

Pittsburgh Baseball Drug Trials

Overview and Introduction

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The formal Pittsburgh Baseball Drug Trials began in May of 1985 with the indictment of seven individuals for cocaine trafficking in connection with sales of the drug to major league baseball players. The case broke from the perspective of the F.B.I. with Rod Scurry, Pirate Pitcher, caught by the West Virginia Office. The defendants were low level dealers, who met the players at a variety of local venues and at the ball park. By August, all had pled guilty save for Curtis Strong, a caterer for the Phillies. Represented by Adam Renfroe of Philadelphia, Strong's case is the only one that went to a spectacularly public trial. On September 20, 1985 Strong was convicted on 11 cocaine trafficking counts.

Throughout the summer before the guilty plea, the case of Dale Shiffman, a South Hills guy, made the most news. The F.B.I. caught wind that Shiffman, even after his indictment, was still selling. In their investigation, they discovered that Kevin Koch, the Pirate Parrot, was one of Shiffman's customers. The frightened parrot cooperated with the F.B.I. in an electronically monitored controlled buy. This was it for Shiffman.

The nature of the Strong case required testimony concerning the purchases. Unlike many, if not most, trafficking cases, there was no cocaine. The witnesses were the ball players

testifying to the when, where, and who of the purchases. The players were given a measure of immunity for their testimony. Nonetheless, it was clear that their testimony had to be completely confessional about their life with cocaine. In fact, one constant complaint from Mr. Renfroe was that the ball players should not be believed as they were just self-serving drug addicts.

The trial of Strong was a parade of ball players from around the Major Leagues. The national TV networks nightly showed the semi-perp walk of the players on Grant Street. Massive chunks of our local papers, particularly the Pittsburgh Press, were devoted to the testimony, to commentary, photos and court room sketches. Of particular note was the testimony of the Mets Keith Hernandez, Lonnie Smith of Kansas City and Dave Parker of the Pirates, the first two emotionally moving confessionals of regret and addiction, Parker defiant. Collateral fallout included press investigation of the use of amphetamines, “greenies” in which the sainted Willie Stargell was accused. Hernandez said that cocaine was “a demon in me... the devil on this earth.”

Commentary on the case was everywhere, particularly national print media and not just on the sporting page. Ueberroth was the commissioner who had called for random drug testing of players prior to the case but had not pressed against the players’ union resistance (mind you, the testing was not for P.E.D.’s but these other substances). The more vocal criticism was against the prosecutors for prosecuting the small fish dealers while letting the whale ball players go. In Renfroe’s words, Strong was just a baseball groupie and the players were a bunch of junkies. In Newsweek (September 16, 1985), the unquiet Prof. Dershowitz noted the players were not innocent; “the powerful have immunity to help prosecute an unknown.” Or, former

Abscam prosecutor Thomas Puccio: “You don’t immunize Mr. Big to get Mr. Little.” For Renfroe, baseball was on trial. For Prosecutor Ross, baseball was not on trial.

Throughout the trial, Renfroe attempted to create doubt about the player’s testimony, for example confusion about the dates and places for certain transactions or whether, in fact, what they purchased was cocaine. Nonetheless, his often repeated (and often chastised) argument was that the wrong people were on trial. While the argument that the immunity grants may be offered to indicate bias in the players’ testimony was permissible, suggesting that the prosecution was unjust was a call for jury nullification. After Strong’s conviction, immediately, and before sentencing, Judge Diamond gave Renfroe thirty days (which he served) for contempt.

The materials for this event include: (1) a historical note, (2) setting the context for the prosecution; (3) a note on Justice Department Policies on the prosecution of users versus dealers; (4) an ethical note on historical case presentations; and, (5) Judge Diamond’s opinion on the contempt citation, United States v. Renfroe, 634 F. Supp. 1536 (1986). Our panelists are Hon. Gustav Diamond, Hon. James J. Ross (part of the prosecution team), Wells Morrison (the F.B.I. agent for the Pittsburgh Field Office), and Sam Reich (legal representative for some of the players). The moderator is retired Duquesne University School of Law Professor Mark Yochum.

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