

## The Government's Persecution of Barry Lamar Bonds

Written by Jordan Kobritz

Saturday, 28 February 2009 19:19

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The case against Barry Bonds long ago passed the demarcation line between prosecution and persecution.

The federal government has publicly admitted what many of us have known for years: Without the testimony of Greg Anderson, Barry Bonds' former trainer and childhood friend, the game is over. The feds don't stand a chance of convicting baseball's home run king of charges that he committed perjury when he testified before a grand jury that he didn't knowingly take steroids.

The government's admission came on Friday afternoon in Federal District Court in San Francisco. Prosecutors told presiding Judge Susan Illston they would appeal her earlier ruling that without Anderson's testimony, evidence of three positive drug tests, along with doping calendars and ledgers that allegedly relate to Bonds' use of steroids, was inadmissible in her courtroom.

The appeal means the trial against Bonds - set to begin on March 2 – could be delayed for months, if not longer. The government has already spent more than five years and tens of millions of dollars preparing their case against Bonds. But when Anderson was asked in open court on Friday morning whether he would testify against Bonds, he replied in the negative. Shortly thereafter, the government effectively conceded defeat.

But rather than fold their house of cards and move on to prosecuting real crimes against the

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citizens of this country – Was the Bernie Madoff Ponzi scheme just a hoax? Are there no current or former bank officers at Citibank or Bank of America who committed crimes against the American taxpayer? – the government elected to throw (our) good money after bad.

The sole issue on appeal is Judge Illston's ruling concerning the admissibility of the drug evidence. Regardless of the decision of the appellate judges, the government has nothing to lose. A win in the Court of Appeals, and the additional evidence could persuade a jury to convict Bonds. If the government loses the appeal, which is likely, the trial could still go forward but the result will almost certainly be a not guilty verdict for Bonds. In either case, the appeal represents an abuse of prosecutorial discretion and power reminiscent of the McCarthy era.

The case against Bonds long ago passed the demarcation line between prosecution and persecution, with each successive move by the government confirming the latter. The government has conducted a witch hunt against Bonds since December 2003, when he testified before the grand jury investigating the BALCO case involving steroid distribution to athletes in a number of sports.

A reading of the grand jury transcript suggests that Bonds – and only Bonds – was targeted for prosecution even though he wasn't the only baseball player who testified to illegally using performance enhancing drugs. Thus began a five-year crusade that included sending Anderson to prison on two separate occasions for failing to cooperate with government investigators, and intimidating his wife and mother-in-law in an effort to loosen the trainer's tongue.

The government's actions in the Bonds case have been unconscionable. Despite the fact that Bonds is an admitted steroid user, and his testimony before the grand jury was less than forthright, the campaign against him exceeds all manner of perspective. The crime(s) Bonds committed, and the likely punishment if he is ever convicted, do not merit the time and expense the government has expended in his pursuit.

There's a new administration in Washington. But the action taken by the Department of Justice in the Bonds case – they almost certainly would have had to approve an appeal of this nature - confirms that the new administration is hardly distinguishable from the old one. While the bombastic Barry Frank, Representative from Massachusetts, rails against the sports related marketing expenses of bailout recipients Citibank and Bank of America, he and others of his ilk turn a blind eye to the wasteful spending associated with the Bonds persecution.

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If prosecutors had to make the money necessary to pursue a conviction, as Bonds did in order to fund his defense, it's unlikely this case would have ever seen the light of day. Instead, the government gets to wield its abusive powers using our hard earned dollars.

Here's hoping Anderson's lips remain sealed, regardless of the next move taken by the wayward prosecution. In spite of his shady past, the trainer is clearly the only honorable person in this drama.

### FOR MORE ON THE BONDS CASE READ:

- [Show Time: Barry Bonds Trial Soon Gets Underway](#)
- [Unsealing of BALCO Documents Signals Weakness in Case Against Barry Bonds](#)
- [USA v. Barry Lamar Bonds \(Superseding Indictment\)](#)

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