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BASEMAN

King of Steroid Prosecutors

*An assistant U.S. attorney
flexes his muscles against steroids*

SAN DIEGO—Dumb luck. That's how Phillip L.B. Halpern describes the late 1984 events that led to the country's first federal felony case against steroids. Halpern had recently joined the U.S. attorney's office in San Diego when a call came from a federal special agent who couldn't identify a substance seized from an English powerlifter crossing the Mexican border.

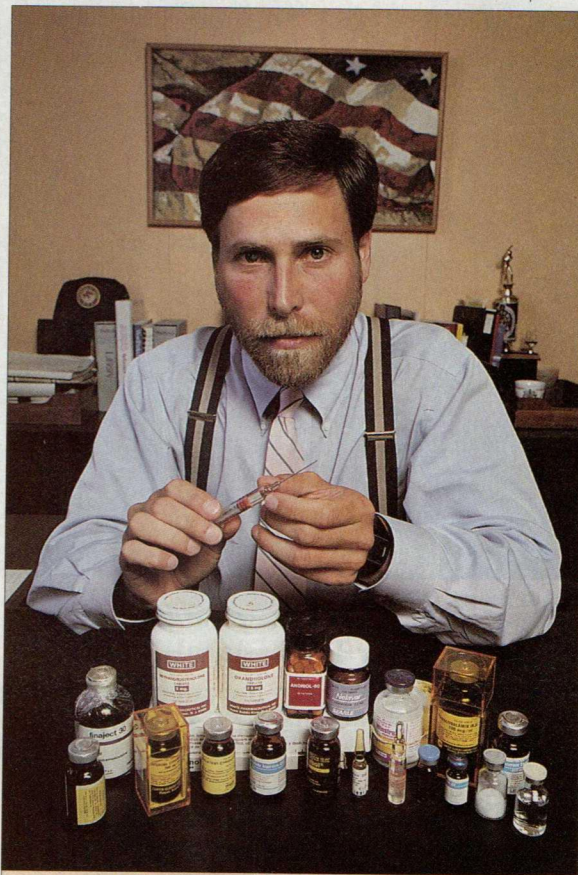
Halpern unraveled the mystery by drawing on his experiences as a graduate student in England five years earlier. As a runner there, Halpern had heard about a drug top runners were using to enhance performance. The substance seized from Richard A. Fitton's automobile trunk sounded like the drug described by Halpern's running companions.

Halpern successfully prosecuted the Fitton case himself and launched a personal crusade against steroid use. Since then the 36-year-old attorney has become the king of steroid prosecutors. At one time, he says, 95 percent of the steroid prosecutions in the United States took place in San Diego. "One prosecutor a week calls me and wants to know how to handle a steroid case," Halpern says. "I have a package I send out, with a warrant, complaint—the whole step-by-step process."

Modern anabolic steroids—a synthetic version of the male hormone testosterone—first found favor among athletes in the early 1960s. The bigger muscles and record performances of Soviets and East Germans using steroids to help them dominate international sporting events inspired awe in some of their competitors. But not in the Food and Drug Administration. The agency's investigations found steroids a substance with limited therapeutic value and a host of adverse side effects, including liver disease, strokes and heart attacks.

The FDA investigation prompted

many manufacturers to withdraw steroids from the market, but demand from bodybuilders and athletes helped create a black market for the drug. In what is known as the bible for steroid users, *Underground Steroid Handbook*, author Daniel Duchaine says for years the market was supplied with steroids manufactured illegally in the United States or imported unlawfully from Europe. By the mid-1980s the action had



Assistant U.S. Attorney Phillip L.B. Halpern

moved south, to Mexican-based manufacturers supplying the bodybuilders of Southern California.

So far Halpern's biggest case has been the prosecution of David Jenkins, one of England's premier runners and a member of a British relay team that captured a silver medal in the 1972 Olympics. In 1987 Jenkins was indicted in San Diego

for unlawfully importing steroids from Mexico. The indictment charged that Jenkins, Duchaine and more than 30 others were part of a ring that manufactured steroids in Tijuana and smuggled them into the United States.

The case, Halpern recalls, generated tremendous publicity in Britain, "the kind you'd have here if I had indicted Bruce Jenner or Mark Spitz." The Jenkins bust, he claims, also demonstrated how steroid trafficking had become a big business in this country.

Many of the defendants eventually pleaded guilty and received prison sentences. Halpern clearly relishes his success. He believes steroids pose a serious health problem and says that two million Americans, including 500,000 teenagers, use steroids. Annual retail sales are estimated between \$250 and \$400 million.

"The way you cure a drug problem like this," he says, "is to warn people of the down side." Publicity from his steroid cases, he maintains, delivers that warning.

San Diego criminal lawyers such as Craig Weinerman and Warren R. Williamson concede that Halpern is effective. Williamson finds Halpern "creative, energetic and not afraid to go to trial." But Weinerman questions the wisdom of devoting so much attention and resources to steroid prosecution. He notes Congress has not included steroids in laws aimed at hard drugs such as cocaine and heroin.

Other defense attorneys are far harsher in their judgment. "Halpern wants his name in the paper," says one attorney. "As soon as a case loses its ink value, he loses interest." Another complains that Halpern "doesn't have a fair bone in his body, and you only get a good deal for your client if the case will make Halpern look good."

Any evaluation of Halpern must include Duchaine's assessment, which he gives to *Handbook* readers considering smuggling steroids in from Mexico. "The Southern District of California is a nasty place to be arrested,"

Duchaine writes. "You will probably be prosecuted by Phillip Halpern, who not only is excellent at getting steroid convictions, but enjoys the challenge . . . Halpern has made my life miserable for two years (so far), but I have a somewhat grudging admiration for the man; he's a fighter and a good one."

—PAUL FREEMAN