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Baseball Labor Negotiations: A Strike or Lockout on the Horizon?

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SPORT AND SOCIETY FOR H-ARETE
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Here it is not even Memorial Day the traditional first marker in the baseball pennant races and the talk of a baseball strike is already in the air. What a lovely thought as spring moves on towards summer. Last week the news came that Donald Fehr and other Player's Association executives have been telling players to prepare themselves for a possible strike.

No one who remembers the events of 1994 should be surprised by this scenario as essentially the players are facing the same set of circumstances as they did then. If the season runs out without a new contract then the owners can move ahead and impose a contract of their own, presumably including items that the MLPBA find unacceptable.

What some do not seem to remember is that the strike of 1994 did not end until late April of 1995 when a Federal Judge in New Jersey, Judge Sonia Sotomayor, issue a devastating ruling against the owners. She upheld the decision of the National Labor Relations Board 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.

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..." Once again the baseball owners were in violation of federal law. Once again they lost in court.

It seems to me that much the same conditions are in place and if the owners try to impose a new contract again without bargaining in good faith, and nothing suggests they are, they could be risking defeat in the courts with or without a players strike.

So the process lumbers forward. What must be kept in mind is that this is a bargaining process and that part of any such process includes posturing and false negotiating, a good deal of public relations palaver, and threats. All of these processes now seem to be operational. The other thing to keep in mind is that the arbitrator is yet to rule on contraction and that will also impact the discussion when it comes in mid-July.

Last week as the word "strike" reared its ugly head from the player's camp, the Commissioner was out on a media blitz to assure everyone that the owners would never lock out the players and that the owners did not want a work stoppage. But then no one said anyone wanted a work stoppage in 1994. What Bud Selig did not say was that the owners would never impose a new contract on the players and that they were committed to bargaining in good faith, that they would make genuine offers for negotiation instead of ones they know the players would reject outright.

Later in the week the Commissioner moved on to his favorite mantra of the past several years. He announced that between six and eight teams could possibly go out of business in the next twelve to eighteen months. The teams, he claims, are some forty billion dollars in debt, the bankers are getting jittery, and six of the eight weak franchises are up for sale. What Selig did not mention is that baseball revenue has doubled since the last work stoppage.

We have heard all of this before but apparently Bud Selig has never heard the fable of the boy who cried wolf. Rather for Bud, Chicken Little seems a role model. The sky may be falling and the wolf may be devouring the flock, but if Bud Selig is delivering that message there is absolutely no reason to believe it. This Commissioner, and a long line of Commissioners before him, has been playing this tune for decades and somehow baseball rolls on. As always some franchises are losing money, but many are prospering at levels never before seen.

In April Forbes reported that baseball had an operating profit of \$75M last year or \$300M more than Bud Selig reported to Congress in December. Twenty of thirty teams turned a profit last year according to Forbes, and the much-maligned Minnesota Twins saw the value of their team increase twenty-nine percent. "A few teams are struggling, but baseball as an industry is in strong financial shape," according to Forbes editor Mike Ozanian. The Commissioner's Office calls these figures misleading at best and outright lies at worst.

What's a fan to believe? Who really is at fault? In fact it simply doesn't matter who is at fault. What matters is where the fans place the blame. We know from 1994 that they blamed everyone for being greedy and then stayed away the

games and their television sets in large numbers. Not until the Sosa-McGwire show did they come back in any numbers as fans were finally able to see baseball as more a game than a business once again.

The hope is that setting a strike date will spur some actual bargaining between players and owners. The hope is that when both sides say they don't want a stoppage in play they mean it.

If there is another strike, if the World Series goes by the boards again, if greed prevails, then owners and players alike can kiss the goose that has been laying their golden cash-redeemable eggs goodbye.

Selig and Fear need not be Fear and Loathing but they could turn out to be Chicken Little and Foxy Woxy.

On Sport and Society this is Dick Crepeau reminding you that you don't have to be a good sport to be a bad loser.

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