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## The Baseball Strike

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After nearly eight months, some 232 days after it began, the strike by major league baseball players ended not at the bargaining table, but as the result of a judicial ruling by the youngest judge in the Southern District of New York. At age forty Judge Sonia Sotomayor is the first Puerto Rican appointed to the bench in this predominantly Puerto Rican district. A Yale Law Graduate, who grew up in South Bronx just a few blocks from Yankee Stadium, she was appointed to the bench by former Yale first-baseman George Bush on the recommendation of Sen. Daniel Patrick Moynihan, Richard Nixon's designated hitter.

In her ruling Judge Sotomayor clearly upheld the decision of the NLRB which found the owners in violation of labor law by imposing new conditions of employment on the players after unilaterally declaring an impasse in negotiations. She ordered the owners to restore the previous rules including salary arbitration, competitive bidding for free agents, and the anti-collusion provisions of the free agent rules. The judge said that collective bargaining process was being threatened, and that she was re-enforcing the NLRB's protection of the "spirit and the letter of federal labor law..." She also told owners they must return to her courtroom before they can declare an impasse in negotiations in the future.

The legal experts seem to agree that it was a very strong decision, and the owner's lawyers thought it so strong that a lockout could put the owners in a position where they would be liable for players salaries, to the tune of \$5M a day.

The owners had clearly lost as they were told they were in violation of federal law and must rescind their actions. This does not mean that the players won. All it means is that we are back to square one. The players are back at work, there is no contract agreement, the parties remain far apart on the issues, and little or nothing has been resolved as a result of the eight-month strike.

What has happened is that the players and owners have managed to anger the public and one another, and perhaps have done permanent damage to the major league baseball goose, which has been laying golden eggs for the past several years. What the coming season will bring remains a major question.

What it will not bring, or is not likely to bring, is a lockout or strike before the end of the World Series. The trauma of the past few months should have had a sobering enough impact on players, owners, and negotiators to keep anyone from reopening the wound.

Whether there will be a settlement is equally doubtful, although the pressures to settle have been intensified. The owners know that before they can declare an impasse again they must reappear before Judge Sotomayor, before whom they remain hitless. The players know that if they would walk again the public would never forgive them, and it is likely that many players would not walk a second time.

As to the state of the negotiations, there has been one major change. The player's position on a luxury tax moved from total opposition to an acceptance of the principle of a tax. The owners' position has not changed at all. What the players want is a tax that will be low enough that it will not inhibit free agency, while the owners want a tax that will effectively be a salary cap limiting free agency. The gulf between these two positions is enormous, but at least the two parties are talking about the same issue in the same vocabulary.

Meanwhile the structure is in chaos. Over 100 free agents are on the market, and more are likely to join them when those eligible for arbitration are released. There have been no significant revenues coming into the game in the past eight months, and the projected revenues for the coming year, especially from television, will be way down. We do not know where all these free agents will end up playing, but we do know that market forces will dictate considerably lower salaries for everyone but the superstars. Bill Veeck's old complaint that it was the .220 hitter who was overpaid, is about to be addressed.

The other great unknown is how the fans will react. There will of course be the predictable booing on opening day. The early reception will be hostile, but over the months that will diminish. More significant will be such longer-term indicators as game attendance trends, television ratings, corporate sponsorships, player endorsement contracts, and the all-important sale of official team merchandise.

And most significant of all, will the two parties in this dispute finally return to the bargaining table and reach agreement? If they do not, nothing else will matter.

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