

WORLD EXCLUSIVE WORLD

BALCO REVISITED

Before federal investigators brought Victor Conte to court, Conte brought Marion Jones to FLEX

Former baseball superstar Mark McGwire's journey through the peculiar American celebrity purification ritual has not yet begun. But if it does, this is how it will work.

First, he'll bare his soul to a sad-eyed Diane Sawyer, head cocked with her death mask of empathy. Then, he'll take his medicine from a glowering Dr. Phil, who will tell him that he let himself and his loved ones down. Suitably humiliated, McGwire will top it off by poking fun at himself on *The Tonight Show with Jay Leno* as the host brays along. One wonders if enduring this kind of public atonement will be enough to spare him the ignominy of watching his name scrubbed off

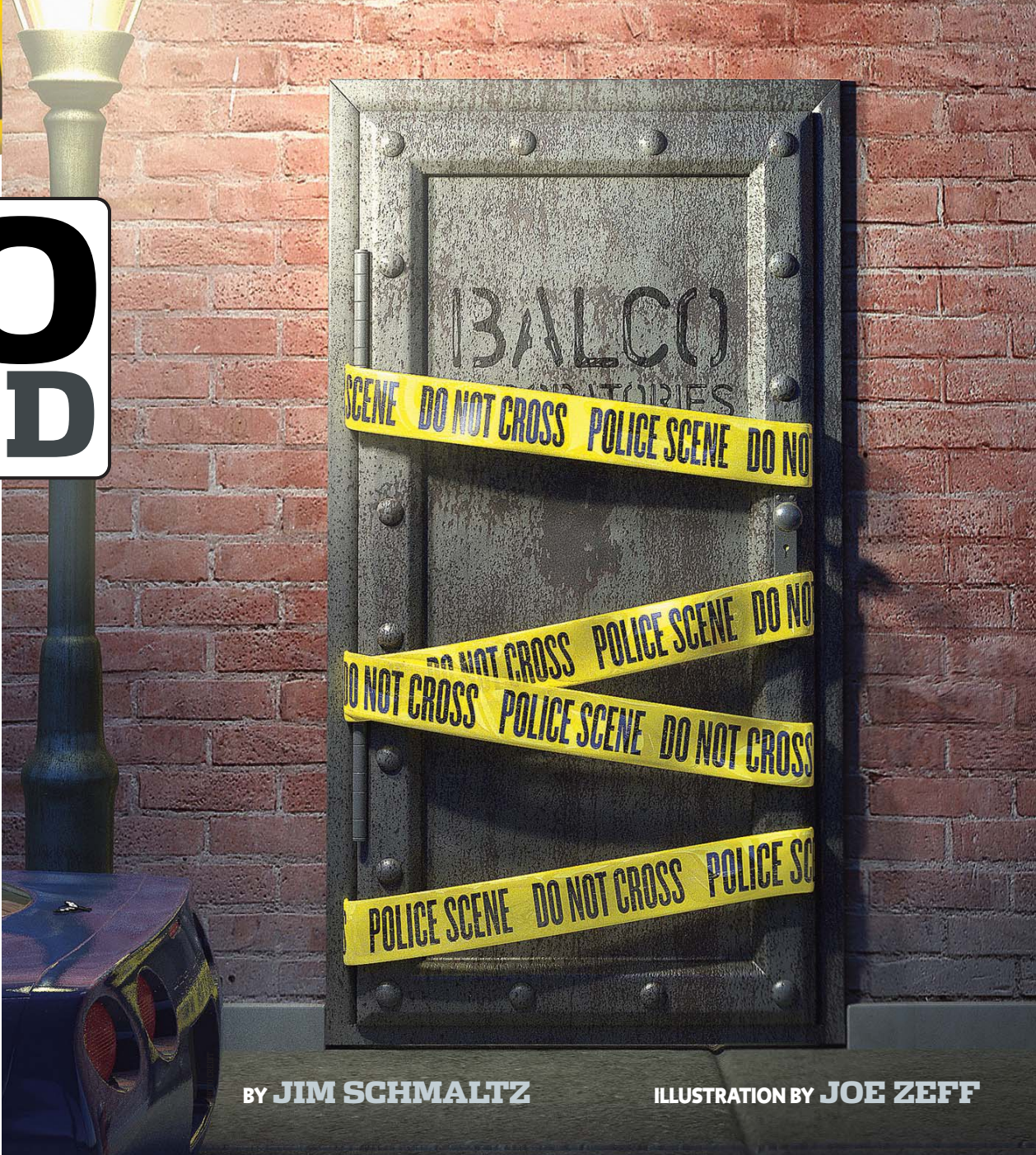
monuments, his records spacked with asterisks. This familiar shoving of a hero off his pedestal is almost a spectator sport in itself these days. McGwire's fall from grace began on March 17, 2005, during congressional hearings into the use of steroids in baseball, when he made a critical decision not to deny having used steroids. Nor would he implicate his peers as having engaged in any illegalities. McGwire's carefully parsed testimony of the "neither confirm nor deny"

variety was a close facsimile to similar slippery evasions congressmen have heard for years from civilians and government *apparatchiks* avoiding a direct answer. It's the



BI-BI Carefree Victor Conte struts his stuff outside a federal courthouse in San Francisco following one of numerous appearances.

AP PHOTO/DAUL SAKINDA



BY **JIM SCHMALTZ**

ILLUSTRATION BY **JOE ZEFF**

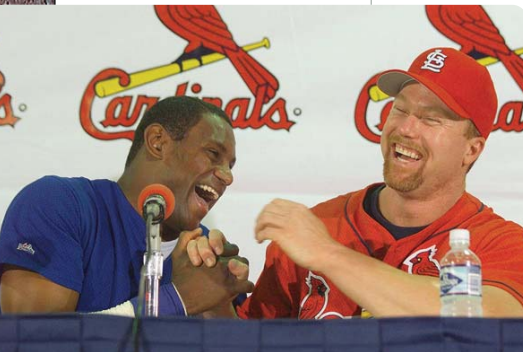
unindicted man's version of taking the Fifth. For that, he has paid a steep price.

The active and retired players who joined McGwire at the hearings were much more emphatic in their responses. Jose Canseco, wriggling uncomfortably in the skin of a pariah, repeated accusations from his tabloid treacle of a book, insisting that Major League Baseball players indeed used

August.) Pitcher Curt Schilling, immensely talented but prone to preposterous opinions — a problem compounded by his inability to stave off the seductive powers of a reporter's microphone — blamed supplement advertising for baseball's drug problem.

In the end, this collection of baseball stars of vastly disparate personalities didn't really need

Bay Area Laboratory Co-Operative (BALCO), Conte had been indicted along with three other men on a variety of charges, most famously that he had supplied anabolic steroids to professional and world-class athletes. The federal grand jury investigation had subpoenaed such superstars as Barry Bonds, Marion Jones, Jason Giambi and then 100-meter world-record holder Tim Montgomery.



THE DAY THE LAUGHTER STOPPED Sammy Sosa and Mark McGwire, during the home run derby season of 1998 (left), and in a different mood at the congressional hearings in 2005 (with Rafael Palmeiro and Curt Schilling, at right).



anabolic steroids. Others appearing before the committee gave similarly memorable performances.

Language-challenged Sammy Sosa, bulging out of his brown suit like an overdeveloped Chico Esquela, denied steroid use, or else his lawyer denied steroid use, it was difficult to tell. Viagra pitchman Rafael Palmeiro, his face red with anger, executed a perfect Clintonesque point-and-glare denial. (And like the

to testify at all. They weren't there to shed light on the subject of performance-enhancing substances in sport. No, these exceptional athletes were subpoenaed to be lectured, to be stage props for the righteous indignation of members of the 109th Congress, a group of public officials who had just recently tried to gut their own ethics committee. It was like a Washington, D.C., version of *Revenge*

Indicted but indestructible, Conte wanted to have a drink. It was Saint Patrick's Day, after all.

We found a suitable tavern in downtown San Francisco and discussed the congressional hearings. It's hard to imagine that these hearings would have convened if not for the BALCO case. While the

IT WAS LIKE A WASHINGTON, D.C., VERSION OF REVENGE OF THE NERDS: THE SMART KIDS FINALLY GET TO UPBRAID THE POPULAR JOCKS.

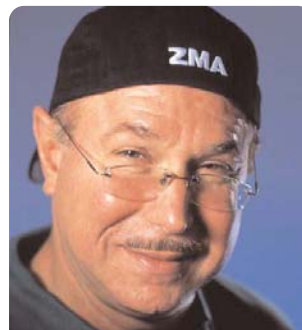
former president, Palmeiro would be betrayed by his own bodily fluids, his version of the stain on Monica's blue dress being a positive drug test for stanazolol that was revealed in early

of the Nerds: the smart kids finally get to upbraid the popular jocks.

Hours after watching the hearings commence, I received a phone call as I relaxed in a hotel room in San Francisco. It was Victor Conte. As the former proprietor of the

conversation was off the record, it's safe to say that there was a lot of eye-rolling and head-shaking over the day's waste of tax dollars.

At one point, a young stumbling reveler in the bar walked up to Conte and pointed at him, asking, "Are you the BALCO guy?" Conte just nodded



PUBLIC ENEMIES NUMBERS 1, 2 AND 3?

The way the feds went after Conte, Greg Anderson and Remi Korchemny, you would have thought so.



in answer. It was difficult to tell in the dark bar's shadows if he welcomed the recognition.

WELCOME TO REEFER MADNESS, STEROID DIVISION | With his pencil-thin mustache and boyish grin, Conte doesn't seem like the fearsome Pablo Escobar of steroids that many in the media have cast him. His three codefendants — collectively known as the BALCO Four — are even less criminally imposing. Conte's BALCO business partner Jim Valente is a soft-spoken professional and family man. The other two members of the quartet include track coach Remi Korchemny and personal trainer Greg Anderson. Not exactly the Medellin cartel.

You wouldn't know it by the vigor the U.S. Justice Department exerted in prosecuting the case. It became one of those endless exercises in jurisprudential minutiae — numerous motions, claims of improperly seized evidence, celebrity witnesses, leaked grand jury testimony, lawyer firing, lawyer hiring, rumormongering — the whole turgid swamp of a sprawling federal investigation out of control.

Then suddenly on July 15, weeks before the BALCO case was set to go to trial, a plea deal was announced. Pending approval from U.S. District Judge Susan Illston, Conte will receive four months in a minimum-security prison, followed by four months house arrest. Anderson would receive a sentence of six months or less in a minimum-security facility. Valente

would face a long probation.

Korchemny was still working on hammering out a deal, but he'll likely face the least of the court's punishments.

The case that began with then Attorney General John Ashcroft — announcing the arrests like a triumphant Eliot Ness — ended with a red-faced Justice Department backing away like Barney Fife disarmed of his single bullet.

Conte admitted to one count of illegally dispensing anabolic steroids and one count of money laundering. To those keeping score, that's 40 out of 42 charges dropped by the prosecution in the deal — an anemic batting average by any measure.

More important to Conte is that he doesn't have to cooperate with authorities or aid in any further investigations related to the charges. Although he has offered to help sports authorities illuminate the

underground doping world, Conte was always determined not to divulge critical secrets to authorities and endanger the freedom of other potential suspects in the criminal case.

If Judge Illston approves the settlement at a hearing scheduled for October 18, that will effectively end the criminal portion of the BALCO case. Conte, however, is just getting warmed up.

A DOUBLE BICEPS, NOT A CONFESSION |

While the other three of the BALCO Four favor tight lips and crisp strolls from courthouse to car, Conte absorbs the spotlight with a mixture of defiance and aplomb. He's embraced the spectacle, figuring a spirited offense is the best defense. An emblematic Conte moment in the case is a photo of him on the stairs of a federal courthouse, tailored in a black suit, hitting a double-biceps pose under a huge grin.

The moment was part theater,

THE PLEA DEAL: "I KNOWINGLY DISTRIBUTED STEROIDS..."

In the official plea agreement in the BALCO case, obtained by FLEX magazine, Conte cops to one count of conspiracy to distribute anabolic steroids and one count of money laundering. Here's a portion of the agreement from *United States of America v. Victor Conte Jr.*

"I knowingly distributed steroids and other performance-enhancing drugs to athletes in furtherance of this conspiracy. The drugs I distributed to these athletes included a testosterone/epitestosterone cream, known as "The Cream"; a synthetic undetectable steroid-like derivative, tetrahydrogestronone, also known as "THG," or "The Clear"; injectable human growth hormone; erythropoietin, or "EPO"; modafinil; clomid (an anti-estrogen medication used to help the body regenerate natural testosterone levels); injectable anabolic steroids; and oral anabolic steroids."

PHOTOS: (LEFT) STEPHEN JAY/GETTY IMAGES; (RIGHT) WIT MAN/GETTY IMAGES

PHOTOS: (LEFT) COURTESY OF VICTOR CONTE; (TOP) AT RIGHT) MONICA M. DAVENPORT/GETTY IMAGES

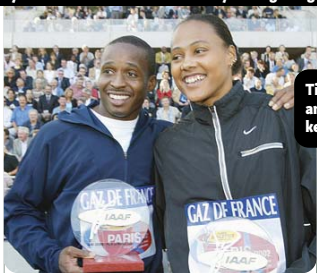
part commentary. Mocking the prosecutors' zeal from the outset, Conte bristled at the tremendous resources leveled against him, which he felt were disproportionate to the charges. Twice his home was raided with the noisy clacking of helicopters hovering overhead, as several SUVs full of narco cops invaded his quiet suburban neighborhood, finding no drugs but only a startled household.

Considering the case's outcome, it's hard to argue with Conte's push back. One suspects that the federal investigators thought they had reeled in the big one, collared a mastermind, brought a grand conspiracy to heel. After raids that resulted in upturned bedding, disheveled files and confiscated hard drives, the feds compiled a 42-count anthology of charges that ranged from conspiracy to distribute anabolic steroids to money laundering. Despite the intimidating numerical tally, legal experts said that the maximum penalty for all drug charges was meager. Certainly not enough to grind the accused into turning over on others.

That could be one reason for the parading of superstars into the grand jury as if it were a version of the ESPY awards. The prosecution seemed intent on bullying star athletes into spilling their guts about doping, ensuring that the public got full view of their sports heroes glumly entering and exiting courtrooms in a humbling walk of shame. Any connection with BALCO diminished accomplishments and tainted careers. They didn't have to be charged with crimes, although smirking ESPN anchors and comically self-righteous sports columnists were eager to drop the guillotine blade.



BONDS BAILS Barry Bonds disavows himself of any wrongdoing.



Tim Montgomery and Marion Jones keep it in the family.

Above all, Barry Bonds and Marion Jones have attracted the most attention — and have paid the biggest price. Investigators claimed that Conte blurted out an all-star lineup of superstars he juiced, but he strongly denies this, and no evidence that

he named names — with Jones the lone exception — has surfaced.

As the case unfolded, Conte was intent on staying in front of the grand jury leaks surfacing in the press, particularly the *San Francisco Chronicle*. Conte even sat down with noted British interviewer Martin

Bashir to say his piece. The result was an episode of *20/20* on ABC that aired on December 3, 2004, where Conte claimed that track star Marion Jones

had used performance-enhancing substances. Bashir is like a shaman of some bizarre celebrity scandal power center. It was his infamous sit-down with Michael Jackson that triggered a chain of events that led to the recent trial circus, now mercifully ended. After Bashir's interview with Conte aired, Jones filed suit against the BALCO chief for defamation. The suit is still pending.

MARION FLEXES | Conte's assertions that Jones used anabolic steroids and growth hormone were repeated in an *ESPN The Magazine* article in which he collaborated. Although her denials have been consistent and vehement — she even passed a lie

detector test — Conte clearly had an exalted position in her camp.

When the case broke and Jones' name was associated with BALCO, the track star at first claimed to have little association with Conte. FLEX readers know better. In the September 2001 issue, Jones is featured in an exclusive piece highlighting her connection to the world of bodybuilding.

As part of the FLEX team (yours

C.J. Hunter's defense that he took tainted supplements is stronger than ever.



IT IS A SAD IRONY THAT JONES' GRACIOUSNESS TOWARD FLEX PLACED HER IN A CONTEXT SHE IS NOW DESPERATE TO DISOWN.

truly was, at the time, FLEX's senior editor), I traveled to the campus of North Carolina State in Raleigh to interview Jones, who was training under the tutelage of her then husband C.J. Hunter, a hulking cerebral shot-putter who had schooled the young athlete since she was a little-known basketball player at North Carolina.

Also at the interview/photo shoot was Milos Sarcev, a veteran pro bodybuilder who often consulted with Conte to develop training programs for clients. One of those clients was present for the occasion: a little-known sprinter named Tim Montgomery.

Conte pitched the story, chose the time in accordance with Jones and invited me for an exclusive in early May 2001. At the time, Jones spoke glowingly of Conte and his sports supplements, and she expressed admiration for the efforts that bodybuilders put in their training and nutritional regimens, even suggesting that bodybuilding should qualify as an Olympic event.

It is a sad irony that Jones' graciousness toward FLEX placed her in a context she is now desperate to disown. At the time, it seemed her willingness to sit down with FLEX appeared to be driven solely by her and Hunter's allegiance to Conte. It was

the BALCO chief who very publicly had come to Hunter's defense when, a few months prior to the 2000 Summer Olympics in Sydney, Australia, the shot-putter tested positive for mandrolone, a banned steroid.

At the time, Hunter's claims — shared by other athletes and backed by clinical tests performed at labs sanctioned by the International Olympic Committee (IOC) — that the positive results were from tainted nutritional supplements were met with snarly dismissals by incredulous IOC officials. Five years later, the possibility that Hunter's test was indeed the result of tainted supplements appears much more credible.

Investigations and lawsuits have supported the contention that some nonhormonal dietary supplements had been put through the same manufacturing machinery as prohormones, thus absorbing enough trace amounts of a mandrolone-like chemical structure to trigger a positive test result. An athlete in one such case successfully sued one manufacturer.

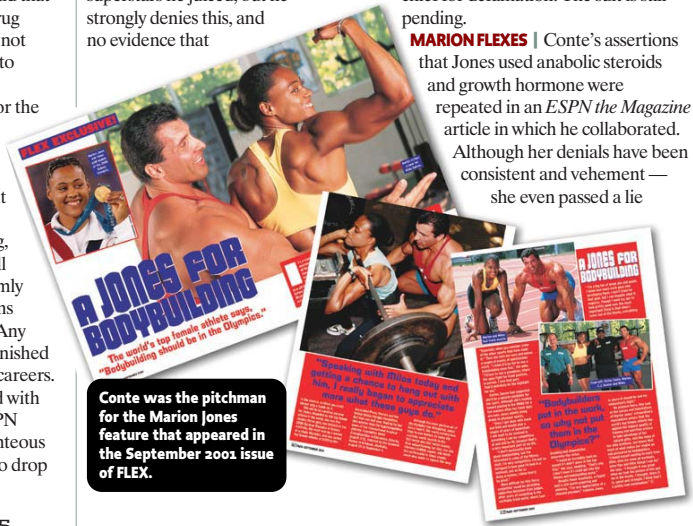
Jones has a history of headstrong independence that some contemporaries admire and others consider reckless. Since she was connected to the BALCO case, she's been shunned by some track-and-field organizers and threatened with suspension and even revocation of her Olympic medals. All along, she has furiously denied taking any



MOMENT OF TRUTH Jones with then husband Hunter at the 2000 Sydney Olympics press conference

performance-enhancing agents. Her aggressive public-relations campaign has kept her in the races, but in the last couple of years, she's shown little of the world-beating form that brought her three gold and two bronze medals at the Sydney Olympics.

When Jones and Hunter separated, Jones began dating Montgomery. They had a child together — Tim Jr. — in 2003. Like Jones, Montgomery has struggled on the track since the BALCO revelations, finally watching



Conte was the pitchman for the Marion Jones feature that appeared in the September 2001 issue of FLEX.

PHOTOS: (TOP) BLAIR HUNTING/GRETTA IMAGES; (MIDDLE) DAN MIZNER/REX USA/GRETTA IMAGES

PHOTOS: (TOP) MIKE NELSON/PHOTOFEST; (LEFT) TONY REVIN/T. GILBERT/PHOTOFEST IMAGES

his world record in the 100 meters fall to Asafa Powell on June 14, 2005. Montgomery awaits his fate after testifying earlier in the summer, but his image is irreparably harmed.

PROJECT WORLD RECORD |

Montgomery, a painfully thin raw talent from South Carolina, was the beneficiary of Conte's ambitious Project World Record. In 2001, Conte had assembled a dream team of nutritional and training masterminds who would make the midlevel sprinter into the fastest runner in the world. The team included Charlie Francis, former coach to disgraced Olympic runner Ben Johnson, yet still sought out by track-and-field athletes. Also part of the crew was Sarcev, who oversaw the sprinter's weight training.

Conte put Montgomery on a strict nutritional regimen, the contents of which is of great interest to every track-and-field organization in the world. Whether Montgomery was Eliza Doolittle or the Frankenstein monster, it worked. He became the fastest man in the world, breaking the world record on September 14, 2002.

What exactly helped Montgomery add almost 20 pounds of muscle was one of the subjects of his grand jury investigation and of great interest to the IOC, the World Anti-Doping Agency and U.S. Track and Field. In fact, the United States Anti-Doping Agency is seeking a lifetime ban for Montgomery.

Conte's success led to relationships with other world-class athletes, including British superstar Dwain Chambers, another FLEX alum of sorts. Conte gamely recruited



With a time of 9.78 seconds on September 14, 2002, in Paris, France, Tim Montgomery put the cap on Project World Record.

the boast, Conte pitched the battle between Chambers and Levrone, which took place on December 11, 2002. Chambers won easily.

It was classic Conte, generating theater as a way to promote his athletes and products. A former bass player with '70s jazz-funk heroes Tower of Power, Conte's protean energies had taken him from touring with one of the most musically accomplished bands of his day to slipping on a white lab coat after purchasing a small amount of equipment in San Francisco. In one of the more ironic twists of his journey of self-invention, Conte, the accused drugpin, says he never used recreational drugs while with Tower of Power. Being in a band in the '70s and

nutritional counseling for athletes, it was bound to lead somewhere noteworthy — or notorious. Conte is the type of driven individual who would rather be fated for infamy than mediocrity any day, no matter what the costs. His flagship supplement, ZMA, is now an accepted and popular nutritional aid for athletes and nonathletes, and it can be purchased by itself or as an ingredient in other sports supplements.

A novel formulation containing zinc, magnesium aspartate and vitamin B₆, ZMA was the direct result of Conte's work with athletes, whose blood he analyzed for nutrient deficiencies. Working with top bodybuilders in the late 1990s, the self-taught chemist discovered that many athletes had deficiencies in key minerals. ZMA was formulated to correct the most common of these deficiencies.

It was the positive testimony of the pro bodybuilders — a group known as a notoriously tough sell on the effectiveness of supplements they aren't paid to promote — that got our attention at FLEX. It's not often that a dozen or so pro bodybuilders share the same opinion. Conte and BALCO were on to something.

USE OR LOSE | Conte's relationship with FLEX, Sarcev and other major players in the world of elite bodybuilding mostly begins and ends with his legal over-the-counter supplement business, anchored by ZMA. You didn't see Ronnie Coleman or any other top bodybuilder who's

been counseled by Conte in the past being led in a giant business suit to appear before the BALCO grand jury.

THG (tetrahydrogestrione), the designer steroid that carried the alias of "The Clear," was undetectable by standard drug tests. That's not a

concern of bodybuilders. At least not yet. Conte's track athletes — Jones, Alvin Harrison, Chryste Gaines, Kelli White, to name a few — never tested positive for steroids. Only White failed a drug test, and that was for modafinil, a narcolepsy drug.



HERO TO ZERO? Rafael Palmeiro's suspect testimony doesn't sit well with fans.

Over the years, FLEX has openly pondered how mainstream sports stars had achieved unusual muscle gains and nearly implausible performance improvements. In 1998, we carried an article that conjectured about the home run mania in the major leagues, wondering if "the baseball may not be the only thing that's juiced."

That was the year McGwire and Sosa had their famous homer duel. It wasn't prescient, just self-evident. Recently, some in the media have suggested that baseball executives knew steroids had replaced Wheaties in the majors during the mid-to-late '90s, but chose to look the other way as the home run exploits refilled stadiums that were abandoned after baseball's calamitous 1994 strike. It seemed obvious at the time. To us, anyway. Perhaps you have to be inside the world of bodybuilding to comprehend how ubiquitous sports doping is outside of bodybuilding.

As Conte asserts, it's not the doping, it's the hypocrisy. He maintains that Jones' former coach, Trevor Graham, submitted the vial of THG that eventually led to the BALCO charges. At the 2004 Olympics in Athens,

Graham finally made a public admission that he was the one who turned in the vial. Conte claims it wasn't to clean up the sport. Instead, it was to screw Graham's competition.

Conte had entered a "use or lose" world. Adrenalized by the action



around him, helping the greatest athletes in the world become greater, he shared in the success of gold medalists and other superstars. It became as seductive as the dream of breaking the tape in a big race. If "they're all doing it," then why not have them do it right? Or as Charlie Francis has said, "It's an even playing field. It's just not the playing field people think it is."

The drug issue allows sports media to have it both ways. ESPN can play journalists by day and cheerleaders by night, presenting sobering probes into doping on *Outside the Lines*, while glamorizing the pumped-up heroics of juice ball on *SportsCenter*. If baseball executives looked the other way, then so did the sports journalists who covered them.

Now, with the BALCO plea agreements, the media blowhards are steamed, having been deprived of their show trial, the unseemly orgy of names named, careers ruined, something to really chew on. We'll never know the "truth," they protest, the same truth they couldn't have cared less about while Sosa and McGwire were blasting home runs out

of parks from coast to coast.

And although a typical sportswriter is shocked or feigns shock over the doping allegations, the drug issue doesn't invite the same hand-wringing from a public that simply shrugs and moves on to the next highlight.

Some in the mainstream media are starting to ask difficult questions: What exactly is cheating? Tiger Woods gets Lasik treatment; another myopic golfer may not be a good candidate for the eye surgery. It's legal, but is it fair? Meanwhile, if a promising sprinter is competing against others on dope, what are his options? Use or lose.

Whatever the facts behind the case, Conte stepped into an athletic arena that not only welcomed him, but embraced him, invited him to meet the relatives, allowed him to summon FLEX writers for exclusive interviews without clearing it with PR reps or sponsors. That's pull. And you don't get that kind of pull for supplying flaxseed oil and vitamin C.

The doping hysteria has only just begun. The story arc is still ascending. McGwire and other fallen heroes have yet to run the Sawyer-Dr. Phil-Leno gauntlet of American cleansing. And Conte? No way. He'll lay low in club fed, sit at home for four months with an electronic ankle bracelet and emerge stronger than ever, like Martha Stewart but without the poncho and silly little dogs.

Then this dude's going bigtime. The world's superpower threw its entire prosecutorial might at him, and he ducked and juiced like Walter Payton in his prime and hit the end zone. Book contracts. Movie deals. See ya, suckers.

In fact, he's got a new over-the-counter supplement. It's called Aerobitine, a combination of arginine, R-lipoic acid and other goodies. Packs a wallop. In a few months, he'll tell you all about it. He might even buy you a beer. **FLEX**

Jim Schmalz worked for FLEX from 1994 until 2004. During his last four years at the magazine, he was senior editor. He is currently Editor-in-Chief of Physical.

CONTE IS THE TYPE OF INDIVIDUAL WHO WOULD RATHER BE FATED FOR INFAMY THAN MEDIOCRITY.

Chambers for a race against Kevin Levrone, after the bodybuilding star claimed he could outprint any other man in the world in an October 2002 *Hard Times* piece. After reading

not doing drugs is a little bit like living in the Playboy mansion and not having sex. But it's less a measure of Conte's self-denial and restraint than his psychological intensity. The guy is focused. And when he set his sights on