

Mr. McDevitt. Stop. Do you have any other questions? Do you have any other questions?

Mr. Leviss. So you're instructing him not to answer.

Mr. McDevitt. Do you have any other questions?

Mr. Leviss. I do.

Mr. McDevitt. I don't have to instruct him. These are voluntarily.

Mr. Leviss. Sure.

Mr. McDevitt. Do you have any other questions?

Mr. Leviss. I do.

Mr. McDevitt. What are they?

Mr. Leviss. Is he not going to answer that question?

Mr. McDevitt. I'm not going to allow you to harass this man. How is that pertinent to anything about whether this wellness program works? And you came in here today professing you have an open mind and you're telling me that you didn't have this in mind when you wrote this list? Bullshit.

Mr. Leviss. I just finished telling you that there are witnesses who have expressed to the committee their perception --

Mr. McDevitt. I don't care about what your unnamed witnesses have said about your perception. You can take them and do with them what you want.

BY MR. LEVISS:

Q Mr. McMahon, have you used human growth hormone since 1996?

Mr. McDevitt. Do you choose to answer those questions to these people, Vince?

Mr. McMahon. No.

Mr. McDevitt. You now have your answer.

BY MR. LEVISS:

Q You're choosing not to answer the question or are you saying, no, you have not used it?

A I'm choosing not to answer the question.

Q Have you used any other performance enhancing drugs

since 1996?

A I'm refusing to answer the question.

Q It wasn't clear to me on the steroid question whether --

Mr. McDevitt. Well, too bad if it wasn't clear. Do you have any other questions?

Ms. Safavian. We have not asked for names of any individuals in this investigation.

Mr. McDevitt. No, not one person.

Ms. Safavian. And what you're doing is I guess trying to get a name. I actually do think this is perhaps an inappropriate line of questioning.

Mr. Leviss. I appreciate your view on it, but we vetted this line of questions --

Ms. Safavian. With who?

Mr. Leviss. -- and we believe that this is.

Mr. McDevitt. You vetted this line of questioning but it didn't make it on the list?

Ms. Safavian. I wasn't aware of it.

Mr. Leviss. I understand that you object to it but this question, this line of questions is a line of questions that's important to us.

Mr. McDevitt. Who vetted this line of questioning? When?

Mr. Cohen. It was vetted in the committee.

Mr. McDevitt. Was it prior to sending this list, Brian?

Mr. Despres. No, it was not vetted prior to sending that

list.

Mr. McDevitt. Anything else?

BY MR. LEVISS:

Q I would like it to be clear. I asked whether you've used steroids since 1996, and I'm not clear whether you're choosing not to answer that question or not?

A I'm not answering your question.

Mr. Leviss. Okay. Thank you. Anything else? Do you have anything else?

Ms. Safavian. No, we do not.

BY MR. LEVISS:

Q Okay. Thank you for your time. Do you have anything else?

A Whoa, whoa, whoa. You haven't asked me okay. Again, what I would like to state here is that this company puts smiles on people's faces all over the world. We do it in a responsible manner. We're a public company on the New York Stock Exchange. We have lots of fun, by the way, doing what we do. It's a wonderful company. It entertains millions of people. I'm very proud of our company. I'm very proud of the wellness policies through the years that we put into place, very proud of everything that we've done to make this a safer environment and to enhance the performance of all around performers and to create a better product, which we do every conceivable day, try to create a better product. I feel as though that this has been a complete witch

hunt, and I feel as though despite what you said earlier, I think there is no question in my mind. Hopefully when the public reads this report they will keep in mind, and as best as possible I will remind them as well, not that it will matter, and as the media goes they're only going to want to print what they want to print. But I will state once again that when the chairman of this whole thing, Waxman, determines without any testimony here today that this wellness program is full of crap, my words not his, that's what he means, then we can only expect you guys, the minions who work for him, may only expect then that you write some sort of report that substantiates his point of view. And again I find it irresponsible for a Congressman to state something like that prior to all of this testimony, totally irresponsible.

So for the record, I am certain that whatever it is, despite all the wonderful things that we've done, that no one else in the history of this business has ever done, despite all of that, you're here to in some way attack us, when in fact the Wellness Policy is a very good policy, it's one that has evolved and will continue to evolve regardless of what you guys have to say. It didn't take an act of Congress, didn't take Waxman, didn't take the media, didn't take anybody along those lines to tell us what we should do from a responsible standpoint. We've had three of these programs that we put into place voluntarily. We're concerned where our performers are concerned and good business people, by the way, and want to do good business. It didn't take

any of that crap like baseball or anything else. No one had to tell us what to do. We did what we did because it was the right thing to do for our business.

So there are so many other really good things which we'll try to give you in terms of information you don't have that are positives. All of this has been an attack on the company, all of this has been extraordinarily negative today. Almost every bit of it has been let's try and getcha and it's been negative, negative, negative.

So again I'm not expecting anything, nor should the public expect anything other than some sort of scathing report from your committee chaired by the guy who already prejudged us, Waxman. We can't expect anything, nor can the public expect anything other than something that's rotten coming out of this committee.

And I want to say that for the record. And that's all I've got to say. Have a nice day.

Mr. Leviss. I thank you for coming in and I thank you for your time.

[Whereupon, at 4:54 p.m., the interview 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