

Outside the Lines

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Chairman's Letter

Survey coming in January. The Committee's annual member survey on issues relating to the business of baseball will be E-mailed in January to all members whose E-mail address is on file with me. If you've recently acquired E-mail capability or changed E-mail addresses, drop me a note. Members without E-mail can receive a copy of the survey by sending me a self-addressed, stamped envelope. The Newsletter is also available by E-mail for members who would prefer to receive it in that format.

Thanks to all who contributed material to the Committee archives recently, including Bill Albach, **Dick Clark**, Jeffrey Ecker, **John Matthew**, **Clifford Otto** and **Jerry Wachs**.

The Numbers

Attendance: 29,376 per game, up 3.8% in 1998.

Average salary: \$1,378,506, up 4.88%.

Median salary: \$428,500, up 7.1% but still below 1994's \$450,000 median.

Home run chase sparks renewed interest in MLB. A New York *Times*/CBS News poll conducted in mid-September found 22% of adults "very interested" in MLB, up from 15% in 1997. 41% were "somewhat interested," up from 27%, while the number expressing no interest fell from 58% to 38%. The 62% expressing interest is the highest since the poll began in 1985.

An AP survey in August was less positive. 15% of respondents said they followed MLB "closely," 23% "not closely," and 62% "didn't pay much attention." 24% reported less interest in baseball since the 1994-95 labor dispute. When asked to select among three choices for the biggest problem facing MLB, 44% said the players were overpaid, 25% said tickets cost too much and 20% said games lasted too long. MLB was the favorite sport of only 11% of respondents, to 38% for the NFL, 20% for the NBA and figure skating, and 6% for the NHL.

Luxury tax threshold over \$60 million. Based on salary figures reported in the November 23 *USA Today*, the tax threshold – the midpoint between the fifth and sixth highest-salaried clubs – will be \$60,031,380. The five clubs over this threshold must pay a 35% tax on the excess: \$170,875 for Texas, \$586,817 for Atlanta, \$971,350 for Los Angeles, \$1,971,311 for the Yankees, and a whopping \$4,140,339 for the sub-.500 Orioles.

Regular season TV ratings jump. Fox's Saturday afternoon ratings rose 15%, from 2.7 to 3.1; Fox Sports Network's Thursday-night ratings climbed from 0.7 to 0.9, and fX's weekly game, which moved from Monday to Saturday nights, saw an increase from 0.4 to 0.6. ESPN earned a 1.8 rating for its Sunday and Wednesday games, while TBS's Braves games averaged a 1.6 rating. LCS ratings rose, but the short, uncompetitive World Series posted its lowest ratings ever: a 14.1 average/24 share, below the previous low of 16.4/27 share set by the quake-interrupted 1989 Series.

MLB News

Alderson, Gibson hired by MLB. After 17 years in the Oakland Athletics' front office, Sandy Alderson has joined MLB as executive vice president of baseball operations. Alderson will be in charge of rules and administrative policies. Hall of Famer Bob Gibson has also been hired to consult with AL president Gene Budig on disciplinary matters. MLB also named Robert DuPuy executive vice president/ administration and chief legal officer, and Robert Manfred executive vice president of labor and human resources.

Antitrust exemption repealed for labor matters. The complete text of the "Curt Flood Act of 1998" is reprinted on pp. 3-4 of this issue. Don't drive or operate heavy machinery after reading it.

Team News

Cincinnati. Frisch's Restaurants has sold its 1/15 share of the Reds for \$7 million to a group of four other limited partners – Louise Nippert, Carl Lindner, George Strike and William Reik – for \$7 million. General partner Marge Schott, who is still under suspension, is reported likely to sell her general partner's shares, and most of her stake, in the near future. *Hustler* publisher Larry Flynt was interested, but dropped out after Ted Turner told him he'd never win approval. (No, I am not making this up: it was reported in the November 25 issue of *Baseball Weekly*.)

By a 65-35 margin, voters rejected a proposal which would have relocated the Reds' previously-approved new stadium from the riverfront to the Broadway Commons area. The new 45,000-seat park is scheduled for completion in 2003.

Florida. In the October 18 *New York Times Magazine*, **Andrew Zimbalist** concluded that despite a reported operating loss of \$28.7 million in 1997, the Marlins actually *earned* \$13.8 million last year. Analyzing documents used by Marlins president Don Smiley to attract prospective investors, Zimbalist estimates that Marlins' owner Wayne Huizenga attributed \$38 million from luxury boxes, concessions, signage, parking, merchandise sales and naming rights to his stadium rather than his team; sold the Marlins' cable rights to another Huizenga enterprise for \$2.1 million less than their market value; and paid \$3 million too much for general and administrative expenses.

After months of negotiations, commodities trader John Henry agreed to buy the Marlins from Huizenga for roughly \$150 million. Henry immediately began lobbying for a new \$300 million, publicly-financed stadium.

Kansas City. A group headed by New York lawyer Miles Prentice, but with 75% local money, has bought the Royals for \$75 million from a foundation set up by late owner Ewing Kauffmann. Prentice's group is said to include between 25 and 75 investors, including golfer Tom Watson and baseball legend Buck O'Neil.

Los Angeles. Fox's control of the club becomes complete at the end of the year, when Peter O'Malley steps down as chairman of the board.

Minnesota. Clark Griffith, whose family owned the Twins and Senators for more than 60 years, has offered \$110 million for the club, but the offer was rejected by current owner Carl Pohlad. Pohlad, who bought the Twins for \$38 million in 1984, is reportedly asking \$140 million for the club.

Montreal. After failing to sell enough personal seat licenses to help finance a proposed baseball-only park, Claude Brochu has agreed to step down as president and general partner of the Expos, and the franchise has been put up for sale to local interests. The provincial government of Quebec, which was burned badly by the cost overruns on Olympic Stadium, refuses to contribute public funds to construction of a proposed \$250 million park.

New York Yankees. George Steinbrenner is negotiating with Cablevision over the sale of a significant interest in the Yankees. Cablevision, which already owns the New York Knicks and Rangers and holds the Yankees' TV rights through the year 2000, believes that buying most of the club outright will be cheaper than the cost of renewing the TV deal. However, at press time negotiations had stalled over how much control George Steinbrenner would retain. The proposed deal values the Yankees at \$500 million or more.

Oakland. As part of a move to break the club's lease at the Oakland Coliseum, Athletics owners Steve Schott and Ken Hofmann have put the team up for sale to local bidders for \$135 million. City officials say that they've deliberately overpriced the team as a first step towards possibly moving it to San Jose.

San Diego. By a 60-40 margin, San Diego voters approved construction of a new baseball-only stadium for the Padres. The deal calls for the City of San Diego to contribute \$275 million (\$225 million from a new hotel tax and \$50 million from a redevelopment agency), with San Diego Port District contributing \$21 million for infrastructure improvements. The Padres will pay \$115 million, including \$40 million from naming rights, and have agreed to recruit at least \$400 million in additional development around the park.

Toronto. In a lease dispute with SkyDome, the Blue Jays have threatened to move back to Exhibition Stadium – even though demolition of their old home had already begun. The club seeks a greater share of concession, parking and luxury box revenues. SkyDome responded by announcing its intention to file for bankruptcy.

Complete Text of the Law Limiting MLB's Antitrust Exemption in Labor Matters

SECTION 1. SHORT TITLE.

This Act may be cited as the "Curt Flood Act of 1998".

SEC. 2. PURPOSE.

It is the purpose of this legislation to state that major league baseball players are covered under the antitrust laws (i.e., that major league baseball players will have the same rights under the antitrust laws as do other professional athletes, e.g., football and basketball players), along with a provision that makes it clear that the passage of this Act does not change the application of the antitrust laws in any other context or with respect to any other person or entity.

SEC. 3. APPLICATION OF THE ANTITRUST LAWS TO PROFESSIONAL MAJOR LEAGUE BASEBALL.

The Clayton Act (15 U.S.C. Sec. 12 et seq.) is amended by adding at the end the following new section:

SEC. 27. (a) Subject to subsections (b) through (d), the conduct, acts, practices, or agreements of persons in the business of organized professional major league baseball directly relating to or affecting employment of major league baseball players to play baseball at the major league level are subject to the antitrust laws to the same extent such conduct, acts, practices, or agreements would be subject to the antitrust laws if engaged in by persons in any other professional sports business affecting interstate commerce.

(b) No court shall rely on the enactment of this section as a basis for changing the application of the antitrust laws to any conduct, acts, practices, or agreements other than those set forth in subsection (a). This section does not create, permit or imply a cause of action by which to challenge under the antitrust laws, or otherwise apply the antitrust laws to, any conduct, acts, practices, or agreements that do not directly relate to or affect employment of major league baseball players to play baseball at the major league level, including but not limited to –

(1) any conduct, acts, practices, or agreements of persons engaging in, conducting or participating in the business of organized professional baseball relating to or affecting employment to play baseball at the minor league level, any organized professional baseball amateur or first-year player draft, or any reserve clause as applied to minor league players;

(2) the agreement between organized professional major league baseball teams and the teams of the National Association of Professional Baseball Leagues, commonly known as the 'Professional Baseball Agreement', the relationship between organized professional major league baseball and organized professional minor league baseball, or any other matter relating to organized professional baseball's minor leagues;

(3) any conduct, acts, practices, or agreements of persons engaging in, conducting or participating in the business of organized professional baseball relating to or affecting franchise expansion, location or relocation, franchise ownership issues, including ownership transfers, the relationship between the Office of the Commissioner and franchise owners, the marketing or sales of the entertainment product of organized professional baseball and the licensing of intellectual property rights owned or held by organized professional baseball teams individually or collectively;

(4) any conduct, acts, practices, or agreements protected by Public Law 87-331 (15 U.S.C. Sec. 1291 et seq.) (commonly known as the 'Sports Broadcasting Act of 1961');

(5) the relationship between persons in the business of organized professional baseball and umpires or other individuals who are employed in the business of organized professional baseball by such persons; or

(6) any conduct, acts, practices, or agreements of persons not in the business of organized professional major league baseball.

© Only a major league baseball player has standing to sue under this section. For the purposes of this section, a major league baseball player is –

(1) a person who is a party to a major league player's contract, or is playing baseball at the major league level; or

(2) a person who was a party to a major league player's contract or playing baseball at the major league level at the time of the injury that is the subject of the complaint; or

(3) a person who has been a party to a major league player's contract or who has played baseball at the major league level, and who claims he has been injured in his efforts to secure a subsequent major league player's contract by an alleged violation of the antitrust laws: Provided however, That for the purposes of this paragraph, the alleged antitrust violation shall not include any conduct, acts, practices, or agreements of persons in the business of organized professional baseball relating to or affecting employment to play baseball at the minor league level, including any organized professional baseball amateur or first-year player draft, or any reserve clause as applied to minor league players; or

(4) a person who was a party to a major league player's contract or who was playing baseball at the major league level at the conclusion of the last full championship season immediately preceding the expiration of the last collective bargaining agreement between persons in the business of organized professional major league baseball and the exclusive collective bargaining representative of major league baseball players.

(d)(1) As used in this section, 'person' means any entity, including an individual, partnership, corporation, trust or unincorporated association or any combination or association thereof. As used in this section, the National Association of Professional Baseball Leagues, its member leagues and the clubs of those leagues, are not 'in the business of organized professional major league baseball'.

(2) In cases involving conduct, acts, practices, or agreements that directly relate to or affect both employment of major league baseball players to play baseball at the major league level and also relate to or affect any other aspect of organized professional baseball, including but not limited to employment to play baseball at the minor league level and the other areas set forth in subsection (b), only those components, portions or aspects of such conduct, acts, practices, or agreements that directly relate to or affect employment of major league players to play baseball at the major league level may be challenged under subsection (a) and then only to the extent that they directly relate to or affect employment of major league baseball players to play baseball at the major league level.

(3) As used in subsection (a), interpretation of the term 'directly' shall not be governed by any interpretation of section 151 et seq. of title 29, United States Code (as amended).

(4) Nothing in this section shall be construed to affect the application to organized professional baseball of the nonstatutory labor exemption from the antitrust laws.

(5) The scope of the conduct, acts, practices, or agreements covered by subsection (b) shall not be strictly or narrowly construed.

The View from Japan, by Yoshihiro Koda

Japanese professional baseball is organized into two major leagues, like North America's National

League and American League. One is called the Central League; the other, the Pacific League.

The CL (Central League) is more popular than the PL (Pacific League). Why? Every baseball fan in Japan knows that the reason is because the Tokyo Giants play in the CL. The Giants are the most popular professional baseball club in Japan, and I believe they are among the best ticket sellers on earth. The Giants' home stadium is Tokyo Dome, Japan's first roofed baseball stadium, seating 47,000 fans. Even with such a huge capacity, the Giants expect to sell out all their home games, even though in 1998 they lost more than half of their scheduled games. For as long as this situation continues, the Giants don't need to re-think their ticket prices.

But the PL is a different situation. The PL's Nippon Ham Fighters also play their home games in the Tokyo Dome -- but even with a first-place team this season, they rarely draw more than 30,000 spectators. After attending a number of their games this year, I wondered whether their ticket prices were reasonable. At the games I attended, the bleachers were more than 80% full, while less than 20% of the seats in the infield area were occupied.

I know that the ticket price is not the only reason for this seating pattern. In all Japanese baseball stadiums, the bleachers are regarded as cheering zones, so fans who like making noise and shouting for their team prefer to occupy this area. (A CNN report suggests that Yankee Stadium experiences the same phenomenon.) But I still wonder if their ticket prices are reasonable. Here are the 1998 ticket prices for the Nippon Ham Fighters and Tokyo Giants at Tokyo Dome:

Class	Fighters	Giants
Reserved S	5,100 yen (US\$38*)	5,900 yen (US\$44)
Reserved A	4,100 yen (US\$30)	5,200 yen (US\$39)
Reserved B	3,100 yen (US\$23)	3,700 yen (US\$27)
Reserved C	2,300 yen (US\$17)	2,300 yen (US\$17)
Reserved Bleacher	Not sold	2,000 yen (US\$15)
Unreserved Bleacher	1,500 yen (US\$11)	1,200 yen (US\$ 9)

*US dollar equivalents are calculated at an exchange rate of \$1 US=¥135.

Tokyo's consumer prices are usually compared to New York's, so I checked the ticket prices of Yankees in 1998 on their home page on the Internet. The Yankees charge \$45, \$35, \$25, \$23, \$20, \$12 and \$7. So we may say ticket prices at Tokyo Dome are not too expensive when compared to Yankee Stadium's. But based on the attendance patterns I have observed, I think it is not easy for most fans to pay list prices for reserved seats for Fighters' games. While many fans pay even more for Giants' games, the Giants are a special case. For many Japanese fans, tickets for Giants' games have special value, like tickets for the League Championship Series in North America.

So how much would reasonable prices be for other games ? From my own experiences and observations, the top price should be no more than ¥3,000. I believe that if S-class reserved seats were available for ¥2,500, many fans would move there from the bleachers, because S-class reserved seats are closer to the action and more comfortable.

Japanese major league teams play 135 games during their 6-month regular season. Clubs must have a difficult time filling their stadia without many repeaters, and I doubt that current ticket prices are attractive to many casual fans. While I don't know how the clubs set ticket prices, I do understand that empty seats generate no income or excitement.

Why Not a Market for Playoff Tickets?, by **Ted Turocy**

Is there a good reason why sports teams do not organize markets for their tickets?

Consider first the case of a team which might or might not make the playoffs. The current custom is to sell playoff tickets in advance, generally before the team has clinched a berth, and to refund money if the team does not make it. But, what we have here is a case of an uncertain future event (making the playoffs), in which case a more natural object (security) to sell is one which entitles the bearer to a seat at a playoff game if the team advances -- but nothing if the team does not. That is, why not organize a futures market instead?

Here is one proposal. On a given date, let's pick August 1 for example, playoff-contending teams

could open a market for these tickets. Individuals could purchase them from the team for some fixed price, reflecting roughly an estimated probability of the team making the playoffs times the face value of the ticket. No physical ticket would be issued, however; instead, a centralized market would be conducted in which people would be free to purchase and sell the rights to these tickets at a market price, using institutional rules similar to financial markets. Transactions could take place over the phone, via a website, or in person at the ballpark and/or team offices. Individuals would be restricted to hold the rights to no more than some number of seats per game (probably 4, 6, or 8, in accordance with current purchasing limits for these types of events). On game day, if the team were lucky enough to advance, individuals holding the rights to the seats would go to the ballpark, present positive ID, and be issued their tickets.

There are many potential advantages to such a system. Perhaps first and foremost, the usual logjam of phone lines and camping out outside ticket outlets would not occur. Logistics for ticket distribution would seem to be simpler both for the team, and for the fans trying to obtain seats. Secondly, by taking control of the market in this way, the team could help stamp out scalping and counterfeit tickets. Limiting the number of tickets an individual could hold minimizes the chance of ticket agencies purchasing large blocs of tickets and thereby having monopolistic (or oligopolistic) power to raise prices. Additionally, the team could place these tickets on sale earlier, and smooth out revenue streams from year-to-year. A near-miss of the playoffs (i.e., one close enough to issue tickets) still generates revenue.

Economists and game theorists have long trumpeted market mechanisms as having good properties in terms of efficient allocation of goods and services. The principle is that those individuals wanting tickets the most will wind up with them. Admittedly a caveat needs to be added here -- if the market's prices are too high, the less well-heeled fan might not be able to afford them. But, firstly, these ticket rights amount to a lottery ticket, which instead of giving a cash payoff give a payoff in playoff tickets. We as a society see nothing wrong with the government running lotteries; why not run lotteries with tickets as prizes? Besides, it is difficult to claim that good seats and many stadia are accessible price-wise to many fans, especially in the playoffs. Major League Baseball has raised World Series ticket prices already, and further hikes are likely to keep in line with the playoff prices of other sports.

There are certainly drawbacks to this proposed system. First of all, it involves the fixed cost of setting up the system and explaining it to the ticket-buying public. Confusion could occur. Staff would have to be trained to handle the new system, plus there are programming costs in setting up record-keeping. Finally, day-of-game personnel needs might increase, as it would be necessary to have enough people to distribute tickets. Secondly, it is not immediately clear that collusion could not occur, and a sufficiently large cartel of people couldn't unfairly influence prices. Speculation is definitely a potential issue (although it is likely limited by having a cap on the number of tickets purchased). Also, markets of this sort come under the regulatory purview of the Commodity Futures Trading Commission. Getting approval for this type of venture might be difficult, and furthermore the regulatory overhead might be substantial.

The biggest problem with implementing this system, however, might simply be its unfamiliarity to most people. While there are many success stories of markets like this (the Iowa Electronic Markets being the most famous one), nothing of this sort has ever to this author's knowledge been done in the context of ticket sales.

Finally, this scheme could easily be extended to selling tickets for regular season contests as well. In that case, overall ticket sales might increase. After all, wouldn't you be willing to purchase more tickets over the winter in advance, knowing that there was a place where you could unload them, even if perhaps at less than face value?

***Visalia Journal*, by Anthony Salazar**

[Ed. Note: I received this piece in early September. Several people have requested more material on the minors -- I'd love to run it, if someone out there would write it up for me.]

The Visalia Oaks (Class A - California League, affiliate of the Oakland A's) were owned by JSS/USA, Inc., a Japanese company that also owned the Vancouver Canadians (Class AAA - PCL). JSS is selling the Vancouver club because they are cash short, due to the economic crisis in Asia. Because of the cash shortage, they were unable to pay the bills for the Oaks. When enough creditors clamored on the doors of the Cal League, the commissioner took control of the club until another owner could be found to stabilize the team. They have found a man to buy the club. He owns a big-and-tall type clothing store. The deal is to be finalized in September. The problems, though, are plenty.

I remember going to Recreation Park as a kid, thinking that this was something. I've watched Visalia

grow from a small town with dirt roads, to the city is has now become. I have family there, too, and wonder about the economic conditions. I believe it to be a place with limited economic opportunities, though, if the city decided to invest in a ball park, things might turn around. Especially, if they take the ballpark toward the downtown area. The problem is that the citizens are apathetic toward baseball. First, the stadium was built in 1946, and has basically not changed. Second, they have one of the league's lowest attendances. Last year, the average Cal League game saw 2,988 fans walk through. In Visalia, there was an average of only 1,144! Maybe next year!

The worst part, is yes, the new owner may decide to take the team and leave. But that might not be prudent. Visalia is the Tulare County seat, and the next towns up the road either way have teams. The Fresno *Bee* reports that the Grizzlies (the newest PCL entry) weren't worried about competing with the Oaks because only a few hundred fans venture the thirty miles up to Fresno on a Saturday to see AAA action.

The new owner faces an uphill battle. Apparently, it will cost \$8-10 million for a new stadium! Who's going to finance it? According to one city council member, the city certainly will not. Bond measures or hotel/motel taxes may be another solution. Though, if it were put to a public vote, it may go down resoundly! To make matters worse, the A's may decide not to renew the contract after the 1999 season. Then what? Back to independent? A terrible thought. If anything, the Visalia Oaks are a perfect example of a small club in a small town. The only question is, does the town revolve around the club? And the answer is no. The city's inaction may cost them a team. So, I guess the next steps are up to the new owner. So, we'll see!

This is a classic example of a small club in a small town eking out an existence. The club has been in the Cal League since 1946, and has history. It lacks, unfortunately, a new stadium and fans who care.

Document of the Month

This issue presents a letter from Warren Giles of the Reds to Fred Saigh of the Cardinals, dated June 16, 1945, which makes clear that Happy Chandler won't be given the same leeway Judge Landis enjoyed:

"I believe the only way we can get the type of leadership we want from Chandler is for the sixteen club representatives to sit down in a room and with him present tell him what we believe the job entails. At the same time we should find out from him just when he intends to take over and if it is not at a date that suits us then tell him that we want him to assume his duties at a specific date. If as you say he advocates the use of crippled veterans on major or minor league teams and advocates the hiring of Babe Ruth as an instructor or good will builder for baseball he should be told that those sort of programs are not what we want.

"I don't mean by that, that we should dictate a commissioner's policies entirely but we should ascertain whether or not he intends to inaugurate 'crack pot' ideas. If he does and insists upon them as part of his program then we should do what we can to get out of any obligation we have to continue him."

Bibliography -- Labor Relations, by **Andy McCue** and the RBI Project

This bibliography of books related to baseball labor relations was compiled by the RBI Project. If you find any mistakes or omissions in this list, please contact Andy McCue, 4025 Beechwood Pl., Riverside, CA 92506, agmccue@pe.net. Items followed by an asterisk are available through the SABR Lending Library, maintained by Len Levin.

- Allegheny Base-Ball Club v. Bennett* [judicial opinion]
- Baltimore Baseball Club & Exhibition Co. of Baltimore City v. Pickett* [judicial opinion]
- Brooklyn Baseball Club v. McGuire*[judicial opinion]
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The RBI Index is now available on CD-ROM. It includes a database of over 80,000 citations, including more than 15,000 books, roughly 10,000 sections of books and 55,000 articles on all aspects of baseball. The current CD-ROM can be purchased by SABR members for \$60, with a one-year subscription, including two semiannual updates, costing \$80. For more information, contact Andy McCue or look on the SABR Web site at <http://www.sabr.org/rbicdrom.htm>.

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