

1 **AFFIDAVIT OF TERRY SWIFT**

2 STATE OF OREGON            )  
3 County of Duniway         ) ss.

4 Terry Swift, first duly sworn, under oath, states as follows:

5 1. I am 55 years old and currently work for Eastside High School. I am on administrative  
6 leave, and have been since May 2008.

7 2. I graduated from Drake University with a Bachelor’s degree in physical education in  
8 1972. I received my Master’s degree from the University of Iowa in physical education in 1978.  
9 Eastside was the first school I worked for after graduating from the University of Iowa. I’ve been  
10 a freshmen and sophomore physical education teacher at Eastside for 27 years. I’ve been the  
11 track coach at Eastside for 15 years.

12 3. Eastside is a private school, and the faculty members are expected to serve on one or  
13 more committees. I am the chair of the scholarship committee, which is responsible for  
14 considering all students for academic and need-based scholarships. Eastside is an expensive  
15 school – it costs \$15,000 per year for tuition alone. A lot of the students’ parents can’t or don’t  
16 want to pay that much for school.

17 4. I was on the track team in college. I went to Drake on a full-ride scholarship. I never  
18 took drugs, but many of my classmates in high school did. Some of them used diet pills and  
19 others used illegal prescription drugs to get a competitive edge. I think the drugs let some of my  
20 classmates get into schools with great track programs.

21 5. After college I tried to make the Olympic team. I trained very intensely and almost made  
22 the team. Most of the runners, I think, were using steroids. I just couldn’t keep up. Today,  
23 steroids are even more prevalent with professional and Olympic athletes.

24 6. Track is a very competitive sport. For five years, our school has finished in the top three  
25 in the state in track and field. We consistently have the fastest and strongest runners.

26 7. I am always on the lookout for students with the potential to be strong runners. I first  
27 became aware of Jordan Simon when I happened to attend a meeting at Jordan’s middle school on  
28 the day of a track meet. Jordan was an incredible sprinter for a middle school student. I could

1 not have been happier when I found out that Jordan was interested in Eastside.

2 8. The scholarship committee awarded Jordan a scholarship based on my recommendation.  
3 Jordan would not have been able to attend Eastside without the scholarship. As such, Jordan fit  
4 the criteria for a need-based scholarship. A condition of keeping a scholarship at Eastside is to  
5 maintain a satisfactory attendance and academic record.

6 9. Usually, teachers don't make a lot of money, but at Eastside, they make more than  
7 average. I've been teaching a long time, so I make more than most teachers. I also have the  
8 advantage of the Parent Pool. The better I do with the track team, the more money the parents  
9 chip in to the Parent Pool. The parents like that I get good college recruiters to come look at their  
10 kids and the parents reward me for a good job. Three years ago, I made \$14,000 off the Parent  
11 Pool. Two years ago, I made \$22,000. That money is on top of my salary.

12 10. I have never encouraged my students to take steroids or any drugs. I am honest about  
13 the world, but that doesn't mean that I encourage them to take drugs.

14 11. I think it is irresponsible not to tell the kids about the realities of sports. Everybody  
15 knows that many athletes cheat by using performance-enhancing drugs like steroids, including  
16 testosterone and EPO.

17 12. I have told my kids that many top athletes use some dope, but they get paid well. In fact,  
18 some of the better players have advisors on how to avoid testing positive. Today, college and  
19 professional athletes have to dope to stay competitive.

20 13. The kids and I talked openly about performance-enhancing substances. It really is hard  
21 to detect EPO in your body, and I'm sure I told the kids that. One runner on my team, Kia  
22 Hummel, asked how to get EPO. I told Kia, in front of all the other kids, that no one on my team  
23 needs to take drugs. I think I told the kids that anyone can get steroids today – either from the  
24 internet or almost any “gym rat” can get steroids and other performance-enhancing drugs. Some  
25 get the drugs from veterinarians, and others get the drugs from doctors.

26 14. I made every kid sign an OIA form before they could participate in track. If a kid was  
27 gone from practice on the day I gave out the OIA form, I followed up with the kid the next day  
28 and got a signature on the OIA form. When I handed out the forms, I always said, “This is an

1 important form. Read it. Sign it, and follow it.” I even kept a file drawer with folders for every  
2 kid, in which I kept the OIA forms.

3 15. Some lawyers came to my office and went through all my papers. They took all the OIA  
4 forms I kept. They also took my time record for the 100 meters that I had posted in the locker  
5 room. For each event, I kept a record of all the kids’ times by year. That way, I could see if the  
6 kids were improving or slowing down.

7 16. After the lawyers took all my stuff, I learned that the OIA form in Jordan’s file wasn’t  
8 signed. I don’t know how that happened. Maybe Jordan handed it in without a signature on it. I  
9 didn’t check every form. I just assumed that every kid would do what I asked, and read and sign  
10 the form. If Jordan was sick on the day I handed out the OIA form, I’m sure I would have  
11 followed-up and gotten a signature from Jordan on a different day.

12 17. EPO is expensive. I didn’t think any of the kids – even at a school like ours – could  
13 afford it. I also didn’t think any of the kids took it.

14 18. I told all the students every year, “Don’t smoke, drink or do any drugs.” I meant it.  
15 Through some teacher associations I received some posters about steroids. I didn’t hang the  
16 posters up – they looked really disgusting; I think they’re in the exhibits. I also received some  
17 brochures about steroids, also in the exhibits, and I passed those out in my P.E. classes.

18 19. Jordan was a good kid. Jordan seemed to really want to run in college and maybe try out  
19 for the Olympics or run professionally. I didn’t think Jordan had the talent, but during 2008 my  
20 opinion started to change.

21 20. Back when Jordan was a sophomore and a junior, things weren’t going so well. I knew  
22 that Jordan had a lot of responsibilities at home, but school and track were taking a backseat. I  
23 told Jordan that the high school scholarship was on the line – if school and the track team weren’t  
24 a priority for Jordan, Eastside would send Jordan packing for the public school down the street.

25 21. Jordan started breaking records during the 2004-05 season. Jordan was shaving tenths of  
26 seconds off times that I didn’t think could get any lower. I was amazed. I figured the pressure  
27 worked and I liked the results.

28 22. I was getting impressed. I was making lots of calls for Jordan, advising recruiters to

1 come take a look. I put a lot of pressure on Jordan because Jordan did well under pressure.

2 23. I talked to Kelly Simon at some of the meets. I remember one day back in April 2008,  
3 Kelly came running into the gym. The kids were stretching, getting ready to do sprints. Kelly  
4 was waiving around a paper, yelling at Jordan. I went over to see what the issue was. Jordan  
5 pointed at me and yelled something like, "You know how I'm getting so good – you explain it."  
6 Jordan stomped off. I told Kelly I'd handle the situation.

7 24. The next day after practice I talked to Jordan. I told Jordan I was proud of the  
8 commitment it took to be a great runner. I knew Jordan was working hard. I told Jordan that I  
9 thought the Olympics were a reasonable goal. I told Jordan to keep focused and stay clean. I  
10 asked Jordan if there was anything I needed to know and Jordan said, "no."

11 25. I never thought there was a problem, and I never thought Jordan was using steroids.

12 26. A couple of times we had to stop practice because of Jordan's nosebleeds. I knew that  
13 nosebleeds were a symptom of EPO usage, but Jordan wasn't the doping kind of kid. Jordan  
14 always begged me not to tell Kelly about the nosebleeds, so I didn't.

15 27. I also noticed that Jordan was out sick a lot during that last year. I knew EPO lowered a  
16 person's immunity, but almost all of our kids get sick during the season – just comes with the  
17 territory. Besides, I never saw injection marks on Jordan's arms.

18 28. I remember a day in early to mid-April 2008 when I was picking up my mail from the  
19 front office. My hands were full and I was in a hurry to get to track practice. I was rushing by  
20 Jamie Hagar's office, when Jamie asked if I had a minute. Jamie told me that Jordan printed an  
21 article about EPO, and to talk to Jordan about it. Jamie placed the article on the stack of papers I  
22 was carrying, and I headed to my office. The article Jamie gave me looks like the article in the  
23 exhibits. I didn't read it at the time, but it looks like the same thing Jamie gave me. I dropped the  
24 papers I was carrying on my desk, and went straight out to practice. I never had the chance to  
25 talk to Jordan about the article before Jordan died.

26 29. I wish I knew that Jordan was using steroids. I would have had a heart-to-heart talk  
27 about the dangers of doping. I don't think it would have mattered, but at least I wouldn't have to  
28 feel so guilty. I do not believe that I did anything to encourage Jordan to take EPO and I don't

