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

TELEPHONE INTERVIEW OF: DAVID LEO LaBOSSIERE

This is a preliminary transcript of a Committee interview. It has not yet been subject to a review process to ensure that the statements within are appropriately attributed to the witness, member of Congress, Committee staff, or other individual who made them; to determine whether there are any inconsistencies between the statements within and what was actually said at the proceeding; or to make any other corrections to ensure the accuracy of the record.

Friday, February 8, 2008

Washington, D.C.

The telephone interview in the above matter was held at
Room 2203 Rayburn House Office Building, commencing at 12:15

p.m.

Appearances:

For COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

BRIAN COHEN, SENIOR INVESTIGATOR/POLICY ADVISOR

STEPHEN CHA, PROFESSIONAL STAFF MEMBER

STEPHEN R. CASTOR, MINORITY COUNSEL

For HOUSTON ASTROS:

BOB McCLAREN, ESQ.

Mr. Cohen. We will go on the record.

This is an interview of Dave LaBossiere, conducted by the House Committee on Oversight and Government Reform. The interview is part of the committee's investigations into allegations of steroid use by Major League Baseball players.

Mr. LaBossiere, thank you for joining us today.

Could you please state your full name for the record?

Mr. LaBossiere. David Leo LaBossiere.

Mr. Cohen. My name is Brian Cohen, and I'm an investigator for the committee. I'm accompanied by my colleague with the Majority staff of the committee, Steve Cha. Also with us today is counsel to the Minority staff, Steve Castor.

Mr. Castor. Hi, guys. I'm on the Republican side of things, and I think you've got my name, and you certainly can call me with any questions as well as you can call Brian. I'll give you the number: 202-225-5074. I'm Steve Castor, again, with the Republican staff.

Mr. McClaren. Thank you.

Mr. Cohen. Before beginning with the questioning, I'd like to go over some standard instructions and explanations regarding the interview. The interview will proceed as follows: I'll ask questions regarding the subject matter of the committee investigation for up to 1 hour. When I'm

finished, the Minority counsel Mr. Castor will have the opportunity to ask questions for up to 1 hour himself. Additional rounds of questioning, alternating between Majority and Minority counsel, may follow until the interview is completed. My instinct is this isn't going to take too long. We'll make every effort to finish it up quickly.

The reporter here will be taking down everything you say and will make a written record of the interview. Because we can't see you and the reporter cannot see you, please give verbal, audible answers because the reporter cannot record nods or gestures.

Mr. LaBossiere? Mr. LaBossier?

Mr. LaBossiere. LaBossiere.

Mr. Cohen. LaBossiere.

You are required to answer questions from Congress truthfully. Is there any reason you are unable to provide truthful answers in today's interview?

Mr. Castor. We couldn't hear you. Maybe you'll want to say that again.

Mr. LaBossiere. No.

Mr. Cohen. Okay. If you knowingly provide false testimony, you could be subject to criminal prosecution for making false statements or for other related offenses.

Do you understand this?

Mr. LaBossiere. I do.

Mr. Cohen. You have the right to be represented by an attorney. My understanding is you do have an attorney present; is that correct?

Mr. LaBossiere. That's correct.

Mr. Cohen. Can your attorney identify himself?

Mr. McClaren. Bob McClaren.

Mr. Cohen. Bob, your position is?

Mr. McClaren. Counsel for the Houston Astros.

Mr. Cohen. Thank you very much.

Do you have any questions before we begin?

Mr. LaBossiere. No.

EXAMINATION

BY MR. COHEN:

Q Okay. I'd like to go over, first, some very basic questions regarding your background, your educational and professional background. Can you tell us your present position with the Houston Astros?

A The head athletic trainer.

Q How long have you held that position?

A Gosh, I've got to do the math. I'm sorry here. Since 1983.

Q Okay. So you've been the head trainer of the Astros. You were the head trainer of the Astros during Mr. Clemens' entire tenure with the team?

A That's correct.

Q All right. Can you, very quickly, walk through your professional background for us?

A I attended undergraduate school at Springfield College in Springfield, Massachusetts, and I attended graduate school at the University of North Carolina, Chapel Hill.

Q All right. How long have you been serving as a trainer for professional sports teams?

A Since 1973.

Q Okay. When Mr. Clemens was with the Houston Astros, to what extent did you interact with Mr. Clemens?

A I interacted with him on a daily basis when he was there.

Q What kind of care or services did you provide for him?

A Well, as the head athletic trainer, I provided athletic training services for him.

Q Okay. Can you give us a sense of what that entailed?

A That entails three levels. You do things to prevent injury, such as stretching and exercise programs; and then you treat him on the field if he's injured on the field, so it's first aid; and then we do rehabilitative and -- rehabilitative things if there is an injury.

Q Can you give us a brief description of the medical staff, how medical staffing on the team was structured? For example, were there team physicians? Were there specialists? Were there trainers? Were there others? Just walk us through the structure of the staff on the team, if you will.

A Yes. I'm the head athletic trainer. I have an assistant athletic trainer, Mr. Rex Jones. We have a strength and conditioning coach, Mr. Gene Coleman. We have a team physician who is the medical director, Dr. David Lintner. We have team physician associates, Dr. Thomas Mehlhoff. He's another orthopaedic surgeon. Then we have Dr. James Muntz, who is our internal medicine doctor. We have several other consultants in various fields if we need them.

Q Okay. Which of those individuals reported to you?

A Rex Jones and Gene Coleman.

Q Gene Coleman. I'm sorry. He is the strength and conditioning coach?

A Correct.

Q Okay. Can you walk us through team policy with regard to recordkeeping for injuries and incidences of treatment? To what extent does the team track and record injuries? To what extent does the team track incidences of treatment?

A Well, we have a -- I have a program, you know, a software program, that we log in on a daily basis. Anything that we do to any player in regards to injury, it's logged. You know, like I said, it's various information such as what the injury was, what their activity level is, whether they're on the disabled list, what medications were given, if any, and there is a comments section. So there is a log -- a daily log on that, on any treatments that are given.

In terms of when the doctors -- see, we have doctors who come to the games, and they see players also, and they do a small report on each visit with them also, which is logged into my computer. So there is fairly extensive recordkeeping by me.

Q So it sounds like there are pretty detailed records even as far as minor injuries or aches and pains. Is that a fair assessment?

A The criterion would be if it would affect their play in any way. I mean, let's say, for example, a guy gets -- he's an infielder, and a ground ball hits his wrist, and it's a little sore when he comes out of that inning. If he ices it after the game, and it's really not like -- he's fully functional, and it really doesn't bother him, and he just iced it for the heck of it to make sure it's okay the next day, that may not be recorded.

However, if in our opinion -- you know, we're fairly experienced staff. If in our opinion it has any chance of affecting him in his play the next day, it would be recorded.

Q Okay. For a pitcher like Mr. Clemens, you know, to the extent he was reporting aches and pains in his back or in his legs or muscle strains or sprains, is that the type of thing that would be reported?

A Absolutely.

Q Okay. Good.

Does it matter whether he reports that to the strength and conditioning coach, to the assistant trainer, to the head trainer or to the manager? Does that all filter up into the report?

A Well, yes, because no matter who he would have reported it to, they would report it to me, and he would be evaluated by me or by my assistant or by our doctor.

Q Okay.

A Do you understand what I mean?

Q Uh-huh.

A Like, in other words, if he told the manager that he was sore, the manager would tell me.

Q Okay.

A He would tell the player to come see me.

Q So, basically, on a daily basis, for essentially

every consultation between a member of the team and a trainer, assistant trainer or a physician, there would be a documented record of such an event?

A Correct.

Q And I just have to ask. I suspect that's team policy?

A Yes.

Q Does practice usually follow policy in this case?

A Yes.

Q Okay. What about medications? Are there records given -- well, actually, let me -- yeah, let me ask generally.

To the extent players are given medications of any kind, would there be records of that as well in the records that you track?

A Absolutely.

Q Okay. If it's a --

A Let me qualify that, though. If it's a prescription medication, it's recorded.

Q Okay.

A There are times when they take Advil that we don't record it.

Q So, even if the trainer gave him an Advil, if it came, say, from a doctor or a trainer, that might not be recorded?

A Yeah. If it's an over-the-counter medicine -- I mean, guys -- professional baseball players take Advil or --

Q Right.

A -- things like that -- Advil, Relieve or aspirin -- on a prophylactic basic when they're not really hurt, when they're just a little sore like you or I would be if we were playing racquetball, and so we don't record those things because they're not really an injury.

Q Just give me 1 second. I'm sorry.

A We wouldn't record that because it's not really an injury. It's prophylactic, preventative.

Q Okay. So, for all injectable medications, would there be a record kept?

A Absolutely.

Q Okay.

A Well, I'm assuming -- any prescription medicine that's injectable, but, I mean, that's the only kind of injections that we would give. So, yeah.

Q Okay. So that would include B12 shots?

A We have never given a B12 shot ever.

Q You have never given a B12 shot to anyone on the team?

A That's correct.

Q Are you aware of whether Mr. Jones has ever given a B12 shot to anyone on the team?

A I mean, I can't speak for him, but I would be astonished if he ever gave a B12 shot.

Q How about Dr. Lintner?

A Once again, in the clubhouse -- I mean, he might have given B12 shots in his office, but as far as in the clubhouse, to my knowledge, not one has ever been given.

Q When you speak of his office, you're speaking of his private practice?

A Correct.

Q Okay. So on team facilities -- and again, is that team policy that you don't give B12 shots, or is that just --

A Medical staff just doesn't believe in them enough to do it.

Q And this has been your policy for how long?

A Well, like I said, I've been here 20-something years, and we've never given one, so --

Q Okay. Good.

Have players asked for B12 shots? You know, do players come to you and say, "Listen, can I get a B12 shot," and you tell them, "No"? Is that something that's pretty common?

A Well, I wouldn't say it's common, but it has occurred.

Q Do you have any memory of its ever happening with Mr. Clemens?

A I do not.

Q Okay. All right. Who is authorized on the team to give injectable medications?

A Well, the team physicians are, and the doctors -- I mean, I have given injections on occasion in my whole career of 20-something years. I've probably given 10, and 8 or 9 of them were allergy medicine when the guys started on allergy medicine injectables and didn't want to inject it themselves. During the course of the season, I did it. They got used to it the following off season.

Q Okay.

A So there were probably one -- you know, I can't even remember, but it seems to me that I might have given one injection, you know, other than allergy medicine, along the way, but not in recent years because we're just not doing that anymore. We've been advised not to do that anymore.

Q Even allergy medications you won't give injections of?

A Well, if it came up, and the doctor told me it was okay -- because, you know, we're becoming agents of the doctors in these situations --

Q Right.

A -- then, you know, I would do it if we had to, but we prefer not to.

Q Okay. To your knowledge, had you given any

injections for anything during the time that Mr. Clemens was with the Astros?

A To Mr. Clemens, do you mean?

Q Well, I'm going to ask generally do you remember during the time Mr. Clemens was with the Astros if you gave any injectable medications to anyone. It sounds like it was a pretty rare event.

A You know what? We had this discussion earlier, and it seems to me I recollect there was one person in the last 5 years, but I can't recall who it is, and you know, we have HIPAA situations with other people.

Q Right.

A It's not Mr. Clemens. Let me put it that way.

Q Okay. Was that an allergy medication, do you remember, or was that something else?

A It would have been Toradol if I had given him -- you know, if I could find somewhere in my records where I'd done it, but it's not with Mr. Clemens.

Q So you've not given Mr. Clemens an injection?

A I have never given him an injection.

Q Is the strength and conditioning coach allowed to give any injectable medications?

A I want to just say one thing.

According to my records -- my recollection is that I've never given him one, Mr. Clemens.

Q Yeah.

A According to my records, I've never given him one.

Q Okay. Good. Thank you for clarifying that.

A The conditioning coach --

Q Yes.

A -- I can't speak for him, but he doesn't even have -- as far as I know, he doesn't have access to anything that we have because I'm the only -- well, myself and Mr. Jones are the only people who have the keys to the cabinet.

Q So he would not have any access to injectable medications. Under team policy, would he be allowed to give injections?

A Absolutely not.

Q To your knowledge, has he ever given any injections?

A No.

Q Okay.

Mr. Cha. Mr. LaBossiere, this is Steve Cha.

One question.

EXAMINATION

BY MR. CHA:

Q Was B12 even kept on the premises anywhere?

A Sorry. I didn't hear that.

Q I'm sorry. Was B12, injectable B12, even kept on the premises anywhere?

A No. Well, we give multiple vitamins, and B12 is in a multiple vitamin. Orally.

Q But in terms of injectable B12, was any injectable B12 even kept on the premises?

A Never.

Q I'm sorry. Can you say that again?

A Never.

Q Never. So, the keys to the cabinet that you're talking about, there wouldn't even be any B12 in that cabinet?

A That's correct.

Q Okay.

BY MR. COHEN:

Q May I ask why you don't give B12 shots?

A Like I said, our medical staff doesn't believe in their efficacy.

Q So the belief of your medical staff, the consensus of your medical staff, is that B12 shots have --

A Have no value.

Q Let me ask that again.

The belief of your medical staff is that B12 shots have no value? Yes or no?

A Yes, they have no value. That's correct.

Q Thank you.

Were players aware of the policy regarding B12 shots?

A I'm sorry?

Q Were players aware of the policy regarding B12 shots?

A Well, you know, it's not like they come in and say, "What are our policies on all of these medicines?" They come in and ask if we can give them a B12 shot, and we say no.

Q Okay. Do you believe the players were aware that the strength and conditioning coach was not authorized to give injectable medications?

A Yes, I'm sure they're aware of that.

Q Okay.

A That would be our strength and conditioning coach Mr. Coleman.

Q Correct.

A Some information about Mr. Coleman's background, he has a Ph.D. in exercise physiology.

Q Okay.

A I just didn't know if you needed to know something like that.

Q Okay.

A University of Houston-Clear Lake.

Mr. Cohen. I'm going to turn it over to my colleague Steve Castor.

EXAMINATION

BY MR. CASTOR:

Q Which of the physicians would be responsible for giving lidocaine shots to the extent you know? Would it be the orthopaedic surgeon or just the general team doctor?

A Well, can I ask you to clarify the question? Because we have two physicians who would do that who are orthopaedic physicians, okay, -- Dr. David Lintner and Dr. Thomas Mehlhoff. However, we, to my knowledge, have never given a lidocaine shot by itself. Lidocaine is something that's used in our training room only in conjunction with the cortisone shot.

Q Is that typically performed by the orthopaedic surgeons?

A Yes. It's only performed by the orthopaedic surgeons.

Q Okay. Do you ever have a recollection of treating Mr. Clemens for an abscess or other injury on his buttocks that could be related to a shot he received in his buttocks?

A No.

Q Do you ever recall any conversation with Andy Pettitte about HGH generally?

A No. I mean, I don't recall any, no.

Q Do you recall ever meeting Brian McNamee, who, I believe, was the personal trainer for Mr. Clemens and Mr. Pettitte during parts of the '04, '05 and '06 seasons, and specifically was Andy Pettitte's -- he was on retainer with Andy during the '04 season?

A I have never met that man.

Q What is the Astros' policy with regard to access to club facilities by a personal trainer who wouldn't be on staff with the Astros?

A Currently?

Q During the '04, '05 and '06 seasons.

A They were not allowed in our facilities during our workout periods.

Q When would they be permitted on the premises?

A From what I understand -- although, I never did see this -- Mr. Clemens and Mr. Pettitte worked out with Mr. McNamee after our workouts at spring training in Kissimmee, using some of our -- not our -- to my knowledge, not in our inside facilities, but using the field.

Q But it's fair to say Mr. McNamee did not have access to the Astros' facilities during the regular season?

A I never saw him in our facilities during the regular season, and I'm there every day.

Q I guess, perhaps -- have you seen Brian McNamee on

television? Do you know what he looks like now?

A Yes.

Q So your recollection is informed by what he looks like and so forth, and you're pretty confident you've never seen him?

A I've never met -- I don't think I've ever met him.

Mr. Castor. Okay. Those are all my questions.

Thank you.

BY MR. COHEN:

Q I'm curious. Have you seen Mr. Clemens' interview on 60 Minutes or his press conference following that interview?

A Believe it or not, no.

Q Mr. Clemens during that interview indicated that, at some point during his career, Mr. McNamee, who is not a physician, had injected him with lidocaine for lower-back pain. Does it make sense to you that an athletic trainer like Mr. McNamee would be performing injections of lidocaine for low-back pain?

A Well, I really want to clarify something. He is not an athletic trainer. An athletic trainer is certified by the National Athletic Trainers' Association. He is not that. People call themselves "trainers." In old parlance years ago, trainers were people like me who were certified. We are now athletic trainers for that very reason with all

this preponderance of personal trainers and people like that who have no qualifications and just set up a shingle.

You know, he is not what we are, number one. Number two, Mr. McNamee, to me, is breaking the law. You cannot -- unless you have a doctor who you are an agent for with a signed document saying you're the agent for, you're not allowed to give injections. Like nurses and trainers, you know, are only allowed to do it as agents of a physician. So, unless he was an agent of a physician, what he was doing was illegal.

Q Would it be potentially dangerous for an untrained medical professional to be injecting lidocaine?

A Absolutely. I am not a doctor, but, in my opinion, yes.

Q My understanding is that lidocaine is a short-acting medication.

A It's short-acting pain management.

Q So how long do you think -- to the extent it relieved any condition, how long would it last?

A Well, if you use your own experience and you go to the dentist, lidocaine is what they use to numb you, so we're talking an hour or an hour and a half maybe.

Q Is it conceivable that relief could be provided by a lidocaine shot for 2 days?

A Not in my experience.

Mr. Cohen. All right. I think we're all done.

Mr. Cha. Sorry. One last question. I was just looking at my notes. This is Steve Cha again.

BY MR. CHA:

Q When did your software tracking system go into effect?

A I wrote it myself in 1984. It has been revised a couple of times because, believe it or not, we didn't even have Windows software in '84. It was DOS. So, when it became that, we had some of our in-house people tweak it, but it's essentially the same system that we have used since 1983.

Mr. Cha. Fair enough. Thank you.

Mr. Cohen. Okay. That will conclude this interview. We'll go off the record.

[Whereupon, at 12:40 p.m., the telephone interview was concluded.]

Certificate of Deponent/Interviewee

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

Witness Name

Monday, February 11, 2008

Via Fax: 202- [REDACTED]

TO: Mr. Brian Cohen
Senior Investigator/Policy Advisor
Committee on Oversight and Government Reform
U. S. House Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

At your request and as a follow-up to my telephone interview with you and your Committee colleagues on February 8, 2008, the following are my responses to your additional questions:

Committee Question 1: Did you speak to Mr. Clemens at a Houston Astros event--the "elite camp" - in January or February 2008?

Response: "Yes."

Committee Question 2: Do you have a good recollection of this conversation?

Response: "I have a fair recollection."

Committee Question 3: Did you, during this conversation, ever inform Mr. Clemens that you had given him an injection without a doctor present?

Response: "I may have said that, however, I cannot say that I specifically recall it. As I previously stated, I thought that I had under our doctor's orders injected him with Toradol on one occasion, however, in review of our records I realize that I had not."

Committee Question 4: Have you ever told Mr. Clemens that you have given him an injection without a doctor present?

Response: "The only time that this may have been discussed would have been in the situation referred to in Question 3."



Dave Labossiere, Head Athletic
Trainer for the Houston Astros

February 11, 2008