

The McMahon Trial

All the witnesses have testified. All that remains are closing summaries and the jury's deliberations. It could go either way

By WADE KELLER, Editor and Publisher

UNIONDALE, N.Y.

The biggest, most high-profile trial in the history of the professional wrestling industry—the United States vs. Vince McMahon and Titan Sports—began on July 5. Two weeks later, after all the witnesses had been heard, it was not apparent which way the jury would rule. Wednesday, the attorneys will make their closing summaries and then the jury will be given the responsibility of deciding the fate of Vince McMahon—and perhaps Titan Sports.

The first week was a feeling out process with emotions held back as George Zahorian, Tom Zenk, Warlord, and Tully Blanchard were among those called as witnesses. The second week of the trial saw a roller coaster ride of emotions, ending Friday afternoon with McMahon storming out of the courtroom in disgust as his attorneys debated with the judge.

Wednesday, July 13, McMahon's former secretary Emily Feinberg presented damaging testimony and evidence backing the prosecution. During Feinberg's testimony, the emotions hit a highpoint as Linda McMahon began crying and Vince, two seats away from her, looked on with sincere concern, trying to comfort her.

After a soft-spoken Hulk Hogan finished his testimony Thursday afternoon, Vince McMahon and the entire defense team were all smiles. Hogan was expected to be the witness who might seal the case for the prosecution and instead his testimony brought into question the substance of the charges that McMahon possessed steroids with intent to distribute. Lead prosecutor Sean O'Shea appeared to be deflated, almost defeated, after Hogan testified. His usual matter-of-fact, determined, all-business attack was gone. His body language changed. He was obviously surprised by Hogan's testimony and realized it severely damaged his case.

The next morning, the defense remained confident, almost relieved of pressure. The McMahons' son and daughter attended court for the first time. Vince joked with his son Shane



Vince McMahon and New York media

Photo by Wade Keller

—Please see COVER STORY, pg. 23

INTRODUCTION

Welcome to this special double-issue of *Pro Wrestling Torch Weekly* (our second ever). This issue (#288/289), dedicated entirely to coverage of the first two weeks of the Vince McMahon trial, was mailed on Tuesday, July 19.

The *Torch* was not published last week as I stayed in New York to cover the trial one week longer than originally planned. The plan as it now stands is, not counting this double issue, to make up for last week's issue and also publish this week's issue. I will be flying back to New York Tuesday morning (as soon as I deliver this issue to the printers). When I return, I will immediately publish an issue (technically making up for missing last week) with a full METAnalysis of the Bash, details on the closing summaries in the McMahon case, and possibly results of the trial. That issue should be mailed this Friday or Monday, followed immediately by another issue.

In summary, you should receive four issues of the *Torch* over the next 8-10 days and thus, overall, one extra double-issue of the *Torch* will be published beyond what was originally scheduled this month despite not publishing last week. To say I'll be busy over the next week (not to mention trying to recover from logging eight hours of court time each day for the last two weeks) is an understatement. Nonetheless, with all of the news surrounding the trial and the Bash pay-per-view and all of the usual events and features that fill these pages week after week, there is no shortage of substantive material to fill this and upcoming issues.

This issue is broken into several features. The first is the cover story, which immediately brings you up to date with where the trial stands as of Monday when this issue was put finished. Pages 2-17 feature a day-by-day diary of the trial highlighting key testimony (please note the quotations are not exact, but are true to content) and court room activity over its first two weeks.

Pages 18-19 features two full-page BBL editorials. The first evaluates the evidence presented in the case. The second looks at the approach the mainstream media have taken in covering this case.

Page 21 features a news update and an "Editor's Notes" section various items worthy of note from the first two weeks of the trial.

Pages 22-23 feature the perspective of *Torch* columnist Bruce Mitchell, who attended part of the trial in person.

We'll have a full *Torch* METAnalysis of Hulk Hogan's victory over Ric Flair at the Bash in days and perhaps results of the McMahon trial in the next issue. Thanks for your patience in receiving this issue. I hope it proves to be worth the wait.

TRIAL DIARY

By WADE KELLER, Editor and Publisher

SETTING Uniondale, N.Y., Long Island Courthouse

JURISDICTION Eastern District of N.Y.

DEFENDANT Vincent K. McMahon

DEFENSE ATTORNEYS Jerry S. McDevitt (Titan Sports) and Laura Brevetti (McMahon)

PROSECUTION United States of America

PROSECUTORS Sean O'Shea (prosecutor) and Tony Valenti (lead investigator).

JUDGE J. Mishler

BACKGROUND REVIEW

Nov. 18, 1993 **Vince McMahon**, owner and promoter of Titan Sports, and Titan Sports were indicted by the U.S. Department of Justice on five counts of illegal activity related to anabolic steroids from 1985-1991. After changes in the indictment, there were three counts as of the start date of the trial.

COUNT ONE Count one, broken into four separate charges, alleges McMahon conspired to defraud the United States.

The four separate charges of count one, only one of which needs to be proven true for a conspiracy to be legally established, were as follows: (1) defrauding the FDA in its attempts to regulate steroids; (2) introducing into commerce steroids which were distributed in ways prescription drugs shouldn't be; (3) causing steroids to be distributed in ways prescription drugs shouldn't be; and (4) knowingly possessing (with intent to distribute) and distributing steroids for purposes other than treatment of disease in humans.

All of the above is essentially what **Dr. George T. Zahorian III** was convicted of doing in 1991, so count one charges Titan with doing nothing more than conspiring with (i.e. creating, aiding, or maintaining circumstances that allowed) Zahorian to act in those illegal ways for the company's benefit, i.e. making it convenient for its wrestlers to get steroids, and thus get bigger, and thus sell more tickets.

The indictment spells out several ways Titan conspired with Zahorian which during the trial the prosecution had the burden of proving took place: McMahon and Titan attempted to evade detection of steroid transactions by using Titan resources to purchase bank checks which were then used to pay Zahorian for steroid shipments; between August and December 1989 Titan executives (**Pat Patterson**, **Linda McMahon**) instructed a Titan employee (**Anita Scales**) to hire Zahorian for its events after the Pennsylvania State Athletic Commission no longer required his

presence; after learning of the government's investigation of Zahorian, one Titan executive (Mrs. McMahon) sent a memo to another Titan executive (Patterson) instructing him to make sure Zahorian was not at future events; Mr. McMahon and an executive (Patterson) discussed informing Zahorian he was under investigation; a Titan executive (Patterson) phoned Zahorian, instructed him to call back on a pay phone to avoid detection, and directed him to destroy records of Zahorian's contact with WWF wrestlers and personnel; McMahon instructed WWF wrestlers to carry a prescription for their steroids at all times.

To justify the trial being held in the Eastern District of New York, the indictment states Zahorian purchased steroids from pharmaceutical companies in Westbury and Rockville Center, Long Island, N.Y. It also states steroids were delivered as part of the conspiracy to wrestlers who performed at various times at the Nassau Coliseum in Uniondale (across the street from the courthouse).

COUNTS TWO AND THREE The other two counts allege that McMahon and Titan possessed steroids with intent to distribute to **Terry Bollea (Hulk Hogan)** on Apr. 13, 1989 and Oct. 24, 1989.

CHANGES Originally count two was broken into two separate counts, one aimed at Titan Sports and the other at McMahon, but it was ruled redundant since McMahon is sole owner of Titan Sports and thus they are one in the same. What is now count three was amended to the original indictment as counts four and five, but for the same reasons as above was combined into one count. There was an original fifth count that sought forfeiture of Titan Towers because funds from the conspiracy were said to have been used to purchase the building, but that count was dropped because Titan Towers was built after the time frame of the indictment.

TUESDAY, JULY 5

Jury selection was delayed until the afternoon after a private session took place in the judge's chambers where, among other things, Titan attempted to get the case thrown out because of lack of jurisdiction (they had attempted that several times already).

At 2:07 p.m., jury selection began and by 5:30 p.m., 12 jurors had been randomly selected from a pool of approximately 100 potential jurors who were present. About 35 jurors were selected and eliminated from the jury for various biases or conflicts, such as having relatives who worked for the pharmaceutical company in question or saying that because wrestling matches are predetermined that would affect their judgement or that they were wrestling fans and didn't want to see the WWF hurt. **Judge Mishler** asked if

nyone had seen the feature about the trial that aired on ESPN the night before. After dismissing several jurors who thought that because wrestling is "fake," that somehow this trial was, too, the judge said: "Do not question whether wrestling is sports or entertainment... It's not whether wrestling is pure entertainment or sport. The only issue at stake is the case of distribution and to prove it beyond a reasonable doubt. This is the substance, not whether wrestling is phony or sports or entertainment."

WEDNESDAY, JULY 6

Judge Mishler opened by angrily telling **Jerry McDevitt** that "for the tenth time," he refused to throw out the case based on the jurisdiction argument.

McDevitt then said he had a "brief statement" and argued that Dr. Wadler should not be allowed to testify for the prosecution as an expert witness because he also testified at the Zahorian trial and such exposure could taint his opinion on this case. The judge angrily interrupted McDevitt, saying, "I thought it was going to be a brief statement" and said he would take up that issue at a later time.

The jury was then let into the court room for the first time. **Sean O'Shea** made his opening statement, which set forth his outline for the next two weeks and established what he intended to prove. His statement to the jury was as follows (paraphrased, but true to content):

"(') I am going to tell you the story of **Anita Scales**, who worked for Titan Sports. Wrestling is the primary business of Titan Sports, which is the largest wrestling company in the country. It promotes shows in the United States and across the world. Anita Scales was the director of compliance and regulations with Titan Sports and she was in a quandary. She heard about a doctor—Dr. Zahorian—selling wrestlers drugs. She heard he was "bad news" and "a real sleazy guy."

She wanted to get rid of him and thought doing so would be easy since it's her job. Zahorian, though, called her and told her Hershey is "my town" and wouldn't take "no" for an answer. So she approached Pat Patterson, the vice president of the company. He said "the boys want Zahorian." She approached **Jay Scarpa**, known as **Jay Strongbow**, who was an executive with Titan. He told her "Zahorian has to be hired because the boys want their candies." Two important people in the company knew the doctor was giving steroids to wrestling performers so she went to Linda McMahon, number two in the company. Linda listened and said, "Do what Pat tells you."

Anita Scales was frustrated at being forced to hire a steroid dealer. After a couple of months, she received a phone call from **Elizabeth DiFabio**, executive assistant to Linda. DiFabio

"This case is about the dark, corrupt underbelly of Titan Sports which pumped up wrestlers for profit."

—Sean O'Shea, government prosecutor

asked Scales to "get rid of Dr. Zahorian" and to make sure he wasn't at the Dec. 26, 1989 Hershey, Pa. show.

She did not know that Zahorian had been illegally distributing steroids for years to wrestlers who took them to build muscles and that Vince McMahon aided and abetted his distribution and that when she tried to stop it, she was working against a conspiracy to illegally distribute to wrestlers. She did not know that after she had to hire him, she would be told to fire him because of a government investigation that had begun. Now the doctor had to be gotten rid of quickly because the government was about to catch Zahorian and McMahon red-handed. Titan denied involvement when Zahorian was convicted.

This case is about the dark, corrupt underbelly of Titan Sports which pumped up wrestlers for profit. It is about a conspiracy that began long before 1989 and long before Dr. Zahorian was convicted.

The story starts in the early 1980s. Zahorian was a backstage official at Pennsylvania towns—towns important to Titan because they were the cites of TV tapings. The WWF wrestlers were using steroids—illegal to get until prescribed by a doctor for a legitimate medical purpose, so they were difficult to obtain. In November of 1988 they became illegal to prescribe unless for treatment of disease. Zahorian distributed to wrestlers. He was a fan and he knew he was wrong. His practice grew, but he knew it was illegal. As his business grew, he began sending steroids to wrestlers via Federal Express all over the country. It was open and notorious within the WWF. Zahorian set up shop in locker rooms. He'd hand steroids out like Strongbow said, "like candy." New wrestlers were told by agents "the doctor's here, need a cash advance?" In other words, do you need money to buy steroids. So McMahon approved explicitly the distributing of these for years. McMahon even became a customer. McMahon bought steroids for Hulk Hogan.

Steroids became a way of life at Titan Sports such that Doug Sages, chief financial officer of Titan Sports, needed a quiet, safe way to buy steroids for Hogan—untraceable money. So he provided large amounts of money and Titan checks to buy bank checks to use to pay Zahorian

for steroids that were later distributed to Hogan. It was virtually untraceable to Titan. So much was this the way of life at Titan that Emily Fineberg, Vince McMahon's executive assistant, was to make sure Hogan got them. Vince McMahon urged and cajoled wrestlers to use steroids.

Dr. Zahorian was dropped like a hot plate because law enforcement was about to learn of this special relationship. But Patterson, Linda McMahon, and defendant Vince McMahon got together to cover their tracks. They had to warn Zahorian so Vince urged Pat to call Zahorian.

Patterson knew of phone taps by the government, so he told Zahorian "call me from a pay phone" to avoid police knowing. Patterson warned Zahorian of the investigation and told him to destroy records of the Titan-Zahorian relationship. A few months earlier this doctor was wanted so badly, but now he was told to stay away. It was a complete about-face.

It was not just Zahorian. They continued to conspire. McMahon ordered another wrestler to get on steroids—**Rick Rude**—who was off steroids because he wanted to have a baby. Rude got smaller, and that was not acceptable to McMahon, so he told Rude to "get back on the juice" or gas, as they called steroids.

McMahon didn't say, after he learned of Zahorian, "We need to stop." Instead, he suggested in a memo that wrestlers get prescriptions for steroids for medical injuries and carry the prescriptions with them.

(O'Shea then summarized count one—see "Background Review" for details—and moved on to explain counts two and three) We will focus on two of many distributions made by Mr. McMahon, two occasions in April and October of 1989 when McMahon distributed to Hulk Hogan.

We will convince you beyond a reasonable doubt the above is true. Witnesses, including Dr. Zahorian, will tell you what he did. He testified falsely at his own trial, so you'll have to weigh his testimony carefully. He'll say McMahon helped him over the years and that the majority of his customers were WWF wrestlers and that he got his steroids from a Long Island pharmaceutical company and that Patterson told him to destroy records. Hogan will tell you steroids were everywhere and all he had to do was call Emily Fineberg for steroids. He'll say that Patterson warned him and said, "Stay away from Zahorian, things are hot." Sages will testify that he was approached about getting quiet, untraceable money. Fineberg will testify she got checks from Sages and that steroids were a way of life in Titan and that she was instructed to destroy records. Patterson will be forced to admit he had full knowledge and requested Zahorian call him on a pay phone and he'll say McMahon told him to do it. Gary Wadler, a foremost expert

on steroids, will tell you what they are—a chemical derivative of testosterone.

We will offer documentary proof with memos, documents, and checks confirming a conspiracy and cover-up and telling wrestlers how to cover up. ("").....

At 9:40, after O'Shea concluded his opening remarks, a 15 minute sidebar (where the lawyers meet with the judge without the jury hearing the conversation) took place. The judge then ruled that the fact that Zahorian was convicted of a crime has nothing to do with this case and "cannot be considered." Jerry McDevitt began his opening statement at 9:55.

•(") We raised no objection during Mr. O'Shea's opening statement. We want you to know everything he intends to prove to you. You have now heard everything. I have a lot of information Mr. O'Shea didn't provide you.

(McDevitt then introduced Vince, Linda, and Laura Brevetti to the jury. He then explained the difference between the grand jury proceedings which led to the indictment and the current proceedings, stating that the defendant does not get to confront his accusers during the grand jury proceedings. He said there is no judge or media to make sure rules of evidence and fairness are followed.) It is filled with innuendo and is a totally one-sided proceeding. The prosecution decides who goes before a grand jury and decides what questions will and will not be asked. You the jury are the only protection against unjust prosecution.



Pat Patterson, WWF vice president

Photo by W.K.

You must presume innocence throughout the trial. You must decide not just whether a crime was committed but whether *these people* committed a crime. Zahorian is not here as a defendant. He is not charged with conspiracy.

This is our first chance to confront our accusers. Most people try to tell the truth, but honest differences of recall and outright lies take place. You will see all of that.

We are talking about events that began in a cow town in Pennsylvania 17 years ago when Jimmy Carter was president. Everybody called George Zahorian a doctor. My client is not a doctor. He is a layman. Layman don't understand prescription drugs as well as doctors.

Steroids are not an illegal drug. It is a legal product produced by legal pharmaceutical companies. Did Mr. O'Shea tell you about steroids? I'm not here to advocate steroid use, but I also don't want to be part of the hysteria. Let us give you factual information on why men take it. If you hear the evidence, you will understand the conspiracy did not make men take this drug. Steroid have been used to enhance athletic performance for decades. From 1985 to 1991 no law made it a crime to take steroids to build up muscles. O'Shea is talking about prescription drug law, which he did not tell you, which is the role Dr. Zahorian must play in this process.

(McDevitt then drew a flow chart on a large paper sheet showing the flow of regulation from the pharmaceutical companies to the FDA to wholesalers to pharmaceutical distributors to doctors to patients, saying that all of those steps exist to protect the consumer.) Wrestlers violated no laws.

The conspiracy charge says Zahorian was a drug dealer. From 1977 to June 1989 he functioned as a State Athletic Commission doctor. In June of 1989 Pennsylvania changed its law so that a state physician was no longer required to be present, so it was up to the promoter to decide on a doctor. Mr. O'Shea gave you the sizzle, but not the steak. Zahorian never appeared at a WWF card again after the law changed.

What did O'Shea emphasize? He talked about a cover-up, destroying records. Steroids are a stigma. Some think of taking steroids as cheating or that they corrupt athletics. Everyone is entitled to their opinion. But, at all times pertinent to this case, it was not in violation of the law to use steroids. (McDevitt then points to the reporters in the court room and blames them for the hysteria about steroids.) Is there a steak here? Look to the cake, not the icing.

What is a conspiracy? If I'm charged with conspiring to murder, I know how to avoid crossing the line. If you have six people plotting in a room to rob a bank, that is a conspiracy. Did you hear anything like that? Neither did I.

Zahorian didn't speak to McMahon more than five minutes in his life. This man (points to Vince) is the busiest man in the building. He has a show to run, wrestlers to coordinate, people to work with.

Wrestlers took steroids because they wanted to be big and strong and enhance their performances. They're gonna buy them and use them whether or not there is a conspiracy. Focus on this alleged conversation (McMahon and Zahorian had). What did they say? They only talked once in six years. Do you have a feel for the conversation. Were wrestlers taking steroids before the conversation. Evidence will show it wasn't hard to fine steroids at this time, so there was no reason for a conspiracy.

You'll also have to decide which time Zahorian perjured himself. Mr. O'Shea told you he is going to change his testimony. When O'Shea took Zahorian before the grand jury Zahorian had interest in getting out of jail; he wanted to see his family. O'Shea told Zahorian we want a case against "the target," Vince McMahon.

That's the only evidence of a conspiracy—one conversation. McMahon asked Zahorian if he sold steroids, Zahorian said yes. Zahorian, a doctor, then told a layman, Mr. McMahon, that it was better he sold wrestlers steroids than they get them from the black market. If you believe the conversation took place, do you believe McMahon should have said, "No, let the wrestlers go to the black market." No one ever told Zahorian, "Don't be a doctor, be a drug dealer." Zahorian made money off of his steroid sales. Titan never shared in his profits.

Mr. McMahon admitted using steroids. He admitted it publicly. He said he experimented with the drug. He's charged with possession with intent to distribute. Did he distribute drugs? Why isn't he charged with distribution. On April 13, 1994, the government claimed McMahon obtained steroids with intent to distribute on April 13, 1989, which was the final day before the statute of limitations ran out—at which point, we wouldn't have dignified a stale charge with court time. Steroids are \$2.15 a bottle, so it was a \$40 crime.

The evidence will show a reasonable doubt that ever happened, that Hogan didn't need Zahorian to order steroids. After three summers of investigating Mr. McMahon, how many wrestlers did they find he distributed to? Why, no more than Hogan, his best friend then. Hogan was indeed the WWF's success—a remarkable, charismatic character. He brought in crowds and flexed his muscles. They are criminalizing a friendship—two men who used steroids together.

We will give you a different view of the witnesses. Anita Scales is still a WWF employee. You will see she has a need to be right, to say, "I

ould you so." She still has her job.

Wrestling is not an athletic contest, if that comes as any revelation. It is entertainment. Studio wrestling is what they used to call it. Today, many Titan Sports employees have good, high-paying jobs. Consider whether the wrestlers took steroids before and after working for the WWF. Are wrestlers mad that they are no longer with Titan. Are they people with axes to grind, or trying to get money. Dr. Wadler makes good money being a government witness by being a "foremost expert," but does he really explain what the drug is and why it's made?

I have to prove nothing to you. We will vigorously cross-examine the government's case and find there is not proof of a conspiracy between McMahon and Titan. ("").....

Laura Brevetti, counsel to Vince McMahon, then took center stage and dazzled—if not at times intimidated—the jurors with her energy and charisma.

("") A lot has been said and a lot has not been said. Nothing in that man's (pointing to Vince) life is as important as what happens in this courtroom. What happens will alter his and his family's life forever. (Brevetti then talked about the sanctity of the court room. She then said Zahorian never came into the Eastern District of New York to distribute.) You'll have to judge memories of conversations of events and conversations four, six, ten years ago that took place not here, but in Pennsylvania and Stamford.

Before 1991, wrestlers and bodybuilders took steroids to enhance their physiques. If you take steroids, you'll still have to work out and eat right. Workouts build bodies, not steroids. McMahon wanted wrestlers to be in shape because they wouldn't become popular if they looked ordinary. Witnesses will say wrestlers were encouraged to be in shape and work out. Does that mean only what O'Shea said, that "in some words, he meant get on the gas." Don't let people get away with saying, "I understood him to say." Ask them, instead, what did you see and what was told to you—only. (angrily) If they say they didn't talk to Vince McMahon, then say THANK YOU, BUT YOU'RE NOT HELPING.

Wrestling is not a competitive sport. It has existed for decades... My client was the first person to say, "It's not real. We try to entertain audiences and I think we do a pretty good job." Mr. Bollea said "Old wrestling was insulting people's intelligence. Wrestling was going nowhere with beer drinking, cigar smoking fans. Wrestling is acting, charisma. Wrestlers are some of the greatest actors, entertainers, athletes in the world. That's what made the WWF popular with the young, the old, families. If you don't like wrestling, don't take that out on him (Vince). All wrestling matches are scripted for TV. Who will win is scripted. How they win is scripted. There is

still a debate today among fans—that's part of the mystique that makes wrestling popular. Mystique doesn't belong here, just the truth.

I wish we all had 20/20 hindsight. I wish we all had that so we wouldn't make mistakes. Years ago, bodybuilders ate 12 raw eggs for protein. Kids were given eggs by parents to help them grow. We learned years later that eggs were bad for cholesterol and that they clotted our arteries. The act of using steroids was a personal choice. You will come to know my client is a very smart businessman. Mr. McMahon made a choice to take steroids, but didn't know what we know today.

We are not Dr. Zahorian's lawyers—THANK GOD! While he distributed steroids, athletic commissioners were present. He has testified under oath he told key Pennsylvania State Athletic Commissioners, "I'm dispensing steroids to wrestlers" and nothing was done by the commission. (angrily) The Pennsylvania State Athletic Commission is not seated at my defense table!...

The government will bring you a learned expert saying Zahorian was not acting as a doctor. If that was supposed to be so clear to a layperson like my client, then why do they need an expert to testify to that fact. Zahorian says he didn't know of the '88 law change. The prosecution says Zahorian is a liar under oath. He's not considered a liar now because he's being used to prosecute Mr. McMahon...

Some of the prosecution's witnesses were released a decade ago, some more recently. Some have recently worked or presently work for Titan's prime and sole competitor—that is WCW owned by Ted Turner. You will hear that Mr. Bollea shortly after or before it came to be a possibility my client would be indicted began negotiating with WCW and just recently signed a multi-million dollar contract on TV. Others will try to shift the cloud of hysteria onto my client so they can continue to be stars in hollywood, on TV, and sign multi-million dollar contracts. You may learn of mistakes or foibles and I hope you put them in perspective.

Emily Fineberg left Titan in October or September of '91 making \$64,000 a year. Her husband worked for Titan at \$130,000 a year. She was paid for a full year after she left and in October of '92, when her severance pay ended, she marched over to the FBI and became an informant, a mole, to give them her version, her spin of events. She had no personal knowledge of events.

The stakes are high, the self-interest and motives will fill this courtroom. You can cut it with a knife. It's not whether or not Zahorian should have dispensed steroids, but was there a meeting of the minds that Zahorian should not act as a doctor. What was left out was that Zahorian

"Everybody called George Zahorian a doctor. My client is not a doctor. He is a layman. Layman don't understand prescription drugs as well as doctors."

—Jerry McDevitt, Titan Sports attorney.

will testify he told Mr. McMahon, "I'm keeping them healthy." Was that true? Only Zahorian knew. Suppose McMahon said, "As long as they're healthy." (Brevetti then questions Zahorian's motives, bringing up his requests for work release.) Zahorian will tell you McMahon did not pay him to dispense steroids—he never got anything from McMahon. McMahon even had to pay for steroids he was getting from a Zahorian, his supposed "partner in crime." McMahon even had to pay in advance. This is a partner in crime? This is a conspiracy (pause)—some partnership.

Watch out for sudden memories or late recall from those who hold a grudge or hold a personal interest in the outcome of this case.

No one was trying to hide anything from the government because that check is going to be presented in this courtroom. The check went into Zahorian's bank account.

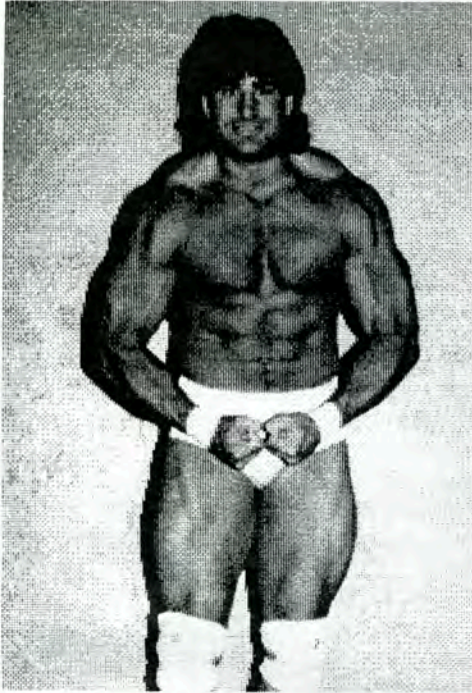
Can you think of another reason someone might not want someone to know they take steroids in a company that is like a small town? It's the same reason someone might hide that they take Rogaine for bald spots. It's called vanity. You need a crime before you can cover it up. This was a case of fear of bad publicity. Hulk Hogan will tell you. "I lied on national TV when I said I didn't take steroids." Did you misbrand drugs to defraud the FDA, or conspire with Zahorian? "No," he'll say, "I feared the publicity of it. My family would be hounded. My life would be ruined."

(Brevetti closed by talking about patriotism and the Fourth of July and the jury's obligation to presume he's not guilty until they hear the evidence.) He has said, "I am not guilty and I want my day in court." ("").....

Judge Mishler then told the jury that they should await his instructions on what is legal and what isn't and if they are different from what the attorneys just told them, they must take his instructions, not theirs.

The rest of the day saw four former WWF wrestlers testify. The following are the main points made by each of them:

•**Randy Colly (a/k/a Moondog Rex).** During O'Shea's direct questioning he said Dr. Zahorian was known as the guy you would buy steroids



Tom Zenk, former WWF wrestler

Photo by W.K.

from. He said Zahorian checked blood pressure and then you could buy his drugs. He said he bought steroids with the cash advance he got earlier from WWF officials. He said Zahorian would ask him what he needed, he would tell him, and Zahorian would give the drugs to him. He said Zahorian didn't take down medical history, ask about allergies, or administer blood tests. He said there was no follow-up. He said a line would form of wrestlers with money wanting to purchase steroids. He said road agents would tell wrestlers to see Dr. Zahorian "if you looked like you were worn out." He said McMahon was in the proximity at times and that he saw Vince talk with Zahorian.

He said McMahon told his partner, **Mr. Booker (Moondog Spot)**, in 1986 he wasn't looking quite like the type of athlete he likes. Colly said he was taking steroids and McMahon didn't complain about his look, but his partner only "played around, but wasn't dedicated" to steroids. When O'Shea asked Colly what he believed McMahon to mean when he talked to his partner, the defense objected and the judge sustained. He said when Hershey was no longer frequented every three weeks by the WWF for TV and became merely a location for house shows, Zahorian would sell more steroids at one time so wrestlers had a longer supply. He said Zahorian would either fill a brown bag with drugs or send them via Federal Express.

On cross-examination by McDevitt, Colly said he used steroids once before meeting Zahorian. McDevitt asked him what his education level was and he said he didn't finish high school. He said

when he began buying steroids from Zahorian in 1979 or '80, McMahon was just a ring announcer. He said he used steroids after leaving the WWF in 1980. He said he got steroids from Zahorian through the mail while in the NWA and from other suppliers at gyms. When McDevitt asked if Colly saw Zahorian as a doctor, Colly laughed and said no. "If I was really sick, I'd go find someone else." McDevitt established that Colly was taken out of the Demolition tag team not because he wasn't on steroids, but because the fans chanted "Moondog" at him the first two nights because they "recognized my nose." He said he used steroids in WCW in 1987. He said Zahorian was in the locker room distributing steroids some times and other times was in a separate room. McDevitt held up a brown paper bag. Colly said Zahorian's were bigger. McDevitt asked Colly if he knew the contents of the bag he was holding. Colly said no. McDevitt then established that Colly filed a civil lawsuit against Titan in December 1992. Colly said he once talked to McMahon while he had steroids in his hands. Brevetti established that Colly used Zahorian for help when he was suffering mental anguish by obtaining valium from Zahorian in 1987. He said neither McMahon nor WWF road agents told him to take steroids.

On cross-examination by Brevetti, Colly said he got advance money at all WWF events, around \$100 or \$200. Brevetti established that WWF wrestlers are independent contractors and thus paid their own rental car, food, and hotel expenses, thus had a need for cash advances. She established that Colly cited Zahorian was his physician in his civil suit against Titan for emotional distress, which contradicted his earlier testimony that he didn't consider Zahorian his doctor.

On redirect from O'Shea, Colly said he suffered roid rage. "You become bitter, grouchy, anything will set you off. Without sleep, you feel you're gonna explode, so Valium and Halcyons would help you calm down from that."

•**Tom Zenk.** During O'Shea's direct, Zenk said he began using steroids in 1981 under a doctor's supervision and that he used steroids long before going to the WWF. He said the first time he was in Hershey, road agent Jack Lanza asked if he wanted to see the doctor. "He said, 'If you want anything, He's got it,' meaning drugs," said Zenk. Zenk said Lanza also asked if he needed an advance. Zenk said he never actually bought steroids from Zahorian because he had his own doctor in Minneapolis whom he got them from. Zenk said there was once a complaint by a high school where a WWF show was held that needles were left lying around by wrestlers after the WWF event.

Zenk said he left the WWF on bad terms. He said he told Linda he wasn't happy with the

money, so on July 10, 1987 he just walked out of his contract. Zenk said when he was contacted by All Japan, Linda and Titan found out and wrote him demanding a percentage of his income because of their investment in him. Zenk said, "I told them I have the *New York Times* phone number in front of me. How would you like me to call them and tell them you sell your product of men on steroids to kids. She said, 'I don't think that would be a good idea.' I took it as a threat."

Zenk laughed when asked if he was subpoenaed to be a witness. "Yes, I was," he said. (Zenk had to miss part of his Japan tour to be present and definitely did not want to testify.)

On cross-examination by McDevitt, Zenk admitted he called the McMahon residence at 2 a.m. about three weeks earlier. McDevitt asked Zenk if he was on drugs at the time of the call. Zenk said no. Zenk said he asked Linda why they were still tormenting him after 7 years. McDevitt pointed out the irony of the phone call: "You called the McMahons even though the government subpoenaed you?" Zenk said that was correct. Zenk said he got in trouble for steroid possession while in WCW, but said it was only a first offense. Zenk said McMahon never asked him to take steroids.

On cross-examination by Brevetti, Zenk said he could buy steroids at gyms or from other physicians. He said he chose a physician to avoid the risk of fake steroids. Zenk said it was his personal, individual choice to take steroids. He said he never told McMahon he was on steroids. He said advances were available, not just at WWF events where Zahorian was. Zenk said taking steroids was like fertilizing a lawn and it gave him energy, a better physique, and a better recovery rate from injuries. He said he didn't take steroids in WCW because they had a policy against it, but after his contract expired May 16, 1994, he began taking steroids again and as recently as three weeks ago.

•**Terry Szopinski (a/k/a The Warlord).** On direct from O'Shea, Szopinski said he began taking steroids in 1986. He said he injected other wrestlers with steroids between 1987 and '92 while in the WWF. He said he flushed needles down toilets. He said **Bret Hart** was known for putting drawings on blackboards in locker rooms and he often drew a wrestler leaning over with needles sticking out of his butt. He said road agents saw the drawings. He said Dr. Zahorian was known for distributing steroids. He said road agent **Dave Hebner** told him he could get steroids and pills from the doctor. He said he never bought steroids from Zahorian because his prices were too high. He said Zahorian didn't take down any medical history or ask if he had any ailments. He said McMahon didn't tell him not to use steroids until after the Zahorian trial.

On cross-examination by McDevitt, Szopinski

1993 said he weighed 195 pounds before taking steroids and now weighs 305. He said he used steroids in college obtained from gym people. He said Vince was never in the room where Zahorian set up shop. He said he was arrested in November 1992 for steroid possession in Eagan, Minn. and was put on 18-month probation. He said he has not used steroids since, although he also said he hasn't lost weight. He said he never saw McMahon and Zahorian talk. He said he recently wrote a letter to McMahon asking for his job back.

On cross-examination from Brevetti, he said he feels healthy today. He said he was concerned about fake steroids and that's why today he gets his steroids from doctors overseas. He said McMahon only attended TV tapings.

On redirect, O'Shea asked if any wrestlers were still on steroids after steroid testing began. Szopinski said **Harvey Whippleman** took a urine test for **Sid Justice (Eudy)** and was caught. (The judge later ruled the jury should disregard the Sid incident.)

• **Tully Blanchard.** On direct from O'Shea, Blanchard said he took steroids before going to the WWF. He said he had a meeting with McMahon at McMahon's pool while he was still with the NWA. He said the drug testing policy was discussed and that McMahon said cocaine were not acceptable, but steroids and other stuff was okay. Upon arriving in the WWF, he said Zahorian, after a short meeting, held up a white box, shook it, and told him he could have whatever he wanted. Blanchard said he heard about Zahorian years before joining the WWF.

On cross-examination by McDevitt, Blanchard said he didn't specifically remember the word "steroids" being used by McMahon when he talked about the drug policy. McDevitt said, "Taking steroids was a continuation of what you did before?" Blanchard said yes. Blanchard said steroid use in the NWA was "pretty close" to that in the WWF at the time. McDevitt tried to hurt Blanchard's credibility as an ordained minister by making an issue of Blanchard having been ordained after less than a year of training.

On cross-examination by Brevetti, Blanchard said he wrestled for WCW two months ago.

THURSDAY, JULY 7

The start time was delayed from 9 a.m. to 12:30 p.m. because of O'Shea was ill. At 12:30, after a discussion over whether Dr. Wadler should be allowed to testify, the judge ruled he would be allowed. Dr. Zahorian then took the stand and remained on the stand, except for one brief interruption on Friday, through noon on Monday.

• **Dr. George Zahorian.** On direct examination from O'Shea, Zahorian said no promises were made in exchange for his testimony. After going

over his background, Zahorian said he sold anabolic steroids, Valium, Tylenol 3 and 4 and Halcyon to wrestlers from 1981-'82 to 1989. He said 98 to 99 percent of his customers were WWF wrestlers. He said he got some of his steroids from the Rugby-Darby Pharmaceutical company in Long Island. All he had to do was send in his DEA license and apply the first time, and from then on could order anything he wanted via an 800 number. He said he gave wrestlers whatever they wanted, but rarely were WWF officials watching when he did so. He said state athletic commissioners were sometimes in the area. He said he was not acting properly as a physician. He said he did not do follow-up examinations. He said giving steroids to wrestlers was "against my ethics and I was wrong." He said it was improper to let patients decide what they wanted. He said the cash and carry method was wrong. He said sending steroids via Federal Express was wrong. He admitted he let the customers decide what drugs he gave them.

He said he dispensed steroids to road agents, specifically **Arnold Skaaland** for his son **George Skaaland** in 1983-'84 and to Chief Jay Strongbow for his son. He said in 1985, Patterson asked if he was distributing cocaine or heroine to wrestlers. He said he told Patterson he was only giving them steroids, Valium, and Tylenol 3 and 4. He said he talked with Vince McMahon in Hershey, Pa. in early 1988. He said he was summoned by Patterson at the arena and that McMahon wanted to see him. "McMahon asked if I was giving the wrestlers steroids," said Zahorian. "I said I was, but it was better they got pharmaceutical grade steroids than black market drugs from people they didn't know. I told him if he wanted me to stop, I would, but that wrestlers might end up getting tainted drugs and they could get sick and die. He said, 'Okay, don't stop what you're doing.'"

He said he spoke with McMahon another time and McMahon suggested he send a cycle of anabolic steroids to his office in care of Emily Feinberg. He said he had four or five conversations with Feinberg related to McMahon's steroids. He said he did not have a legitimate doctor-patient relationship with McMahon. He said Feinberg would tell him she wanted a certain amount of medicine and mention either Mr. Bollea or Mr. McMahon. "With her calls, amounts varied. Orders placed could have been 7 or 8 cycles sent to Titan Sports. Cycles could last six weeks to three months depending on how much the individual was taking."

Zahorian said in 1989 when his presence was no longer mandatory at Hershey events, Patterson called him and said, "We'd like to see you at our events." He said Skaaland also called him about

staying behind the scenes. He said after the law changed, he showed up behind the scenes at a WWF card and it appeared to him Skaaland and Patterson were happy he was there.

He said later in 1989 he received a message to call Patterson. When he called Patterson back, Patterson told him to call back on a pay phone. "He told me there was an investigation going on that concerned Titan Sports." Because of the investigation, he said Patterson told him he and McMahon wanted him to destroy all information of phone numbers and information on wrestlers. "He said it may be something minor, but I should be careful. He said after this was over we could meet and continue with our relationship." Zahorian said he took all records for wrestlers and put them in a storage area in the basement of his office building and eventually brought them to his lawyer's office for protective custody. O'Shea presented a blown up photo of Zahorian with Hogan and McMahon taken in Hershey.

On cross-examination from McDevitt, Zahorian said he didn't perjure himself in front of the grand jury even though his story changed from his Apr. 8, 1993 appearance to his Apr. 15, 1993 appearance. He said he was scared on Apr. 8 and didn't know why he was being questioned. By Apr. 15, he was able to think clearly. "It takes a certain amount of time and orientation to recall things." The judge sternly interrupted McDevitt and instructed the jury that perjury is knowingly and intentionally making a false statement under oath. McDevitt established that Zahorian was granted immunity from prosecution as long as he didn't lie or perjure himself. McDevitt established that Zahorian asked O'Shea to write a recommendation letter to a cadre work program in Philadelphia. O'Shea wrote a letter, but Zahorian was still not accepted.

McDevitt tried to establish that Zahorian was treated poorly before he gave his grand jury testimony and better after he told the government what they wanted to hear. McDevitt began fishing for signs of improper action by the government by questioning the prep work Zahorian engaged in with the government, but McDevitt came up empty.

McDevitt tried to characterize a portion of Zahorian's grand jury testimony as perjury (he said never started anyone on steroids, but later realized **Bill Dunn**, who he sold steroids to, said he was going to distribute steroids to new people). As McDevitt pressed on, fishing for an indication the government warned Zahorian about his contradiction, the judge angrily interrupted and reiterated to the jury that a statement made under oath that is not knowingly and intentionally false is not perjury. Vince McMahon, looking on, appeared shocked at the vociferousness of the judge's statement.

Zahorian said he received a call once from

Hogan during the filming of "No Holds Barred" and he said Zeus needed three or four bottles of testosterone. "Hogan asked if I'd send the package to Vince.

FRIDAY, JULY 8

McDevitt continued his questioning of Zahorian. Zahorian said he never split his profits with Titan and Titan never offered to split their profits with him. He said there was no way, without x-ray vision, that anyone could know for sure what was in the brown bags wrestlers carried out of his examination room in Hershey. He said in 1977 some wrestlers were already on steroids, such as **Ken Patera**, **Ivan Putski**, and **Billy Graham**. He said he is not responsible for knowing when a drug goes off the market. He said he was not aware of a package insert that stated steroids do not enhance athletic performance. When presented with the insert by McDevitt, he read it and said the statement was inconsistent with the effects of steroids. Zahorian said the alleged conspiracy begins when his trial's evidence begins—in 1985. Zahorian said **Gorilla Monsoon**, **Phil Zacko**, and **Vince McMahon Sr.**—the three owners of Capital Sports (the predecessor of Titan Sports)—never asked him to sell steroids to wrestlers. He said it would be very difficult to pinpoint the contents of any particular FedEx package.

He said road agent **Arnold Skaaland** once called him and asked if he was coming and if he



Laura Brevetti, McMahon's attorney

Photo by W.K.

was going to bring his medication. McDevitt asked Zahorian if anyone from Titan Sports ever encouraged him to make wrestlers bigger than life so they'd have a better product to sell to the public. Zahorian said no. Zahorian said he once considered the wrestlers his patients, but after two years of incarceration, he realized they were not his patients. He said he sometimes instructed wrestlers on how to use steroids, other times he gave no instructions.

Zahorian said the 1 or 2 percent of his business that was not from WWF wrestlers was **Brian Socia** (football player), **Bill Dunn** (strength coach), and **Kevin Sheehan** (a correctional office). McDevitt pointed out that his 98 percent figure included wrestlers not in the WWF at the time of the shipments. Zahorian stood corrected and said that probably 85-90 percent of his business was to wrestlers who were wrestling for the WWF at the time. "You knew it was a lie when you told it, didn't you," pressed McDevitt. Zahorian said no. McDevitt tried to direct suspicious toward Zahorian's wife getting \$40,000 from the sale of his office building (implying it might have been a bonus for cooperating with the government), but apparently since his wife was not convicted of a crime, she owned half the building and was entitled to half of its sale price.

Zahorian said, while he was not hired after the commission law changed in July of '89, he showed up at WWF events two more times, but they asked him not to show up at the Dec. '89 event.

Zahorian's testimony was interrupted briefly so **Lance McLaughlan**, a Federal Express employee could take the stand. He testified to three things: weight is rounded up so a package weighing 1.3 pounds would actually be recorded as a 2 lb. package; that Titan's account number could be used by anyone in the company, not just McMahon; and there is no indication of what the contents of FedEx packages are.

At 1:55 p.m., Zahorian returned to the stand. McDevitt established that the last time he sent Deca to Vince was in August of 1989. McDevitt then established that Zahorian, when the athletic commission no longer required his presence, did not go directly to Vince McMahon for a job (since Titan was now deciding who would be the physician present at matches), thus they must not have been good friends, much less co-conspirators.

"Did you ever sit around and plot and scheme to defraud the FDA," asked McDevitt. Zahorian said no. McDevitt then read a list of wrestlers Zahorian said he did not distribute to, including **Nikolai Volkoff**, **Ray Rougeau**, **Butch Miller**, **King Kong Bundy** (who Zahorian said was a brittle diabetic), **Sgt. Slaughter**, **George Steele**, **Bob Backlund**, **Tugboat**, and **Mike Rotunda**.

Zahorian then talked about the time in Hershey he was pulled aside by Patterson and brought to another room to meet with him and McMahon. He couldn't pinpoint which room in Hershey Arena they met in. He said they met for four to eight minutes. McDevitt then stressed that Zahorian told McMahon he was keeping wrestlers "more healthy" by providing them with genuine steroids. Zahorian reiterated that he told McMahon, "If you want me to stop, let me know and I'll stop doing what I'm doing." He added, "He (McMahon) then knew I was dispensing steroids, but I believe he knew that ahead of time." McDevitt said, "You said you were dispensing steroids. Don't you mean, as you testified in your trial, that you were acting as a physician and providing education on prescription drugs for grown men?" Zahorian responded, "I said that and I was wrong."

McDevitt established that Zahorian was charged with crimes dating back no further than the Nov. 8, 1988 law change, yet McMahon is accused of a conspiracy dating back to 1985. Zahorian said after Patterson's phone call warning him about the investigation he still sold steroids via mail, mentioning **Dunn**, **B. Brian Blair**, **Eddie Gilbert**, and others as customers.

During Brevetti's cross-examination, she tried to establish that Zahorian's memory got better between his Apr. 8 and Apr. 15 grand jury sessions because he learned what the investigation was about and what the prosecution wanted to hear. "You told McMahon if they took tainted steroids, they could die?" asked Brevetti. Zahorian said he wasn't certain he used the word "die."

Brevetti had Zahorian run down his medical background and tried to paint him as being an award winning, successful physician. Most of his recognition came from studies on premature ejaculation, which led to joking by observers and trial participants in the lobby after recessing for the day.

Zahorian said Randy Savage came to his office and purchased steroids. Brevetti asked Zahorian if the big photo of him, Hogan, and McMahon that the prosecution showed was taken at a time when there was a meeting of the minds concerning the alleged conspiracy. As Brevetti went over his treatment before, during, and after his grand jury testimony one more time, jurors, the judge, and even the court reporter yawned or dozed off.

MONDAY, JULY 11

Brevetti continued her questioning of Zahorian. She brought out a diagram of Hershey Arena and tried to get Zahorian to establish where the meeting with McMahon and Patterson took place. Brevetti tried to establish that Zahorian was acting as a physician by having him cite

places where he gave advice to Bundy and Gorilla Monsoon about their diabetes and to Skaaland about drinking too much. She had Zahorian cite a time he accompanied S.D. Jones to the hospital when his appendix ruptured. She also established that Zahorian tried to answer wrestlers' medical questions and kept their conversations confidential, much like a personal physician would. Zahorian said he told some wrestlers about the medical pitfalls of steroids and that some listened and some didn't care. He recounted a story of Andre the Giant showing up at his house for dinner and how his kids reacted when Andre showed up at their door.

Brevetti established that the contents of Zahorian's FedEx shipments were not always steroids. He said he sent a FedEx package to the I.R.S. "You didn't send the I.R.S. steroids, did you?" asked Brevetti. Zahorian said packages contained drugs other than steroids and sometimes just documentation.

Zahorian said he sold steroids to Hulk Hogan who wanted them for Zeus (essentially painted Hogan as a distributor) and Hogan paid for it with a personal check even though he said he was fairly certain he was told to address it to Vince at Titan Towers. Zahorian said he sent Gene Okerlund Rogaine. Zahorian said that when he spoke to Emily Feinberg it was concerning payment for McMahon's steroids, not the actual ordering of them. He said more often than not he sent Hogan's steroids to Titan Towers or to his home in Florida. Brevetti established McMahon never called Zahorian to order steroids. Brevetti established that Zahorian did not speak to McMahon via telephone or in person after his last official commission appearance.

On redirect from O'Shea, Zahorian said he was put on solitary confinement both before and after his grand jury testimony and while the conditions were not pleasant, it was for his own protection from other inmates. Zahorian said he was never told his conditions would change based on what he testified to. Zahorian said McMahon never complained about his actions. He also said he never discussed his awards or background with McMahon. Zahorian said while he didn't know the contents of every FedEx package he sent, he has a particular recall that those sent to Emily Feinberg were steroids.

•**Rick Rood** (a/k/a Rick Rude) testified next. He said he wrestled for the WWF from '87 to '90. Rude spoke in short, disjointed sentences and seemed to give as vague of answers as possible. He said, "I'd imagine a lot of people were on (steroids)." and "I'd hear guys now and then talk about steroids." He said Zahorian was known for supplying steroids, sleeping pills, anti-biotics, and other drugs. He said, "(Road agents) would ask if anyone needed to see the doctor and if you needed a draw (a cash advance)."

Rude then told the story of how he was off steroids because he was trying to start a family with his wife and steroids tend to lower the user's testosterone level. He said that McMahon commented to him at a TV taping that "I didn't look good." He said McMahon was happy with his wrestling and interviews, but not his look. "I told him I was trying to establish a family so I was not on anything. He told me to push myself. I understood that to mean I wasn't taking anything (but should be)." "You mean steroids," asked O'Shea. "Yes," said Rude.

On McDevitt's cross-examination, McDevitt established that McMahon was concerned about Rude partying too much and warned him against smoking and that McMahon never told Rude to go to Zahorian for steroids. Rude said he wouldn't have injected steroids around McMahon because it's not something you'd want to do in front of the boss.

On Brevetti's cross-examination, Rude said he used steroids in WCW over the last four years. He said he is getting his steroids from England and he doesn't carry a prescription, but he takes steroids to relieve joint pain and build strength.

On redirect, O'Shea established that not only did Rude not inject steroids in front of McMahon, but rarely injected in front of anybody.

•**Kevin Wacholz** (a/k/a Nailz, Kevin Kelly) testified next. Wacholz said he witnessed the 1988 conversation between McMahon and Rude because he was in Wisconsin for a tryout at the WWF's TV tapings. Wacholz said McMahon questioned Rude's size and Rude said he was working out as hard as he could, but he was off everything because he trying to start a family. Wacholz said, "The defendant told Rude that in the position he was in (main eventing against Ultimate Warrior at the time) that he needed him to be bigger. McMahon then suggested he go on the gas (slang for steroids). Rude then said he wasn't interested in going on steroids at that time."

Wacholz then testified that in January 1992 he met with McMahon alone in a camper trailer regarding his Convict gimmick which he was being hired to portray. He said J.J. Dillon and Pat Patterson saw him go in there. He said McMahon told him he needed to be as big as he can be. "I said I was already 300 pounds, but he told me I needed to be a lot bigger," said Wacholz. "He said I needed to get on the gas. I told him I would not get on steroids to get the job. He told me, 'Sometimes life isn't fair. The ball's in your court. Do what you have to.'"

On cross-examination by McDevitt, he read aloud Wacholz's grand jury testimony of that very conversation, testimony that included details on that conversation, but Wacholz said nothing about McMahon asking him to take steroids, even though he was asked, "Do you recall anything

else about that conversation?" and Wacholz said no. As McDevitt pressed Wacholz on that omission, the judge interrupted and said, "The cross-examiner may confront witnesses and present questions and answers from grand jury testimony. You (the jury) decide whether the questions originally asked should have elicited the statement not made before."

McDevitt asked Wacholz to describe his outfit. "Did it reveal your musculature?" "Yes it did." Wacholz said he was hired, but he did not take steroids while in the WWF. He said his civil suit against Vince McMahon is still pending.

Laura Brevetti asked two questions of Wacholz. "Isn't it a fact you have personal animosity against Vince McMahon?" Wacholz said, "No." Brevetti asked, "Do you hate Vince McMahon?" Wacholz said, "Yes."

•**Pat Patterson** was announced as being the next witness. As Wacholz was leaving the court room, he laughed at the mention of Patterson's name. At 4:38 p.m., Patterson took the stand.

Patterson said he has worked for the WWF continuously since 1979, which means he is either mistaken or he never truly resigned from the company in 1991 during the sexual misconduct media frenzy. He said he moved into the front office in 1985 and became a vice president in 1986. He said he earns \$3,500 a week. O'Shea asked, "Is it fair to say you are the eyes and ears of the company?" Patterson responded, "I was concerned with the show being put on well." O'Shea: "You would report on events and tell Mr. McMahon of important events?" Patterson: "Yes." O'Shea: "You had more than a working relationship." Patterson: "We have become friends."

O'Shea: "When you were a road agent, you knew Zahorian was getting wrestlers steroids." Patterson: "I heard rumors about it." O'Shea: "Did you in fact know?" Patterson: "I heard rumors, yes." O'Shea: "You saw wrestlers line-up to see Dr. Zahorian and come out with bags?" Patterson: "Yes." O'Shea: "Is it fair to say wrestlers talked in the locker room about steroids, or the gas, or juice?" Patterson: "Yes." O'Shea: "Did you use steroids yourself." Patterson: "No." O'Shea: "Did you ever hear the term 'candy bag.'" Patterson: "No." O'Shea: "Did you ever complain to McMahon about Dr. Zahorian?" Patterson: "No." O'Shea: "Did you discuss steroids with McMahon?" Patterson: "No." O'Shea: "You knew what Zahorian was doing was wrong." Patterson: "No." O'Shea: "He once offered halcyon?" Patterson: "Yes." O'Shea: "So you knew he was doing the same thing for wrestlers." Patterson: "Yes, I heard he was giving pills to wrestlers." O'Shea: "And you did nothing?" Patterson: "No sir." O'Shea: "You told Zahorian you didn't like what he was giving to wrestlers?" Patterson: "That's true. He just told



Kevin Wacholtz as Nailz

Photo by W.K.

halcyon was." O'Shea, in a quick and accusatory tone: "You didn't know steroids were bad for the wrestlers?" Patterson: "Sometimes I heard they were bad and other times I heard it was okay if they were used right."

O'Shea: "Did you talk to Zahorian about steroids being bad for wrestlers?" Patterson: "No. I was talking about the pills." O'Shea: "You knew that pills included steroids." Patterson: "No." O'Shea: "You never heard about steroids." Patterson: "We never talked about steroids." O'Shea: "Didn't you warn Dr. Zahorian about an investigation?" Patterson: "I just warned him." O'Shea: "Did you warn him that the investigation was about steroids?" Patterson: "I didn't know it was about steroids."

In a humorous moment, O'Shea handed Zahorian a Titan internal memo dated 12/1/89 and asked him if it was confidential. Patterson said it wasn't. O'Shea then asked Patterson to read the big word at the top of the page. Patterson, laughing, said, "Confidential."

Patterson said he never saw the memo before. O'Shea asked him to read from it. The memo was from Linda McMahon informing Patterson that they learned of the Zahorian investigation from Jack Krill at a fund raiser. Krill mentioned it to someone because he had a conflict of interest he felt needed to be addressed.

O'Shea: "This memo tells you to warn Zahorian." Patterson: "That's what the letter says." O'Shea: "You knew he was distributing steroids." Patterson: "You knew before 1986 he

was distributing steroids to wrestlers." Patterson: "Yeah, I heard." O'Shea: "Starting in July of 1989, the athletic commission rules were changed and Dr. Zahorian was no longer required to be at Hershey?" Patterson: "I'm not sure." O'Shea: "You could now hire any doctor." Patterson: "I'm not sure." O'Shea: "Didn't you have a conversation with Anita Scales about this." Patterson: "Yes." O'Shea: "You also had a conversation with Zahorian about him wanting to remain the attending physician." Patterson: "No sir." O'Shea: "Isn't it true Anita Scales wanted to get rid of Zahorian?" Patterson: "No."

At this point, 5 p.m., the judge adjourned for the day. Outside the courtroom, Brevetti told reporters that a conspiracy cannot occur legally through mere acquiescence. "There must be a meeting of the minds," she said.

Wacholz interviewed with WNBC. Wacholz told the reporter that Vince McMahon first approached him to use steroids in 1985. He said he told Vince he wasn't interested in taking steroids. He said he wasn't hired in 1985 because he wouldn't take steroids. "In 1992, when he hired me, he made it a point for me to take steroids—me and everyone else who worked for him," he said. Wacholz said McMahon wanted wrestlers on steroids to help his business no matter what it did to their health and body. "People know I don't have an axe to grind," he added.

TUESDAY, JULY 12

O'Shea began the day by reading a statement to the jury: Prior to the enactment of the new act, the Pennsylvania State Athletic Commission appointed doctors. In July of 1989, they required a physician be in attendance, but put the promotion in charge of hiring him from a commission approved list and then the promoter must pay him.

O'Shea then began addressing the attempts to keep Zahorian at WWF events after the July '89 provision was enacted. Patterson said in December '89 the inter-office memo from Linda McMahon was addressed to him, Titan's senior vice president. Patterson said that was just a title. O'Shea established that at the time Linda was executive vice president and a level above him. Patterson said he first heard Zahorian was distributing steroids to wrestlers in 1986 or '87 (contradicting his testimony the day before.) O'Shea pointed out that Zahorian said he had offered Patterson pills in early-'84. Patterson said it was '84 or '85.

O'Shea pointed out that the memo said Vince spoke to Linda about the investigation of Zahorian, stressing that Vince is the owner of the company. O'Shea restated that the WWF found out about the investigation, according to the memo, because Krill was representing the WWF

when he heard about the investigation and thus warned the WWF not to continue working with Dr. Zahorian.

O'Shea challenged Patterson, saying he told Scales that the boys really wanted Dr. Zahorian to be their doctor. Patterson said no and O'Shea looked angry, one of the few times he showed emotion. Patterson then denied he spoke with Linda McMahon about keeping Zahorian aboard as the doctor, but eventually said he just "didn't recall." O'Shea pointed out the memo said that now that Zahorian is being investigated, it's not a good idea to keep him around. Patterson first denied that Vince told him to warn Zahorian about the investigation, but then Patterson read the memo: "Vince agreed and would like me to call Zahorian and tell him not to come to any more of our events and clue him in on any action the justice department plans on taking."

O'Shea: "Did you call him to warn him?" Patterson: "I called him to discuss it with him." O'Shea: "Vince makes all the decisions in the company?" Patterson: "Yes." O'Shea: "He's not shy?" "No." O'Shea: "He speaks his mind." Patterson: "Yes." He told you you should go ahead and make the call to Zahorian?" Patterson: "Yes." O'Shea: "It was Mr. McMahon's idea?" Patterson: "Yes." O'Shea: "You say you didn't learn of the investigation from Mr. McMahon. Who then?" Patterson: "From Linda." O'Shea: "The executive vice president of the company at that time?" Patterson: "Yes."

O'Shea: "How did you communicate with Zahorian?" Patterson: "I called him at the office." O'Shea: "How many times did you call before he called you back?" Patterson: "Twice." O'Shea: "What did you tell him when he called?" Patterson: "I told him to call me back on a pay phone." O'Shea: "You didn't want to be recorded?" Patterson: "Yes." O'Shea: "In the grand jury you said you thought the call might be recorded by law enforcement officials?" Patterson: "Definitely. Yes."

O'Shea: "Isn't it true you told Zahorian he couldn't come to WWF events?" Patterson: "No." O'Shea: "Did you tell him to get rid of records." Patterson: "I don't recall." O'Shea: "It could have happened?" Patterson: "It could have." O'Shea: "Then you warned others?" Patterson: "The wrestlers." O'Shea: "And agents?" Patterson: "Yes, I passed the word on to others."

McDevitt then began his cross-examination. He spoke to Patterson about his background in wrestling, how he has been wrestling 37 years since he was 17 years old. Patterson said he didn't speak English when he got into wrestling. McDevitt: "You don't have medical training to recognize what a doctor should or shouldn't do?" Patterson: "No." McDevitt talked about

Patterson's early days with Capital Sports (the WWF). Patterson said Vince McMahon was announcer then and was busy from start to finish at the tapings. Patterson, who tag teamed with **Billy Graham**, said he didn't know anything about steroids in the '70s. McDevitt: "Did using steroids in the '70s carry the stigma they do today?" Patterson: "No." McDevitt spoke more to Patterson about how busy McMahon was at TV tapings, the only time he and Zahorian could have crossed paths. McDevitt: "Have you ever met a man who works more hours than Vince McMahon? He works seven days a week from the time he wakes up until the time he goes to sleep?" Patterson: "True." Patterson also agreed that Linda McMahon works as hard.

Patterson: "We used to get mad when people would say wrestling is fake. Vince said he was going to tell the truth and say wrestling is sports entertainment. It made wrestlers mad who were protective of what it was supposed to be." McDevitt talked with Patterson about what made the WWF successful, trying to steer the image away from the muscular bodies being the primary factor. He mentioned character development and tie-ins with movies and television.

McDevitt then asked Patterson about what made Hulk Hogan successful, mentioning that his physique was only one element. Hogan also had charisma, interview ability, ability to work a crowd. McDevitt credited McMahon with creating the Hulk Hogan character. Patterson said Wrestlemania was the first time wrestling was seen on pay-per-view (which is not true). Patterson listed the celebrities who were involved.

McDevitt: "Did you understand it was unlawful for wrestlers to use steroids?" Patterson: "No." McDevitt: "Has a wrestler ever been prosecuted for steroid use who bought them from Dr. Zahorian?" Patterson: "Don't recall so." McDevitt: "Did you order Anita Scales to hire Zahorian?" Patterson: "Absolutely not." McDevitt: "Were you ever present for conversations Mr. McMahon had with Zahorian concerning his dispensing of steroids?" Patterson: "No." (which contradicts Zahorian's testimony that Patterson, McMahon, and he met at Hershey.) McDevitt: "Did you tell Zahorian he was under investigation?" Patterson: "I told him." McDevitt: "Was your concern the reputation of the wrestlers?" Patterson: "Yes."

Laura Brevetti then began her cross-examination. She repeated many areas McDevitt covered. She asked Patterson if Wacholz's physique could be distinguished given his outfit and Patterson said no.

On redirect from O'Shea, he asked Patterson if he heard him right when he said it was the "late-'80s" when he heard about steroids. Patterson said it was. O'Shea pointed out sworn

grand jury testimony where Patterson said he learned about steroids when he was a road agent, which was in '85 or '86. Patterson then said it was "more like the mid-'80s" when he learned about steroids.

•**Anita Scales** was next up. She is currently working for Titan Sports as the Director of Compliance and Regulations. She has worked for the WWF for eight years. She lumbered into the court room as if she had just been woken up and was being pushed from behind into the court room. She had long, dark hair, appeared to be in her mid-'30s, and gave the impression her appearance to others wasn't a concern of hers. As she gave her testimony, she spoke methodically without much energy, but had a matter-of-fact, dry charisma to her that seemed to give her credibility with court room observers. She had a solid grasp of facts and dates and definitely came off as someone who paid attention to and remembered details. As Brevetti warned in her opening statement, Scales seemed to have a "need to be right."

O'Shea began his direct questioning. Scales said she was in charge, among other things, of making sure Titan Sports complied with various state athletic commission regulations. She said she was informed of the change in commission rules around July 9, 1989. She then did research looking for information on specialties of a doctor that would be best for the requirements at WWF events. When she decided to go with a doctor other than Zahorian, Zahorian began to call her. "After he made a number of calls, I got irritated and began to document them. Aug. 7 Dr. Zahorian called and wanted the Hershey assignment. I said it was assigned. He said that Hershey was his town. I said it didn't belong to anyone in particular... He said he would speak to someone else and go over my head. I said go ahead."

O'Shea: "Did you speak to Pat Patterson?" Scales: "Yes. Around the end of August or September or October, he called and said he wanted Zahorian to work Hershey. I said that assignments were done. He said the boys wanted him. I said that was too bad." O'Shea: "Did you get a call from **Jay Scarpa (Strongbow)**?" Scales: "Yes. Shortly after Patterson called, he called and said he wanted Zahorian to work the Hershey shows. But this time, I was getting annoyed because I had received other calls from Zahorian at the office. I said no, but he said the boys need their candies. I said they can get their damn candies somewhere else. I told him (the new doctors) had already been hired through the end of the year."

O'Shea: "Did you speak to anyone else?" Scales: "Yes. One I remember is **Mel Phillips**. I saw him in the hall and asked if Zahorian was doing inappropriate things in Hershey. He said he

had a lot things he made available and that he was a very sleazy individual. He didn't name any particular drugs. He just said he was sleazy... I also spoke to **Bob Marella (Gorilla Monsoon)** and told him I was being pressured to assign Zahorian to Hershey. He said Zahorian was sleazy and said there was no place in the business for someone of his type. I told him my situation and he said, 'I guess, kid, you're between a rock and a hard place.'"

O'Shea: "Did you speak to **Tony Garea** (another road agent)?" Scales: "Yes. It was quite similar to my call with Marella. He said Zahorian opened up shop. He said his bag was so heavy, he had to roll it in. I was left with the distinct impression Zahorian dealt in volume, not in samples."

O'Shea: "Despite your efforts, you learned he appeared at Hershey anyway?" Scales: "After one of the shows—I don't remember the date—I received a call from **Rene Goulet**, the secondary agent the night before in Hershey. He wondered why two doctors were at the show. He said Zahorian had been in the locker room." O'Shea: "What did you do with respect to Zahorian still appearing at Hershey?" Scales: "I realized there was a powerlessness." O'Shea: "Did you go directly to your supervisor?" Scales: "Yes. I went to see her because I was agitated. I did not go to see her often. But I believed it was my responsibility to assign doctors to Hershey... I told her I heard scurrilous things. She told me to do what Pat says... (after the meeting with Linda) I was ranting and raving in the office and said I refuse." Scales said, without regret, she was well known for ranting and raving in the office. "That's quite frequent with me," she said. Scales said she and her assistant **Margaret Sharkey** wrote a letter to Zahorian telling him since he expressed interest in being the physician at the Dec. 26, 1989 event, let us know if he would attend. She said they worded it in a way to not be too inviting. The letter was dated Nov. 3.

She said **Elizabeth DiFabio**, executive assistant to Linda McMahon, called and asked if Zahorian would be scheduled for the Dec. 26 Hershey event. "She told me they no longer wanted Zahorian at the event. I said I would take care of it, so I went to Pat Patterson's office. I didn't have to tell him why I was there. He said he heard about Dr. Zahorian. I told him Zahorian said he wanted him there, but that I would get rid of him. I told Patterson to find his replacement." O'Shea entered into evidence a letter from Scales to the athletic commission saying Dr. Zahorian was "no longer available" which Scales called a euphemism. "We made him not available," she said.

During McDevitt's cross examination, he asked Scales if she really sent that letter inviting Zahorian to return to Hershey. She said it went in

the stack with all the other mail. McDevitt asked Scales if she ever got a call from Zahorian. She said she didn't, but didn't think anything of it because she was going on vacation and was backed up with a ton of other work. McDevitt established that when Zahorian told her on the phone he was going to go above her head, she didn't know for sure if he actually did. McDevitt, after a half hour of dabbling in her previous testimony for inconsistencies (during which event the court reporter took brief naps), referred to her opinion of Dr. Zahorian being formed via a "little straw poll." Scales said she went to people whose opinions she values, people who treated her decently and who she respected.

When Scales said Scarpa referred to "candies," McDevitt said she didn't know that to mean steroids. Scales responded, "I knew they weren't Hershey Kisses," which got a rise out of the court room.

Brevetti began her cross-examination by establishing that Scales never had verbal or written conversation with Mr. McMahon in 1989 nor any year prior. Brevetti: "Is there any question in your mind that if Vince McMahon wanted Dr. Zahorian at Hershey, he could have pushed a button and had him hired?" Scales: "I guess he could have." Brevetti: "If he had, would you have hired him?" Scales: "I would have." Brevetti established that Scales was still working at Titan earning around \$54,000 a year.

Brevetti: "You said the Zahorian matter was infinitesimal relative to your work load (and that's why you didn't take notice of him not responding to your letter inviting him to return after he had previously begged for the job)." Scales: "Yes." Brevetti: "Do you think the matter may also have been infinitesimal to her (Linda), too?" Scales: "I guess." Brevetti: "Did Linda McMahon show any particular knowledge or awareness of Dr. Zahorian?" Scales: "No." Brevetti: "Pat asked you to hire Zahorian?" Scales: "Yes." Brevetti: "And this sort of thing wasn't Mrs. McMahon's bailiwick?" Scales: "Yes." Brevetti: "(So she simply directed you to follow the instructions of an experienced employee, Patterson, who was more familiar with the situation than she was?)" Scales: "You're making it sound flippant and it wasn't."

Brevetti then pointed out a sign on the door of Scales's and Sharkey's office, which reads, "Beware of the women in this office." Scales said it's not exactly those words, meaning "b-tches" was the word instead of "women." Brevetti then established that Scales had taken files out of Titan offices and gave them to the government in September of last year. Scales said she considered that her "insurance policy." The tone and accusatory nature of Brevetti's questions made it seem like Scales may not remain an employee of Titan sports for long.

"I had been around long enough to see it and hear casual conversations. It wasn't like a great silence fell across the room when someone talked of steroids."

—Jim Hellwig, a/k/a Ultimate Warrior

On redirect, O'Shea asked a few questions and established that Zahorian was physically present at a WWF card after July 1989 when the commission rules changed.

•**Jim Hellwig** (a/k/a Ultimate Warrior) testified next. Warrior said he worked for the WWF from 1987 through Aug. '91 and from Apr. '92 to Nov. '92. Hellwig said he used steroids (deca and testosterone) before joining the WWF.

O'Shea: "Did you see signs of others using steroids?" Hellwig: "I had been around long enough to see it and hear casual conversations. It wasn't like a great silence fell across the room when someone talked of steroids." Hellwig approximated 85-90 percent of the WWF wrestlers while he was there were on steroids.

About Dr. Zahorian, Hellwig said, "He'd take your blood pressure, check your eyes and ears, ask how you were doing, and then ask if there was anything you needed." On McMahon asking about HGH, Hellwig said, "He asked me one time if I could get HGH. It's a hormone, either synthetic or taken from cadavers from the pituitary gland. Warrior talked about an incident in February 1991 at Capital Center at the Marriott where he got in trouble for leaving steroids in his hotel room. He got a call at home in Dallas from McMahon who said a syringe and vile were found by the maid. Hellwig said at first he said someone else left it in his room, but as he had time to think about it, he admitted it was his. He said McMahon said things had heated up in regards to Dr. Zahorian and I should be careful, even though in my mind and other wrestlers' minds we didn't think they were illegal at the time. Hellwig said prior to that McMahon never told him not to take steroids.

On McDevitt's cross-examination, he established that Warrior began using steroids in 1984, prior to joining the WWF. Hellwig said, "I didn't think anyone would consciously take steroids if they thought they were pouring toxins or poisons into their body. Steroids were a small sacrifice I was going to make. I was willing to make that sacrifice to maintain that character for my career or bodybuilding." Hellwig added that he justified using steroids because he ate right,

kept in shape, didn't smoke, and didn't drink.

Hellwig said he never got steroids from Zahorian. He said he never saw steroids actually being taken or injected while in the WWF. Hellwig said McMahon never told him to take steroids, never told him he wanted him to be bigger than life, or hinted that he should take steroids. Warrior said he had a close relationship with McMahon as one of his inner-circle because he made it to the top. McDevitt said, "If he was going to tell anyone to take steroids, it would have been you?" Hellwig said, "Yes." Warrior said he didn't know when steroids became a controlled substance in 1991.

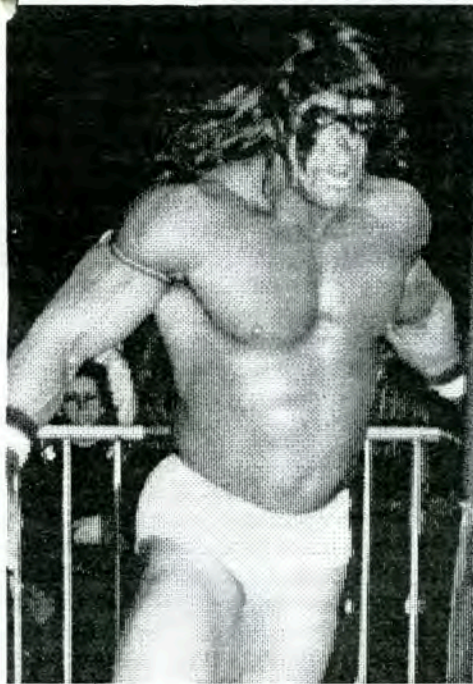
During Laura Brevetti's cross-examination, she tried to establish that Warrior's use of steroids was a personal choice and that he was successful only in part because of his physique—stressing he was the only wrestler to run to the ring (ignoring that The Road Warriors established that long before Hellwig) and his interviews, look, and rope-shaking were all popular characteristics of his.

Warrior said he was made aware through word of mouth when steroids became illegal to purchase and use for any reason other than the treatment of disease.

On redirect, O'Shea established that had Hellwig wanted steroids from Zahorian, he could have purchased them. He also established that McMahon was mad at Hellwig for leaving the steroids behind because he was caught, not because he was using them. O'Shea: "McMahon knew you were using steroids." Hellwig: "Yes."

•**Margaret Sharkey** (assistant to Anita Scales) testified next. She testified that Patterson called her and told her they were going to use Zahorian (after the commission rule changed) because the boys loved him and then essentially reiterated some of Scales's testimony.

On cross-examination by McDevitt, he drew attention to Sharkey admitting she discussed the case with Scales and while Hellwig was testifying actually talked with him about questions she was asked while on the stand. McDevitt tried to establish suspicious that the letter inviting Zahorian back wasn't even sent, but was simply filed and labeled as having been sent by Scales and Sharkey. Sharkey said she was not expecting a call back from Zahorian because he would be more apt to call Patterson if he was accepting the offer. She said she was hoping he wasn't going to show up. McDevitt asked if Scales embellishes sometimes and Sharkey said, "No, she's pretty straight forward." Sharkey contradicted Scales after a pretty clever set-up by McDevitt. He portrayed Scales as "ranting and raving" after meeting with Linda McMahon and made it seem those were his choice of words and that such action would be considered a negative reflection on the testimony she gave. Sharkey



Ultimate Warrior

Photo by W.K.

On McDevitt's cross examination, Sages said he didn't know for sure steroids were purchased with those checks. He said the total of the two bank checks was \$1,180 and there is no record of the cash expenditure. McDevitt established that McMahon used Titan funds for his personal steroids because Titan is incorporated under sub chapter S, meaning he has to pay taxes on company earnings before he takes out his personal income, and then has to pay taxes on his income. By purchasing steroids from Titan funds, he didn't have to pay personal taxes on that money. Sages also said the I.R.S. has audited the WWF the six years leading to 1991 and that the I.R.S. "looked at documentation and did not raise any challenges" concerning Titan classifying its wrestlers under contract as "independent contractors."

In detailing the May '88 cash transaction, he said he asked Vince what the money was for and he told him steroids. He told him steroids were lawful for his personal use. He concluded by saying no one asked him to destroy records related to Dr. Zahorian.

Brevetti cross-examined Sages. Sages said Feinberg did not tell him the \$650 check was for steroids. He said McMahon's philosophy on accounting is "to do it right and take the proper approach."

On O'Shea's redirect, he asked Sages if McMahon said the May '88 steroid purchase was for personal use. Sages said it was. O'Shea: "But he said they were for him and Mr. Bollea?" Sages: "Yes." O'Shea: "Mr. Bollea is a different person?" Sages: "Yes." O'Shea: "Thank you."

At this point, three key witnesses remained—perhaps the most important three for the government's case against Vince McMahon. First, Emily Feinberg, McMahon's personal secretary, then Terry Bollea, and then Dr. Gary Wadler, who would testify as an expert witness that there was not a legitimate doctor-patient relationship between Zahorian and the wrestlers, thus making all distribution illegal from '85-'91.

•Emily Feinberg took the stand at 10:35 a.m. and finished at just past 5 p.m. O'Shea's direct questioning began with the basics. Feinberg said she had a professional relationship with McMahon and they were friends. She worked for Titan from July '87 to Sept. '91 with her first year being spent as secretary to Dick Glover and the rest as executive assistant to Vince McMahon. O'Shea entered into evidence four steno notebooks. Feinberg said McMahon gave her a list of things to do each day and she would date each page. Feinberg said she had responsibilities when it came to drug testing and said wrestlers needed to take drugs to take life on the road, control roid rages, and do their jobs. The judge instructed the jury, "Titan was not required to give these tests or reveal the results." Feinberg

said she heard of wrestlers tearing up hotel rooms while in Europe, either due to cocaine or roid rages. She said she talked to Patterson about the roid rages.

Feinberg said Hogan was the number one money-maker, the number one star, the most important wrestler in the company. She said he had complete special treatment. "He was treated with kid gloves," she said. "We were scared to bother him. He was always driven in a limousine, he had bodyguards, he had planes chartered to get back with his family.

She said she first learned of steroids when she began working for Vince. She said slang for steroids was "gas" and "juice" and slang for needles was "riggs." She said usually Vince used those terms, but Patterson did also. She said Patterson was one of her husband's closest friends and Patterson came over to their house for family picnics. She said Patterson knew and used slang terms for steroids (something Patterson denied in his testimony).

She said in June of '88 Vince called her and asked her to send a check to Zahorian, but to make sure it wasn't a company check. He gave me money and wanted me to call Zahorian to check for a dollar amount. Then I went to Benny (Morales, Titan account supervisor) for (untraceable checks.)

After a sidebar, Brevetti was allowed to question Feinberg about the stenopads before they were admitted into evidence. Brevetti established that the books were meant mainly for her eyes and that she would occasionally put personal notes in them. She established that Feinberg had them in her personal possession 12-18 months before giving them to the government. Brevetti then tried to establish that pages might have been ripped out and there would be no way to tell unless one counted the pages and the judge got angry at Brevetti for her approach. The notebooks were then entered into evidence.

Feinberg testified that McMahon wanted her to buy a new small refrigerator to store cold sodas in his office. She did so, but later found vials stored in there which required refrigeration.

She testified that she was asked to provide steroids to Hulk Hogan. "A shipment arrived from Zahorian. He (McMahon) dumped the package on his desk, separated some of them, and asked me to get them to the driver who would give them to Hulk at a local building—MSG, the Meadowlands, or Nassau Coliseum. She said this occurred more than once. She said steroids were delivered to Hogan via the driver or Federal Express. She said she didn't have first-hand knowledge of Hogan picking them up in the office. She did say Vince was not secretive of this activity. She said Vince began using steroids with Hogan when Vince was producing the movie "No

said Scales was very angry, but not ranting and raving.

WEDNESDAY, JULY 13

•Doug Sages was the first witness of the day. He is currently an executive vice president and chief financial officer with Titan Sports and has been since October 1985. Sages started out without much credibility as when he was asked if Terry Bollea was the top money-maker for Titan Sports, he said, "One of the top."

Sages testified that McMahon told him to get money for steroids in a quiet way. In front of the grand jury, he used the word "untraceable," but said that was his wording, not Vince's. He said he told Vince a bank check is harder to trace than a personal check and makes the transaction unrelated to your name. He testified there were three transactions, May of '88 (which he believed to be cash), June of '88 (bank check), and October '89 (bank check).

O'Shea: "McMahon told you he wanted to buy steroids for himself and Hogan?" Sages: "In substance." Sages agreed that according to documentary, Feinberg asked him to draft a bank check again in June of '88 for payment to Dr. Zahorian. He said he assumes it was for steroids. He said he marked the outflow as medical expenses.

O'Shea pressed Sages for financial figures for Titan Sports. Sages said profits have been several million per year from 1985 to '89, but not more than \$100,000 million during those years. He said the highest net income before taxes in one year was \$6 million.

Holdings Barred" in Atlanta. She said Vince said he started using steroids with Hogan that summer ('88).

O'Shea then pointed to several entries in her notebooks and asked her to explain them. First, a Dec. 7, 1988 entry "needles and stuff." Feinberg: "That means Vince needed more needles and steroids. 'Stuff' was my indication for steroids." A Dec. 20, 1988 entry "B12 and Riggs." Feinberg: "That meant Vince wanted more B12 and more steroids and needles." Ditto for Dec. 29. A Dec. 30 entry "riggs at TV?" Feinberg: "That was a reminder for me to see whether Vince wanted me to get him an envelope. He was one day on, two days off and he needed a package if he was going to be away at TV. A Mar. 20, 1989 entry "Get Hulk stuff." Feinberg: "Get Hulk steroids." An Apr. 10, 1989 entry said "riggs" again. An Apr. 11, 1989 entry "call Hulk riggs." Feinberg: "Call to see if he needed steroids." An Oct. 11, 1989 entry: "Zahorian 1 1/2 inch riggs, deca, 4 bottles HCG personal." Feinberg: "Vince wanted me to order a certain gauge and more steroids and four bottles of HCG because often when you take steroids for a while your testicles shrink and need HCG to get back to regular size."

She said that later in 1989, McMahon told her that he and Linda heard of a dinner party tip-off that there was an ongoing investigation of Zahorian, so he said to get the word out to the boys not to use Zahorian anymore. She said Jan. 25 entry "check FedEx, roids" meant Vince wanted her to check FedEx records for Zahorian-Titan transactions.

O'Shea then had her read a letter dated Jan. 25, 1991 sent to all wrestlers stating that if they use steroids to overcome an injury, they are responsible for carrying a prescription at all times and to please see information on steroid laws in the United States and Canada. She said that memo was typed the same day she was asked to destroy records. A Jan. 28, 1991 entry said "check roids correspondence" which she said indicated McMahon didn't want anything in his office related to Zahorian. She said McMahon was angry at some wrestlers for continuing to use Zahorian for FedEx shipments of steroids.

She said as part of the office-evacuation of Zahorian-related material, Vince asked her to take an envelope of steroids home with me. Eventually, I threw them away. She said much later she went through the chest and found buried under her ski clothes (where she originally hid the envelope) a vial of steroids. She said she turned that over to the government, which the government found contained Deca.

McDevitt began cross-examination by establishing she began talking to the government in Nov. '92, which was within a few weeks of her 52 weeks of severance pay from Titan expiring. She said she had met with the government five

times and had 15 phone calls with them. She said while she was seeking out the government, the government was seeking her out. She said she met with O'Shea the previous morning for about 40 minutes talking about general subjects.

McDevitt established that McMahon started using steroids while with Hogan was in Atlanta in 1989, that Feinberg never ordered steroids from Zahorian, and that she didn't know what the contents of the packages were that were to be sent to Hogan at MSG, Nassau, or the Meadowlands or even if they were delivered.

She said she never called Zahorian to order steroids except for once (10-24-89) when she ordered deca. McDevitt: "Did you tell prosecutors you ordered for Hulk Hogan and Vince was just paying." Feinberg: "Maybe. There were times I called Zahorian for prices without having placed an order." She said she destroyed drug testing summaries for Vince when things got hot early in '91.

Brevetti began by asking Feinberg if she had been paid to be an actress in the past. Feinberg said no, but she had been paid to model. Brevetti asked if she had been handed a script by a producer to read from in the filming of a video. Feinberg said no. Brevetti continued to refer vaguely to a video that appeared on cable. The questioning didn't seem to end up anywhere.

Brevetti then asked if Feinberg was wearing attire typical of her style while at Titan. Feinberg said it was and that the outfit she was wearing she wore while working for Titan.

Brevetti established Vince told Feinberg that Hogan taught him about steroids while in Atlanta. Feinberg said McMahon never asked her to order steroids for any other wrestler. She said she never heard McMahon encourage another wrestler to use steroids. She said the last time she saw Vince's driver, Jim Stuart, was in May of '91 and that about four months ago she spoke with Stuart on the phone when he by chance answered her call to a limo service. Brevetti said, "So he was alive as of then." (No one seemed to know what that meant.)

Brevetti established that Feinberg believed McMahon was concerned about bad publicity when news of the Zahorian investigation reached Titan and she had no knowledge of McMahon wanting to cover up a crime by destroying records. Brevetti: "Is it fair to say during the Zahorian investigation, the media attention was intense?" Feinberg: "Yes." (This was during the time the WWF received its first bad press as a result of its Gulf War angle with Sgt. Slaughter and Hulk Hogan.)

She said that, before helping Vince draft the memo where he advised wrestlers to carry prescriptions with them when they carried steroids, she believed steroids were legal "in some respects." Brevetti tried to establish the

memo as McMahon alerting the wrestlers to change in the law.

Brevetti began trying to establish McMahon's whereabouts on certain dates. During the questioning, Brevetti said McMahon got a haircut once every ten days. Brevetti began to delve into Feinberg's schedule, asking "Were you in L.A. in April of '89 with Vince McMahon?" Feinberg said, "No." At this point, Linda McMahon began crying (although it was not obvious to anyone not looking at her because she didn't make a spectacle out of it and wasn't necessarily clear why she began crying) and Vince looked at her with a concerned, caring expression. Brevetti then pinpointed that Feinberg filmed a promotional video on Apr. 21-24, 1989 in California.

Feinberg talked about Hogan requesting charter planes: "There were times when Vince was generous with Hogan and other times it seemed like Hulk should pay himself. He was always asking to have his flights paid for."

A good 15 minutes after she first began crying, Linda was still welled up and McMahon continued to look at her with what appeared to be an apologetic smile, asking for reassuring eye contact, as Brevetti went over some dates in Feinberg's book where she had no notes concerning Vince's whereabouts. A few minutes later during a sidebar, Vince walked over to Linda, sighed, and talked with her. He returned to his seat after the sidebar with a very distressed look on his face.

Brevetti then established that Feinberg's husband worked at Titan and earned \$130,000 a year while she earned \$63,000. Brevetti established that Feinberg and her husband attempted to receive payments beyond Oct. '92 before going to the government. Brevetti established that by testifying, Feinberg and her husband were granted immunity for any statements made. Feinberg said neither she nor her husband have plans to write a book.

By the time Brevetti concluded her cross-examination, a lot had been alluded to, but it seemed nothing was outright said that the jury could consider imperative to deciding the case.

On redirect, O'Shea established that Feinberg didn't write down every steroid purchase in her notebook. He also established that McMahon was using steroids to build his physique, not repair injuries.

THURSDAY, JULY 14

•**Detective Gregory S. Taylor** from the Lower Paxton Police Dept. in Harrisburg, Pa. was the first witness of the day. He spoke about William Dunn being an informant for the FBI, FDA, and Va. State Police who were investigating Zahorian. He established that the lot number of the steroid vial that Emily Feinberg

ember of the steroid vial that Emily Feinberg found in her storage chest matched steroids purchased by the government through Dunn from Zahorian on Oct. 18, 1989. McDevitt questioned him briefly.

•**Terry Bollea (Hulk Hogan)** testified next. He entered through a side door rather than the public entrance of the court room where every other witness entered. Bollea was dressed in a dark navy blue suit and a red tie with his long blond hair neatly combed to his shoulders. He spoke in a soft, polite voice. Not once did he make eye contact with McMahon. McMahon not once looked directly at Bollea.

O'Shea conceded up front that Bollea was promised he would not be prosecuted for statements made in court. Bollea ran down his background in wrestling, including that he first wrestled for Capital Sports in 1978 and returned in 1983. Hogan said he began using steroids in the middle of 1976. He said he used injectable and orals including dianabol, winstrol, anavar, testosterone, and deca. He said he used deca the most. He said steroid use was fairly common in the WWF upon his 1983 return. He said he saw steroids used in locker rooms and said "Yes sir" when asked if he used steroids in the locker room himself. Bollea said Dr. Zahorian was known for steroids, sleeping pills, and other drugs. He said when wrestlers came to TV, "he'd check your pulse, all the standard things, then ask if you needed anything." He said Zahorian neither asked for medical history nor did lab work. O'Shea: "He'd give you anything you asked for?" Bollea: "Yes." O'Shea: "Who decided what you got—him or you?" Bollea: "You." Bollea said Zahorian brought with him his medical bag and two tackle boxes with drugs. Bollea said McMahon was sometimes in the area when Zahorian was there. Bollea said he didn't remember McMahon using slang terms like gas and juice.

O'Shea: "Did McMahon order steroids from Zahorian?" Bollea: "Yes. We discussed ordering steroids together in Atlanta." O'Shea: "Were steroids new to him?" Bollea: "As far as subject matter, he knew what they were." O'Shea: "Did you ask Emily Feinberg to order steroids for you." Bollea: "I'd call Emily Feinberg and ask her to place orders for drugs from Zahorian." O'Shea: "How many times?" Bollea: "Ten or less." O'Shea: "How would you get them?" Bollea: "I'd go by the office with my normal routine. I'd pick up my paycheck, my pictures, and fan mail." O'Shea: "One of those (things you picked up) was steroids?" Bollea: "Yes sir." O'Shea: "Who paid Emily Feinberg for the steroids?" Bollea: "Mostly I'd pay with a check or cash." O'Shea: "Did the company pay for them?" Bollea: "There were times I'd get them without paying as a payback since I had given



Vince and Linda McMahon (foreground), McDevitt and Brevitti (background) face the media

Photo by W.K

Vince steroids."

O'Shea: "How often were you using steroids as Hulk Hogan in the WWF?" Bollea: "It was very common. At the time, all wrestlers were using it and I had a prescription for it." O'Shea: "Is it fair to say it was like writing a check for car insurance?" Bollea: "It was more frequent." Bollea said he learned Zahorian was in trouble from Patterson. Bollea: "He said Zahorian was under investigation and not to call him or use him." O'Shea: "Did he say not to use steroids." Bollea: "No." O'Shea: "Did you talk to McMahon about Zahorian?" Bollea: "He said don't call or use him."

O'Shea then presented a document to Bollea and asked him if that was his signature at the bottom of the page. Bollea said no. A sidebar was called during which Hogan looked around nervously, very alone, very sad. He didn't look the direction of McMahon. After the sidebar, the document was not brought up again. (It is believed to have been the document regarding an H.I.V. blood test taken for Bollea by Howard Finkle in Oregon.)

It was announced to one of the jurors that his wife was locked out of the house and she needed his key. Everyone in the court room laughed—even the judge—except for Hogan, who remained uptight and uncomfortable.

Hogan said he used steroids while on the road to heal injuries, keep on going, give you an edge for going many days in a row, and for bodybuilding. O'Shea: "Why did you first use

them in the gym?" Bollea: "To gain weight, get bigger."

McDevitt did not question Bollea, apparently because he at one time represented Bollea. Brevetti cross-examined Bollea for about two hours. Bollea said his youngest child's birthdate is July 27, 1990. Brevetti: "In '89, you and your wife decided you would take no drugs prior to conceiving?" Bollea: "We decided to wind down and come off of them." Brevetti: "Did you use drugs after October 1989?" Bollea: "My wife and I had a big argument over whether or not I was on drugs when I got her pregnant."

Brevetti then focused on April '89 after Wrestlemania V whether Bollea had any recollection of Jim Stuart delivering steroids from Titan to an arena in the New York area. Bollea said he did not. Brevetti: "Is it fair to say that any orders were placed to Dr. Zahorian from you for your personal use." Bollea: "Yes." Brevetti: "You were not in the business of distributing steroids?" Bollea: "No." Brevetti: "It was only personal use?" Bollea: "Yes." Brevetti: "Did you believe steroid use to be legal." Bollea: "Yes." Brevetti: "Besides Zahorian, you had other doctors from '85 to '89 to get steroids from?" Bollea: "Yes." Brevetti: "You tried to get steroids in a legal manner?" Bollea: "Yes." Brevetti: "It was because of the quality of steroids you preferred to buy steroids from doctors?" Bollea: "That's fair." Brevetti: "One concern was getting fake or bad steroids?" Bollea: "Yes. Correct."

have the knowledge about steroids and what their effects are in the '80s compared to now, 1994?" Bollea: "That's very fair." Brevetti: "Had more information been given to you, you wouldn't have used them?" Bollea: "That might have been the case." Brevetti: "Using steroids was common among athletes and other professionals?" Bollea: "From my knowledge, that would be a very fair assumption."

Brevetti tried to establish that Bollea used a private locker room and was a private individual while in the WWF, but Bollea said he had his own locker room but didn't necessarily use it and wasn't all that private. (Bollea was known for being "one of the boys" in the locker room and was popular for not being stuck up, despite his star-status and preferential treatment.)

Hogan said the photo of him with Dr. Zahorian and Vince McMahon was not at a time they had a discussion about steroids. Brevetti: "You have no recollection of conversations on steroids with McMahon or Zahorian in a room?" Bollea: "No. Not in a room." Brevetti: "McMahon never ordered you to take steroids?" Bollea: "He never ordered or directed me to take steroids." Brevetti: "Taking steroids was your own personal choice?" Bollea: "Yes." Brevetti: "Other wrestlers' decision to take steroids was also a personal choice?" Bollea: "From my knowledge, yes."

Brevetti: "Did you ever see McMahon tell a wrestler to take steroids?" Bollea: "No." Brevetti: "Advances were given by agents to wrestlers everywhere?" Bollea: "Yes." Brevetti: "The money was deducted from the wrestlers performance fee; it wasn't extra money?" Bollea: "Correct." Brevetti: "Did you ever hear in your course of time any agents say, 'The Doctor's here, anyone want an advance?'" Bollea: "No. They just asked if they needed an advance."

Brevetti: "Have you heard of the slang term riggs?" Bollea: "Yes. It's a slang term for needles." Brevetti: "It's not known commonly as 'steroids and needles.'" Bollea: "No. Riggs are needles." Brevetti: "Have you heard of roid rage?" Bollea: "Yes." Brevetti: "Is it fair to say in your 12-13 years using steroids, you never experienced roid rage." Bollea: "No, I didn't." Brevetti: "You knew McMahon to be using steroids. Did you see him have a change of personality or roid rage?" Bollea: "Never." Brevetti: "Wrestlers are by nature more aggressive?" Bollea: "When performing." Brevetti: "But being on the road night after night, wrestlers are boisterous." Bollea: "Not all of them." Brevetti: "Some got in trouble when they partied?" Bollea: "Some." Brevetti: "Would you connect steroid use to boisterousness at a bar?" Bollea: "No."

Brevetti: "The term 'larger than life' isn't a code word for building muscles larger than normal." Bollea: "Correct." Brevetti: "In order to

create public appeal, it's very important to build character?" Bollea: "Yes." Brevetti: "More people know you as Hulk Hogan than Terry Bollea." Bollea: "Yes ma'am." Brevetti: "You have two identities?" Bollea: "Yes." Brevetti: "The Hulk Hogan character is bigger than life?" Bollea: "Yes ma'am."

Brevetti then hit the jackpot on the following questions as all fears of how much damage Hogan could cause McMahon turned into elation. Hogan perhaps turned into the defense's best witness.

Brevetti: "Did Titan ever pay for steroids for wrestlers?" Bollea: "No." Brevetti: "You paid for steroids with your own money?" Bollea: "Yes." Brevetti: "Did you ever see a road agent or any employee distribute steroids to wrestlers who wanted steroids?" Bollea: "Never." Brevetti: "From 1985-'91, if Dr. Zahorian was not available to you, you had other sources for steroids?" Bollea: "Yes." Brevetti: "Is it fair to say Titan had nothing to do with providing you with steroids from Zahorian." Bollea: "Very fair."

Brevetti: "Is it fair to say packages you picked up (at Titan) were because you knew steroids had been ordered for you?" Bollea: "Yes." Brevetti: "Am I correct that you never picked up unsolicited packages?" Bollea: "Yes." Brevetti: "Vince McMahon didn't order Feinberg to order steroids for you?" Bollea: "No." Brevetti: "She was doing an accommodation for you?" Bollea: "Yes." Brevetti: "Who'd you pick up the steroids from?" Bollea: "Emily Feinberg." Brevetti: "Vince McMahon never divided his steroids for you and him?" Bollea: "Never remember him doing so." Brevetti: "Jim Stuart never delivered steroids to you at any arena, including Nassau Coliseum?" Bollea: "Never."

Brevetti: "On occasions you'd request Emily Feinberg to place an order, the package would be paid for by you?" Bollea: "By check or cash, yes." Brevetti: "If you received steroids from other individuals, you would not pay for them?" Bollea: "No. It was just paying back (for a previous loan)." Brevetti: "You might call them joint orders?" Bollea: "Yes." Brevetti: "It was rearranged the package would be for both of you?" Bollea: "Yes... I would pick up my share from Emily."

Brevetti: "In 1988-'89, Mr. McMahon used steroids?" Bollea: "Yes." Brevetti: "Is it fair to say from 1984-on, Mr. McMahon was your friend?" Bollea: "Yes." Brevetti: "You've used the term 'brother' in reference to Vince McMahon." Bollea: "Yes." Brevetti: "You were as close as two men in professional life can be?" Bollea: "Yes." Brevetti: "You respected McMahon?" Bollea: "Yes." Brevetti: "In fact, in 1993 you called him your hero?" Bollea: "Yes." Brevetti: "He respected you and what you did for

the WWF?" Bollea: "Yes."

Brevetti then went back to the Summer of '88 when Hogan taught McMahon how to use steroids. She established that Hogan let McMahon use decas from his supply of steroids. Brevetti: "So bottles may have been given to you for steroids you gave to him in the Summer of '88?" Bollea: "It's possible." Brevetti: "You paid for your share?" Bollea: "Yes." Brevetti: "You made the order out of convenience and you took yours for your personal use and paid for them?" Bollea: "Yes." Brevetti: "If you gave Dan Brower steroids, did you charge him for them?" Bollea: "If he gave me ten bottles, I'd give him ten back. We were friends. That's the way it worked." Brevetti: "Is it fair to say it's like friends exchanging a half a pack of cigarettes." Bollea: "That's fair." Brevetti: "Is it fair to say from 1985 to 1991 you gave wrestlers steroids and the reverse is true?" Bollea: "That's fair." Brevetti: "Were you in your own mind distributing steroids?" Bollea: "No. They were my friends." Brevetti: "Were they distributing to you?" Bollea: "No ma'am." Brevetti: "Did you believe as a layperson from '85-'91 that doctors had the legal right to distribute to you?" Bollea: "Yes." Brevetti: "Did you believe Dr. Zahorian was committing a crime for distributing steroids to you?" Bollea: "No." Brevetti: "You testified that taking steroids helped your injuries heal. Do you feel steroids helped speed your recovery." Bollea: "Yes."

Hogan then said after he was instructed not to call Zahorian, he did anyway, not to defraud the FDA or conceal any illegal activity, but as a friend.

Brevetti: "Did you feel personally a tremendous amount of personal pressure?" Bollea: "Yeah, I felt singled out. There was a hysteria, like AIDS. I felt it was unfair that I was singled out despite other athletes taking them." Brevetti: "Did you feel you and your wife would be singled out?" Bollea: "Yes." Brevetti: "To this day, don't questions of steroid use come up in every media interview?" Bollea: "(pause) 85 percent."

Brevetti: "Before this trial, did you give statements to the press that weren't true?" Bollea: "Yes." Brevetti: "On Arsenio Hall?" Bollea: "Yes." Brevetti: "Is it fair to say you did not give your full history of your steroid use?" Bollea: "Very true." Brevetti: "Did Mr. McMahon give you advice?" Bollea: "Yeah, he gave me advice. He didn't think I should go on the show because it was the wrong format."

Brevetti somehow then credited McMahon with helping Bollea on his comeback to the ring for the rival promotion to help give him exposure for his new TV career. Brevetti: "Your new career path has nothing to do with this trial? You and Vince McMahon are still friends?" Bollea:

and Vince McMahon are still friends?" Bollea: "Yes."

On redirect, a somewhat deflated Sean O'Shea tried to regroup and salvage some valuable testimony from Hogan. He asked Bollea if Feinberg or McMahon were doctors at the time they distributed steroids to him. Bollea said no. Bollea said he knew McMahon and Zahorian well when that photo was taken (because Brevetti tried to make it seem like they could have been strangers to Bollea since he took so many photos with strangers.)

O'Shea: "A big part of your appeal has always been your size?" Bollea: "Yes." O'Shea: "Like your 22 inch arms?" Bollea: "Yes, thereabouts." O'Shea: "Hulk got to be Hulk Hogan in part because of steroids." Bollea: "In part." O'Shea: "Every time Zahorian gave you steroids, he didn't give you a prescription, did he?" Bollea: "He gave you a prescription pad." O'Shea: "To cover yourself?" Bollea: "Yes. If they found steroids, there would be a piece of paper with my name on it. It said, 'Deca for Terry Bollea for bodybuilding.'"

O'Shea: "Dr. Zahorian just gave them to you with no limit on the number?" Bollea: "Yes." Brevetti: "Do you go to your family doctor in Tampa and get all the steroids you want?" Bollea: "No." O'Shea: "Could you use the cash and carry method with your doctor?" Bollea: "No." O'Shea: "When Emily Feinberg gave you drugs, it was as Mr. McMahon's executive assistant?" (objection sustained.) O'Shea: "She was his right hand man, if you will." Bollea: "Yes." O'Shea: "It was not a secret from McMahon?" (objection sustained.) O'Shea: "McMahon was in the office sometimes when you picked up steroids?" Bollea: "Yes." The judge asked for clarification. Bollea: "I call the whole building the office. After talking with Vince, I'd pick up my packages." Judge Mishler: "That doesn't mean he was present when you picked up the packages?" Bollea: "Correct."

O'Shea: "(When you gave steroids to McMahon), you weren't his physician?" Bollea: "No." O'Shea: "He didn't complain of injuries?" Bollea: "No." O'Shea: "He wanted them for bodybuilding?" Bollea: "Yes."

Brevetti re-cross examined Hogan briefly. Hogan said he was not on steroids, so Brevetti asked if he was promoting his "pythons" as part of his persona to promote his match with Ric Flair despite not being on steroids. Hogan said he was.

•Robert Gorse, an office manager for Rugby Darby Pharmaceuticals, took the stand. On direct from O'Shea, he testified that Zahorian ordered \$2,403 worth of drugs in 1988 and

\$10,132 in 1989 (virtually all steroids). He said the lot number of the drugs Zahorian sold to a government plant and that Feinberg turned into the government (which she says she got from McMahon) was made available on Aug. 2, 1989.

On cross-examination from McDevitt, Gorse said in 1990 Zahorian bought only \$940 worth of drugs and it stopped entirely in Apr. of '90. McDevitt went fishing again as he tried to shift blame to Rugby Darby for not noticing Zahorian's purchases rose in 1989 by five-times the amount in '88. McDevitt asked Gorse if there was a narrower market for steroids after the new law, whereas "prior to Nov. 18, 1988 there were no restrictions on steroid use." Gorse said, "There shouldn't be." (i.e. the proper medical purposes for using steroids didn't change when the law did). The judge then told the jury, "Do not take the law from Mr. McDevitt. Wait until I instruct to the law."

•John Minton (a/k/a John Studd) testified next. He testified via telephone because he has Hodgkin's Disease and he says doctors recommend he not be present at the trial.

On direct from O'Shea, Minton said he wrestled for the WWF from '81 to '89. He said he bought steroids from Zahorian. He said Zahorian told him about the meeting with McMahon where he told him, if not for him selling them steroids, wrestlers would buy dangerous black market steroids elsewhere. Minton said he didn't regard what Zahorian was doing as a crime and he said Zahorian warned about the dangers of steroid use.

O'Shea read from Minton's grand jury testimony: "At that time, steroids were a very important part of our regime. We had to be in shape. It was a service, not a disservice. I never saw it forced on anyone. It was entirely my choice."

•Dr. Gary Wadler was the final witness for the prosecution. After O'Shea asked Wadler about his credentials, McDevitt challenged his credentials by asking him trivial questions from more than 25 years ago and quoting his book out of context. Wadler's main point was establishing what a prescription and a doctor-patient relationship entails. "Steroids are prescription drugs," Wadler explained. "A physician has to go through a process to determine whether a specific drug can be used. One needs a complaint, then a history of complaints, medical background, to address allergies, do a complete physical—and certainly one that is directed toward the cause of the complaint... A prescription is more than a piece of paper."

Wadler also ran down a long list of reported

"Yeah, I felt singled out. There was a hysteria, like AIDS. I felt it was unfair that I was singled out despite that other athletes were taking them."

—Terry Bollea, a/k/a Hulk Hogan

side effects from anabolic steroid use when used for medicinal purposes, which is almost always in much smaller doses than those used by athletes. There is a shortage of formal and credible studies of the short-term and long-term effects for those who used large amounts for extensive lengths of time.

The day closed with McDevitt engaging in a battle over the negative impact of steroids, drug laws, and the expertise of Wadler.

FRIDAY, JULY 15

Testimony began at 10:17 a.m. with Wadler back on the stand. He remained there until 12:30. McDevitt repeatedly tried to use quotes from Wadler's book against him on matters that at best loosely applied to the case. Wadler repeatedly said McDevitt was quoting the book out of context. McDevitt did establish that Wadler was paid around \$8,600 (based on \$150/hr.) by the government for his testimony at the Zahorian trial and is on pace to earn \$38,000 for his testimony at this trial.

Laura Brevetti, in her cross-examination, used breast implants as an example of a medical procedure done not for the treatment of disease where opinions on its dangers are changing constantly. After an objection by O'Shea and a sidebar, Brevetti moved on. Wadler was reluctant through his testimony to give in on any point, even if it was an innocuous, irrelevant point.

O'Shea announced the government rests.

After the jury was excused, McDevitt argued that counts two and three should be dropped due to lack of venue for distribution and no evidence for distribution on or about Apr. 13 or Oct. 24. O'Shea argued vehemently that the drugs were possessed with intent to distribute in Nassau county because Zahorian reached into the district to purchase the steroids from Rugby-Darby.

He cited two cases where "reaching into a district" with a mere phone call is enough to establish venue—and in this case, argued O'Shea, the only way Zahorian could get steroids from Rugby-Darby was by calling them. He said

—Please see TRIAN DIARY, pg. 24

BELOW THE BOTTOM LINE

By WADE KELLER, Editor and Publisher

He shoots... he scores

If you had a vested interest or preference in Vince McMahon being found not guilty, you could have relished as Titan Sports attorney Jerry McDevitt engaged in—what Laura Brevetti even described as “at times tedious”—questioning of witnesses.

If you had no vested interest, but simply wanted to see facts established and the credibility (or lack thereof) of various witnesses tested, then it was frustrating most of the time to watch McDevitt work.

McDevitt knows the law. In a free-flowing debate, as was seen Friday, he can throw a barrage of facts your way and you must be quick to refute them. The problem was, McDevitt used that skill in an intellectually dishonest way during the trial, which led, at the least, to a lot of wasted time.

When McDevitt ran down a list of wrestlers who weren't on steroids while questioning Dr. George Zahorian—wrestlers who were barely consequential to the WWF—in order to prove that you didn't need to be on steroids to work for or even main event in the WWF, it was a statistically deceiving approach. It should have been a waste of time, except prosecutor Sean O'Shea failed to establish that to the jury.

When McDevitt tried to establish that it was better that McMahon allowed a doctor to illegally dispense anabolic steroids to his wrestlers because otherwise they might get bad steroids, it should have been a waste of time. But prosecutor O'Shea failed to establish that.

When McDevitt got giddy over establishing that Dr. Zahorian was including former WWF wrestlers when estimating that 97 percent of his customers were “WWF wrestlers,” it should have been a waste of time. McDevitt tried to call Zahorian a liar and insinuated he committed perjury. It should have been a waste of time.

When McDevitt exaggerated the importance of Dr. Zahorian not knowing which way he turned, left or right, when leaving the locker room to have the infamous meeting with Vince McMahon and Pat Patterson, it should have been a waste of time. O'Shea didn't jump on it.

Only in closing statements will O'Shea have a chance to establish that much of what McDevitt engaged in during his long, tedious, uncharismatic, bullying cross-examination of witnesses was irrelevant. Certainly it would be dead wrong to rate a lawyer on charisma, but when lack of charisma is coupled with an unrelenting desire to bully witnesses with intellectual dishonesty, it is worthy of criticism. Cross-examination should not be rated on entertainment value or even brevity, but when the

bulk of the questions are longshot fishing expeditions or hammering home obvious, irrelevant points that the prosecution would grant them in the first place, it was a waste of everyone's time and the government's money.

McDevitt was obviously not Judge Mishler's favorite person. McDevitt's bullying, sometimes presumptuous style caused the judge to interrupt him at times and inform the jury of the lack of relevance of what McDevitt was trying to establish. The judge, when the jury was not present, would mock McDevitt for his lack of efficiency when making his points.

This could work against McMahon. If the jury grew as bored with McDevitt as they often appeared, they might turn against him. Since so much of what McDevitt was trying to do was simply to score points, no matter how irrelevant to the case, they may discount the relevant points he scored (and there were many).

Perhaps the lowpoint of the trial came at the end of the second week when McDevitt began quoting Dr. Gary Wadler's book blatantly out of context and using the rules of cross-examination to his benefit to force Wadler into “yes or no” situations, when neither answer applied. McDevitt did his research, but his approach was a turnoff, not just to me, but I believe to the jury.

The substance of the distribution counts was addressed well by both sides. The problem for the prosecution was, the chain of events from Zahorian to McMahon to Emily Feinberg to Jim Stuart to Terry Bollea was only as strong as its weakest link, and Bollea was the weakest link and all but eliminated any chance of conviction on either count. That proved to be moot after the judge dismissed counts two and three based on lack of jurisdiction (O'Shea arguing vehemently that distribution began in the Eastern District when Zahorian ordered the drugs via phone from Rugby-Darby on Long Island didn't hold up.)

But the substance of the first count was rarely addressed. In fact, the defense spent the better part of two weeks proving what the prosecution would have likely conceded from the beginning. The defense proved easily (albeit tediously) that Zahorian and McMahon did not get together and plot the formation of the circumstances that led to their mutually beneficial relationship.

The defense spent a lot of time proving that McMahon barely knew and never directly profited from Zahorian's sale of steroids to wrestlers under contract with the WWF. The defense spent a lot of time proving that wrestlers could get steroids elsewhere, therefore they leaped to the conclusion that a “conspiracy” was of no advantage to McMahon.

The defense spent a lot of time proving that

Zahorian's steroids were less dangerous than black market steroids.

The defense spent a lot of time proving that McMahon didn't originally cause Zahorian to set up shop in WWF locker rooms because Zahorian was there due to athletic commission requirements long before McMahon met him.

The defense spent a lot of time proving that the Pennsylvania State Athletic Commission knew of Zahorian's actions and didn't do anything about it.

The defense spent a lot of time trying to establish that McMahon didn't know what the laws were, thus how could he conspire to break them.

All them, on the surface, appeared to be the defense shooting and scoring every time. The problem was, none was a relevant point.

The three relevant questions regarding the conspiracy count were: (1) Did McMahon through action or omission further the circumstances that put a fresh supply of steroids 10 feet away from where his wrestlers dressed? (2) Did McMahon profit from that action or intentional omission of action? (3) If the above two are true, does that constitute a “conspiracy” according to the letter of the law.

The prosecution failed to establish with the jury that they were not trying to prove what the defense was apparently refuting. The prosecution failed to establish that McMahon profited—or at least believed he profited—through increased fan interest from his wrestlers being on steroids.

Once the prosecution established clearly that which they were trying to prove, the jury could have slept through most of the defense's cross-examination of witnesses. Instead, it was a game of scoring points. The defense definitely scored more points than the prosecution, partially because they led shots on goal (i.e. questions to witnesses) by a 25 to 1 margin.

Those who were scoring points without regard to relevancy to the charges put the WWF way ahead. If the judge was scoring on points on that basis, he would have thrown out the conspiracy charge. But he didn't. The judge, as of Monday, believed there was enough evidence for a reasonable jury to find McMahon guilty of conspiring with Zahorian.

Later this week it's up to O'Shea in his closing summary to establish what he proved and show that the defense failed to offset that proof. It's up to the defense to convince the jury prosecution didn't prove a conspiracy beyond a reasonable doubt. And it's up to the judge to make sure the jury knows exactly what the law is and what level of evidence it will take to find McMahon guilty.

It's a court of law, not a hockey game.

BELOW THE BOTTOM LINE

By WADE KELLER, Editor and Publisher

Media earn their reputation

Jim Hellwig, once known as the Ultimate Warrior, was the darling of the New York media last week. Not because he helped the New York media gather facts on the McMahon trial or because he explained the background of the story. They were glad because he said the following on record and on camera:

"If you had a chance to get a job, but your boss told you to take off all of your clothes and have mad, passionate sex with him, you would have the personal choice not to."

Hellwig used that analogy to explain that Vince McMahon never... well, never told him he had to take steroids to get a job. It wasn't the substance that mattered, it was the entertainment value. The quote made every news show.

The television reporters, for the most part, were not interested in following the case. They were preoccupied with pictures and soundbites. That's okay. That's the nature of basic TV reporting because without pictures and without soundbites, you have no story no matter how well you know the facts. But some of the TV reporters seemed to go out of their way to avoid facts. They had as much interest in facts as Kevin Wacholz did in kissing up to Vince McMahon.

Wacholz was another media favorite because of his soundbites. He told WNBC:

"I'm expecting the U.S. government will prove what really happened with steroids and how Vince used them to help his business no matter what it did to the health and bodies of wrestlers. People know I don't have an axe to grind."

The amusing part is that Wacholz told WNBC he didn't have an axe to grind about five minutes after testifying under oath that he hated Vince.

Rick Rood wasn't bad either. After he testified, reporters asked him if Vince McMahon made him take steroids to look good. Rood responded, in a macho tone, "I don't need steroids to look good." The TV-types ate it up.

The TV reporters, impatient as they often were between soundbite opportunities, did relish the flamboyance of this trial. Every TV station at one point or another came to the trial. In order to make sure their reporters gained a grasp of a somewhat complicated story, some stations sent different reporters each day.

I was particularly flattered when a reporter would ask me for background on the case and in the middle of my second sentence, her attention span meter expired and they drifted away, looking desperately for a soundbite, and if not that, someone to complain to about the lack of soundbites.

Every once in a while the TV reporters would drift into the court room to actually cover the

trial, but soon they'd leave and stand outside the courthouse hoping for another Ultimate Warrior-caliber utterance.

It seemed degrading for reporters to literally swarm the participants as they left the courthouse, shoving cameras and microphones in their faces, hoping for a soundbite—no matter how inconsequential or irrelevant that sound bite may be.

When the television reports aired, their disinterest in the facts showed through as one fact after another was wrong. When one TV reporter was told that this was not the first time Hulk Hogan revealed he was a heavy steroid user and admitted that he lied on Arsenio Hall, she outright said she didn't want to hear about it because it took away from her story. Sure enough, virtually ever media source played up Hogan admitting heavy steroid use "for the first time" as the biggest story of the trial.

The real story was whether Vince McMahon set up a system where he knowingly profited from steroid use in his company and, if so, whether or not he would be legally culpable for that action. No one caught onto it. All they wanted were the celebrity soundbites.

The newspaper and radio reporters were much better. None attended the trial every day, but that was understandable. What did show through were the faults of the current system of gathering and reporting news. There is simply no way one can jump from one subject to another day to day and get all of the facts straight or know who to believe when receiving conflicting information.

When Kevin Wacholz took the stand and said that McMahon told him he needed to take steroids to get a job, the typical reporter thought they had their story for the next day.

The problem was—and some were explicitly told this—the facts (not speculation or opinion, but real hard facts) virtually eliminated all of Wacholz's credibility. The fact is, Wacholz said McMahon told him to take steroids well after McMahon had attempted to clean up his act and avoid more media scrutiny. Secondly, and more obviously, Wacholz lied on the stand by telling Laura Brevetti that his in-ring costume was one that revealed his physique. I would be hard-pressed to think of a wrestling character in the last five years who had an outfit that did more to disguise one's build.

If the first point wasn't enough, the second should have been enough to dissuade anyone from lending too much credence to Wacholz's testimony. It's not fair to McMahon, who had enough true tales to defend against, to have to also be battling obviously suspect allegations from former employees who admit to hating him.

Nevertheless, reporters who were told this went ahead and headlined with Wacholz's testimony. Even Richard Smith, who did by far the best job of the local media covering the story, lead with Wacholz's testimony and called it "the first testimony directly linking Mr. McMahon to steroid use."

Space limitations should never prevent one from being fair and at the very least putting suspect comments into perspective. It's possible Wacholz was telling the truth. But McMahon did not deserve to have Wacholz's comments stand alone.

The AP, when running a story on two of the three counts in this case being dropped Monday, failed to mention they were dropped due to lack of jurisdiction, not lack of foundation.

If it wasn't a lack of interest or a lack of space or a lack of knowledge about wrestling, it was wrestling fans distorting the media's view of things. WWF supporters—who, because Monday Night Raw is a cool show, hope Vince is found innocent even if he's actually guilty—were interviewed by reporters. One 19 year old fan told a reporter he thought a lot of the wrestling was real and was saddened and angered by the revelations of the case. Others wore WWF pendants and wished McMahon luck—as if luck should play into this trial. Facts should play into this trial. If McMahon is guilty, he should be found guilty. If he is innocent, he should be found not guilty. No one should hope that McMahon is found innocent—instead, they should hope McMahon is found to be innocent.

The media ate up the courtroom fans' lack of logic and blind faith and printed and broadcast their quotes every chance they had at the expense of actually informing their readers or viewers of the facts of the case—facts which could set a precedent that could be felt across the sports and entertainment world.

A lot of reporters were frustrated with trying to cover this story. Some thought "fake wrestling" meant alleged lawbreaking must be "fake" too and thus beneath media coverage. Once they got over that, they had trouble grasping the facts of the case—and who can blame them. It's a complicated case.

I feel for reporters who have to dive right into the world of pro wrestling and try to make sense of it. I respect those who try hard to separate fact from fiction, rather than being preoccupied with soundbites and the easy headline.

After watching the media coverage the past two weeks, I have to wonder if stories I see every day on subjects about which I know nothing are as inaccurate and unfair and uneducated as the stories on pro wrestling. They probably are.

NEWS BRIEFING

Obituary Joey Marella, WWF referee and son of announcer Gorilla Monsoon, died July 4 in a car accident. Marella, 30, apparently fell asleep at the wheel while driving home from a television taping in Ocean City, Md. He was driving with Bruno Lauer (a/k/a Harvey Whippleman) in Burlington County on the New Jersey Turnpike when he crashed into a guard rail at 2:55 a.m. Marella wasn't wearing his seatbelt. Marella was in a car accident several years ago, also on July 4, where he also wasn't wearing his seatbelt but only suffered a damaged spleen. Marella, who had been suspended for substance abuse in recent years, was the number two referee in the WWF. His funeral was held July 8 in Willingboro.

Bash Report In front of a near packed house of 14,000 fans (9,000 comps, 6,000 paid), Hulk Hogan pinned Ric Flair in just over 21:00 to capture the WCW Unified Heavyweight Title. The match received rave reviews by some and was panned by others. The match mainly saw Flair be the foil for Hogan's offense. Sensational Sherri was the only reason Flair ever got any offensive moves in. From the opening bell to the finish, the crowd reacted to the moves in the ring like no other WCW match in recent history. After the match, Hogan was shown celebrating backstage with Hacksaw Duggan, B. Brian Blair, and Brutus Beefcake. The undercard was largely panned as being too slow-paced and the Flair-Hogan match is the nearly unanimous pick as best match of the show. Arn Anderson turning on Dustin Rhodes (which the fans popped for) was the major angle of the undercard.

Vicious Return July 4 in Memphis, Tenn. at the Mid-South Coliseum, Sid Vicious returned to the ring. Tommy Rich promised Jerry Lawler a surprise and when a six-man handcuff elimination match was reduced to Rich vs. Lawler, Sid Vicious showed up and one-arm throat slammed Lawler to the canvas, knocking him out. Sid was not listed for the following Monday's card, but is scheduled to return for some dates later this summer.

Ratings Rebound WCW, after posting a mere 1.8 for the July 2 "WCW Saturday Night" show, their panic turned to backpatting after they posted a 2.6 for the live show the next week. The Aug. 24 Clash has been moved from St. Paul, Minn. to Cedar Rapids, Iowa. One match features Antonio Inoki vs. Lord Steven Regal. The September pay-per-view will headline with Ric Flair vs. Hulk Hogan in a cage. Hogan will not wrestle at Halloween Havoc, but will return for Starrcade, so look for an angle to explain Hogan's absence from the October pay-per-view.

TRIAL NOTES

By WADE KELLER, Editor and Publisher

LATE UPDATE

Monday afternoon, the judge heard arguments from the defense and prosecution as a follow-up to Friday's debate. In the end, several important steps were taken by the judge.

First, counts two and three were dropped due to lack of jurisdiction in the Eastern District since the prosecution failed to link possession with intent to distribute to the Eastern District, more specifically Nassau Coliseum. The statute of limitation has expired on the Apr. 13 possession charge, but the Oct. 25 count may be retried in Connecticut (or wherever the government finds proper jurisdiction). Double jeopardy doesn't apply since the jury did not return a not-guilty verdict on that charge.

Also, of the four elements of count one, the first element was eliminated (defrauding the FDA) and the second element was reduced to a misdemeanor (distributing prescription drugs to someone without a valid prescription). The other two elements as of Monday apparently stand. All along, the jury only had to find one of the elements true to convict McMahon on count one.

NECK IMMOBILIZER

Vince McMahon turned some heads July 5 when he showed up at court wearing a neck immobilizer. McMahon, who had surgery on his upper back several weeks earlier, had to immobilize his neck while he recovered from surgery. While sympathy may have been a motive, there was another good reason to time the surgery with the trial. Since he would be unable to announce on TV while in court, he timed the surgery to coincide with the trial so he would miss the least amount of TV. The surgery was necessary, but had a flexible timetable since it was brought upon apparently by years of weightlifting.

No matter what the reason, the neck brace may work against Vince if the jury sees it as a sleazy attempt to get sympathy, a la a wrestling angle.

MCMAHON UPSET WITH PRESS

Vince McMahon began the trial with a friendly approach to the media, although along the way he has been upset with some reports. First, he was upset with reports on July 7 on a 900 line and the *New York Times* that the prosecution accused him of "money laundering." He approached me Thursday morning and blamed me for both reports, with the idea that all of the press was working together. I told him I didn't use that term so I couldn't defend or apologize for the two writers who used that term, but that the

description by the prosecution matched the definition of money-laundering.

He was also upset with various portrayals of him storming out of the court room on Friday, July 15. He told some that he simply had to go to the bathroom. If that was the case, why did he go down the wrong hallway and why did his son follow in a distressed state? Maybe Vince took a wrong turn and maybe Shane misread Vince's demeanor. But why did he leave in the middle of the judge talking?

Vince showed frustration with the judge once earlier in the trial. The prosecution was asking for a list of dates stating where McMahon appeared at shows. The judge asked the prosecution to name what the punishment would be if the defense didn't provide the evidence. At that point, McMahon held his arms out like they were handcuffed with a look of disgust on his face, as if to say, "Why not just take me to prison now?"

COURT ROOM OBSERVERS

Besides reporters (and I use that term loosely in some cases), the courtroom was filled on various days with a wide array of people. There was a group of older men who wore buttons that said "Court Buffs" who travel from one high-profile case to another as their retirement entertainment. One of them was an old WWF fan. Some were pro-WWF fans who asked for Vince's and wrestlers' autographs and thought every witness helped the defense and hurt the prosecution to a degree of absurdity. There was one 19 year old fan who wore an "I Love the WWF" button and a fan in his 20s with a WWF pendant around his neck.

WK'S WITNESS RATINGS

The most honest of the high-profile witnesses seemed to be Ultimate Warrior, although he didn't have the best memory. Anita Scales came in a close second and George Zahorian third. Pat Patterson gets high marks for convenient lapses of memory. Hulk Hogan was more honest than expected, but was still suspect at times. Kevin Wacholz gets the lowest marks for credibility.

SMOKING POLICY CHANGES

One of the more surprising elements of the two weeks came outside the courtroom in the lobby. Vince McMahon, who is known for not letting people smoke around him and has a strict no smoking policy in Titan Towers, apparently wasn't in his usual power position as Jerry McDevitt and Laura Brevetti repeatedly blew smoke into his face during recesses.

FINALLY

It was good to meet several *Torch* readers while covering the trial in New York. Special thanks to Jeff Mangles and Bill Georges for their help with covering the trial.

OVER STORY continued from cover

during breaks in the testimony. Linda appeared relaxed. All signs of tension seemed to be gone.

By the end of the day, after the prosecution rested its case and the defense chose to rest their case without calling forth any witnesses, the jury was excused from the court room and various motions were heard. The previously structured nature of the proceedings was replaced by spirited debate.

The defense, as is typical in a case like this, argued for all three counts to be dropped. The judge refused to drop any of the counts right away, but did appear on Monday did drop the two possession with intent to distribute counts (counts two and three) based on lack of valid jurisdiction in the Eastern District. On Friday, when defense attorneys Jerry McDevitt and Laura Brevetti continued to argue in favor of immediate dismissal, the judge scolded them. "Just once, take my decisions as final," he demanded.

But it was his reaction to the conspiracy count that shook the entire defensive team. All week the defense had been publicly confident that there was no way the conspiracy count could hold up because there was never a meeting of the minds between Vince McMahon and the unindicted co-conspirator, Dr. George Zahorian. Defense lawyer Laura Brevetti told the *Torch* earlier in the week there was no precedent establishing that a conspiracy could exist without an overt plan between two parties.

The judge smothered their confidence. The defense tried to argue that steroids were legal for wrestlers to take during the time in question and that even if steroids were unhealthy, it was better they got pharmaceutical-grade steroids from Dr. Zahorian rather than black market steroids which could be dangerous. The judge, however, was preoccupied with the lack of a true doctor-patient relationship between Dr. Zahorian and the WWF wrestlers. As McDevitt tried to argue other points at length, the judge interrupted him and asked if he should inform the jury that they were excused until "next Tuesday or Wednesday when you might be finished talking."

Next the defense argued that the only Federal Express shipments by Dr. Zahorian that should be entered into evidence are those of WWF wrestlers. Brevetti argued that McMahon had no interest in non-WWF wrestlers receiving steroids, so they were obviously not part of the alleged conspiracy, and thus those names are irrelevant to the case. The judge ruled that all names of wrestlers, even wrestlers not under contract with the WWF at the time of the shipments, were relevant because it established the way Zahorian operated. As the judge grew more defiant of the defense's arguments, Vince McMahon took a deep breath, got out of his chair, and for the first time since the trial began, walked

out of the proceedings (while the judge was talking), appearing to be frustrated, shaken, and angry.

His 24-year-old son, Shane, who was in the first row of the public seating, followed him out of the courtroom. Vince walked through the courthouse lobby and down a hallway for what Vince later said was a bathroom break. A nervous Shane followed down the hallway, but soon walked back into the lobby, perhaps signifying Vince wanted to be alone. As he reentered the lobby, a courthouse security officer asked Shane if his father was okay. Shane returned to the court room.

After about five minutes, Vince returned to the courtroom, fighting to stay calm, and sat down, looking much less confident about his future than he had 24 hours earlier after Hogan stepped down from the witness stand.

In contrast, Thursday after the 5 p.m. adjournment, just hours after Hogan's testimony, the defense talked confidently with media outside the courtroom. Brevetti, while walking to her car with a smile on her face, told reporters that Hogan's testimony said it all—McMahon was not a drug distributor, never encouraged wrestlers to take steroids, and did not buy steroids for Hogan.

Friday, after the spirited—and at times harsh—debate among the prosecution, defense, and judge, a more serious Brevetti stood and answered reporters' questions for several minutes. At one point, she held up her lit cigarette and angrily said if smoking is ever outlawed, she hopes she isn't dragged into court and tried for having smoked when it was legal.

As he left the courtroom Friday, Vince put on the best face he could as he deferred media questions to his lawyers.

Over the weekend, the prosecution and defense worked on their closing summations which the jury is scheduled to hear Wednesday.

Monday, the judge met with the prosecution and defense and listened to disputes over evidence, procedure, and jury instructions. On Friday the judge handed to the prosecution and defense the instructions he plans read to the jury after closing arguments are heard and before they deliberate. Monday, for three and half hours, they argued over content and wording. Also, the judge agreed to throw out counts two and three based on lack of jurisdiction in the Eastern District. He refused to throw out the conspiracy count, but said he would listen to more arguments on count one and jury instructions on Tuesday afternoon.

The judge's instructions to the jury may be the most important element of the trial. On the conspiracy count, there was enough evidence for a jury to rule either way, thus the judge's interpretation of the charges against McMahon and how the law applies to it could decide the



Jerry McDevitt, Titan's attorney

Photo by W.K.

case. If Judge Mishler presents a strict definition of what constitutes a conspiracy, McMahon may go unscathed. If the judge gives the jury instructions that a conspiracy can occur covertly, without a formal and structured plan and without a meeting of the minds, then the jury has a lot of evidence supporting a guilty verdict on the conspiracy count. The original copy of the instructions the judge intends to read to the jury said a conspiracy can occur with only one meeting between co-conspirators. McMahon and Zahorian, according to testimony, other than exchanging pleasantries, met only once—and Zahorian testified that at that meeting McMahon told him to continue distributing steroids to WWF wrestlers. If that wording of the jury instructions remains in tact, McMahon will have reason to worry while waiting for the jury's verdict.

Hulk Hogan did not come out of the week unscathed. While he helped the defense tremendously with his testimony, he did testify to beginning steroid use in 1976 and continuing through 1989, maybe longer. That admission, made before but never to a widespread audience, was the headline of several stories in New York area newspapers, was reported on CNN Headline News, and was reported on television and radio stations all over the country.

Later this week the fate of Vince McMahon—and perhaps the Titan Sports—will be decided. And no one who watched the entire trial can say with confidence they know what the outcome will be.



BRUCE MITCHELL

Torch Editorial Columnist

It will never be the same for Vince

Just ask Erik Menendez, who has yet to be convicted of a murder despite it being established in court that Erik reloaded a shotgun in order to blow his bleeding mother's face off.

As of Sunday, the best analysis seemed to be that the case for the conspiracy count might result in a conviction, but the distribution counts were weakened by the testimony of Terry Bollea.

Certainly much of the fate of this case depends on the closing arguments of the respective lawyers and how the judge charges the jury. But even before the verdict there is a lot that can now be said about the future of Titan Sports.

Watching this trial was an education, both in the ways of the legal system and in a corporate structure that made available illegal drugs as a matter of day-to-day policy just like it did airline tickets or per diem money.

Clearly...

- as witness after witness claimed that anywhere from 80 to 95 percent of Titan's in-ring talent was on the juice.

- as wrestlers described the table where Dr. George Zahorian sold prescription drugs without benefit of physical examinations or lab work and in the prosecution's memorable phrase "like candy."

- as Titan vice president Pat Patterson laughably couldn't keep his story straight about whether he first heard of steroids in 1988 or 1985 or 1982 (he teamed with Superstar Billy Graham in a main event tag team in the '70s and Graham was supposedly not shy at all about talking about his steroid use at that time) and the Titan defense was forced to paint Patterson in response as some sort of boneheaded old wrestler who was kept in the front office as a charity case because he was Vince's pal.

- as the Titan defense team kept subtly and not so subtly suggesting, the WWF condoned the selling of steroids in the dressing room by a certified doctor because "the boys would get it on the black market otherwise," as if a pharmacist should sell the local crackheads pharmaceutical cocaine to protect them from the stuff on the street.

- as Rick Rood described how Vince McMahon instructed him to get larger during his program with the Ultimate Warrior. When he demurred about saying Vince used the word "steroids," Kevin Wacholz—no one's idea of a character witness—was only happy to testify he heard Vince use that magic word.

- as Titan attorney Jerry McDevitt inadvertently provided any wrestling fan with proof that the WWF was built on juice when he

called out to Dr. Zahorian a pitiful array of examples from ten years worth of WWF stars who weren't on steroids. He could only muster a list of Butch Miller, King King Bundy, George "The Animal" Steele, and two other guys who were there after the good Doctor's operation had already been shut down—Tugboat and Earthquake who had not bought steroids from the convicted drug dealer. McDevitt, thus, damned his own case by the omission of every big WWF drawing card of the '80s.

Because of this trial there will be no more fawning CNN Larry King Live interviews, no more lucrative network television deals, no plethora of merchandising tie-ins, no more Sports Illustrated puff pieces.

- As Emily Feinberg and the promotion's greatest star Hulk Hogan described in detail how the defendant bought steroids with company funds and had them delivered to Titan Towers, a move of incomparable arrogance on McMahon's part...

The word "innocent" in this case shrank from any larger ethical meaning where Vince McMahon is concerned to just a constricted legal term that may or may not keep the man out of jail.

Now it may be it is ethical to "encourage" wrestlers to bulk up on drugs which can seriously hurt or even kill them just so they they can look like superheroes to impressionable children—children who were told to be just like their bulked up heros. As the O.J. Simpson case aptly demonstrates, many in this country believe in situational ethics, or no ethics at all. Certainly Vince McMahon and dozens of wrestlers thought their behavior was right. They made millions of dollars doing that, partly because the media and the general ticket buying public did not understand where those fabulous bodies came from. Now they will, when they think of pro wrestling at all.

And it certainly makes a difference whether Vince McMahon does go to jail, both to the man personally and to the company that he runs so effectively in some ways.

"I have never been one who automatically equates an acquittal with innocence."

—Dominick Dunne, *A Season in*

Purgatory.

"A courtroom is a place where people lie."

—Jimmy Breslin.

Whether Vince McMahon will spend the next few years as the CEO of Titan Sports, Inc. or as a ward of the Federal Bureau of Prisons will be decided this week in a courtroom in Long Island, N.Y. It will be the most anticipated legal decision in the recent history of this sport. So what's the best guess on a verdict? It's tough to say.

Anyone who has followed celebrity trials in the United States knows that trying to predict what is in a jury's collective mind can be tricky.



Vince McMahon

Photo by W.K.

But no matter the verdict, things have changed for Titan Sports.

The days of Titan Sports being a mainstream media vehicle and of Vince McMahon being called a sports "Walt Disney" are permanently over.

When Terry Bollea, Titan's all-time greatest attraction and Vince McMahon's true partner in the Titan expansion of the '80s, testified in this case the media jumped all over the fact that Bollea finally admitted to what has been an open secret for years—that he was a chronic and massive illegal steroid user throughout his entire career. How massive?

So massive that he ordered the juice from Dr. Zhorian under four different names, perhaps to fool a doctor who obviously was an advocate of the benefits of steroid use.

Actually, Bollea cannot be faulted in any selfish way for how he has managed this situation lately. On one side, he played Turner Broadcasting for fools with an outrageous six month, two million dollar contract before the media deluge began again.

He got significant media play about the Bash at the Beach pay-per-view and bullied WCW into getting him a sterling victory under optimal circumstances for the benefit of any of the more shallow mainstream media types who see the packed house and the celebrities and figure Hulk Hogan is still a star to the wrestling public.

It is the public relations coup he desperately needed after all of his movie flops and the rumored cancellation of his television show. It may be enough, even, to offset the negative press generated from his testimony in this trial.

In many ways Hulk Hogan is the ultimate professional wrestler because he understands when it comes to his act, perception is indeed reality. So while the reality is that he stopped being a major box office draw around the time of the Zhorian trial, the perception allowed him to sign a contract for an enormous amount of guaranteed money. While in reality he is a selfish liar, the perception is that he is still a children's hero and as such was acceptable morning talk show fodder.

And if his testimony about Vince McMahon not distributing steroids is believed, he may have saved McMahon from significant jail time and opened up another big money deal for himself in six months with Titan Sports, or even better, created a bidding war to drive his price up even if box office results of the WCW tour as disappointing.

But no matter what the short term benefits are, Hulk Hogan will suffer the same fate as Titan Sports will because of the trial. His days as a mainstream celebrity are coming to an inexorable close.

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And Vince McMahon, marketing genius, cannot seem to replace him with a new concept. The man who once derided Ric Flair as a champion because he wasn't "as large" as his champ doesn't know how to market anything but over-muscled freaks.

That's unfortunate because hidden in the midst of this scandal is the fact that these freaks are no longer over with fans. Call it steroid overkill. Lex Luger's physique is so far ahead of any other body now that he should be the superstar McMahon wanted him to be and yet none of the fans care whether he lives or dies.

McMahon has not established anything that has the impact of larger than life overmuscled freaks for his audiences. Rumors that the WWF wants to bring in Sid Justice and the British Bulldog after the trial suggest that they are banking everything on an acquittal so they can at least market these admitted steroid freaks at the top of their cards. It also suggests that Titan has no strong concepts beyond the Hart family to try in case the verdict takes a different turn.

Since the Zhorian trial three years ago, Titan Sports' gross revenue has decreased 40 percent. It has lost its most marketable stars and not been able to create new ones with the same box office power. Its competition looks more like the WWF than they do.

The company lost an estimated five million dollars last year. It is no longer competitive on the highest level for the best talent. The legal bills it faces on this case are astronomical. Its insurance company still has to pay a twenty-two million

dollar judgement to jobber Chuck Austin. This is not a company with limitless financial resources.

And because of this trial there will be no more fawning Larry King interviews, no more lucrative network television deals, no plethora of merchandising tie-ins, no more *Sports Illustrated* puff pieces.

Vince McMahon is finding in the end that, conviction or acquittal, he will not escape the traditional image of the sleazy wrestling promoter that his father and his grandfather before him were saddled with.

He can claim, however, to be a revolutionary figure in this business. For now his greatest legacy is not the Titan expansion. It's the reality that he changed the very face of pro wrestling itself for all the public at large.

Because it used to be that the first thing most people said when the sport was mentioned was, "Aren't all of those guys fakes?"

But now, thanks to Vince McMahon, it will inevitably be, "Aren't all of those guys on steroids?"

"After serving two years in jail I realized that the characterization of me (As a drug dealer) was in fact true. I violated my own ethical standards and I was wrong."

—Dr. George Zhorian.

Bruce Mitchell of Greensboro, N.C. has been a columnist or Pro Wrestling Torch since September 1990. He attended part of the McMahon trial in person.

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FIRST CLASS

TRIAL DIARY continued from pg. 17

either MSG, Meadowlands, or Nassau, the three arenas in the Eastern District. McDevitt argued there was no evidence that Bollea received steroids in the Eastern District and that Zahorian could have purchased steroids for the Apr. 13 charge from any of a number of drug companies outside of the Eastern District since there was no order from Rugby-Darby that month, so the steroids for that shipment came from his stock.

The judge asked the defense if they saw any advantage to letting the jury consider the charges because if they are so frivolous that no reasonable jury would find them guilty of those two counts, they would let them come to that conclusion. If instead the judge throws out the charges based on lack of venue, the defendant could be indicted in Connecticut or Pennsylvania, whereas if a jury finds them not guilty on those two charges, "double jeopardy" laws would prohibit them being charged for the same crime in a different district.

The defense heard him out, but still chose to argue for immediate dismissal of the charges. The judge seemed perturbed at the prosecution, saying he didn't drop those charges as McDevitt had asked several dozen times because he expected the prosecution to present evidence of delivery to a location in the district. Nonetheless, he said he would not decide to dismiss yet.

The defense also asked for the conspiracy count to be dismissed. McDevitt went point by

point, explaining why he felt the conspiracy count should be dropped before going to jury since no reasonable jury would find there was enough evidence to convict. McDevitt argued that even if four points of conspiracy were true, it would still take a meeting of the minds for a conspiracy to take place and McMahon and Zahorian met in 1988 10 months before the law changed that they supposedly conspired to break.

The judge interrupted and asked McDevitt if he was saying distribution of steroids was lawful without the presence of a legitimate doctor-patient relationship, a premise on which much of the defense was built. O'Shea cited examples of distributing illegally, impairing and impeding regulation, and other elements of a conspiracy. The judge asked O'Shea, "What if they didn't know." O'Shea responded, "They don't need a meeting of the minds of specific knowledge of a specific statue (to break it). That excuse 'we didn't know' is not relevant. The way they hid transactions, warned Zahorian, called from payphones (shows they knew something was wrong)."

Earlier, McDevitt argued that it is a misdemeanor, not a felony, for a layperson to distribute drugs if they didn't attempt to deceive the recipient. The judge asked O'Shea about that and with the more emotion than he showed during the previous two weeks, he said, "That's DEAD WRONG if they are defrauding the FDA. There is sufficient evidence they were impairing

and impeding regulation to distribute steroids."

The judge denied the motion to dismiss.

The defense then argued in favor of eliminating names from the list of recipients of FedEx packages from Zahorian who were not WWF wrestlers at the time of the shipments. The judge ruled against them. McDevitt and Brevetti vehemently protested, at which point the judge asked them to take his ruling as final for once. While the judge was talking, Vince McMahon got out of his chair with a look of distress and left the court room (see "Cover Story" for more details).

As Brevetti left the courthouse Friday, ready to spend a weekend preparing more motions and her closing summary, she continued to be optimistic. "We rested without calling a witness because if we presented evidence, it would only give the prosecution a chance to prove what they couldn't (with their evidence)."

Wednesday, after both sides present their closing summaries, the jury will decide whether they believe, like Brevetti, the prosecution didn't prove their case. If the jury feels the prosecution did prove their case and if McMahon goes to prison, the wrestling industry may undergo dramatic, sudden change. If the jury feels the prosecution failed to prove their case, McMahon will breath a sigh of relief, quickly regroup, and attempt to resolidify the WWF's position as the leader of this country's professional wrestling industry.