

Book Review: Getting On Base: Unionism in Baseball

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BOOK REVIEW

GETTING ON BASE: UNIONISM IN BASEBALL

Don Wollett

[Bloomington, Indiana: iUniverse, 2008]

131 pages

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An unfettered market, where you get where you can, has taken on a religious aura. Tampering is blasphemous. The absence of market restrictions is viewed as a badge of freedom. It seems fanciful to imagine a labor-management partnership in which the parties accept reasonably matched standards – ‘minimum and maximum payrolls – with individual salary negotiations taking place within those parameters.’¹

Most sports fans are well aware of the inherent conflict that exists between the Major League Baseball Players Association (hereinafter “the Union”) and team owners. What they may not be familiar with is that inherent conflict also exists between the different classes of players making up the Union, as well as between the Union’s current and potential members. Professor Don Wollett introduces his book, *Getting on Base*, by asking a series of questions examining the role of the Union. By using the collective bargaining agreement to pinpoint inadequacies that exist for some players, the book challenges readers to reexamine the legitimacy of actions that have been taken by the Union, and discusses potential improvements that could be made in the future. Wollett applies his years of experience in the field of collective bargaining to critique how collective bargaining impacts baseball. He starts by establishing his credentials and then briefly describes some of the memorable moments in the history of the game. Wollett then explains, in relatively easy to understand terms, the definition and benefits of his “true love:”² collective bargaining. The book touches on many different topics and a common theme emerges: Not every baseball player is being properly represented by the Union.

Wollett’s first chapter commences by highlighting individuals who have

1. DON WOLLETT, *GETTING ON BASE* xx (2008).

2. *Id.* at 17.

helped make the game of baseball special. His first example points out the foresight exhibited by Branch Rickey's signing of Jackie Robinson in 1946, the league's first African American ballplayer, and how Rickey's actions reinforced the notion that baseball would be open to everyone who has the talent to play the game.³ In recent years, players who bring special leadership qualities to the ball diamond, in a similar manner to that of Jackie Robinson, are more likely to have higher compensation early in their careers.⁴ Major League Baseball's (MLB) Collective Bargaining Agreement (CBA) allows arbitrators to recognize players financially when they bring special leadership qualities to a team or to those that may appeal on a wide basis to the public.⁵ For example, Wollett was acting as a representative to Jim Abbot, a player born with a genetic defect that stunted the full development of one of his hands.⁶ Abbot likely cost himself money by refusing to allow his agents to demonstrate his disability was of a special appeal to the public.⁷ Further examples demonstrate that while unsavory behavior may on occasion occur in the game, it is the special players like Robinson and Abbot that are remembered.⁸

Next, Wollett discusses situations from his life that led him to develop the views he holds towards baseball, collective bargaining, and unions. Wollett begins by sharing his memories as a young boy attending a minor league ballgame with his father, and how it was his first step toward falling in love with the game.⁹ He then discusses the almost sixty-year journey through his career, starting with his service in the Navy during World War II, continuing through his professorships at numerous law schools, his time at a large New York law firm, his memberships in the New York Governor's cabinet, and concludes with the time he was introduced to Scott Boras, which caused him to focus on baseball on a professional level.¹⁰ The common thread in tying together the long journey of Wollett's legal career has been collective bargaining.¹¹

Wollett found through his years of experience in the field that collective bargaining cannot work without cooperation.¹² The National Labor Relations

3. *Id.* at 1.

4. *Id.* at 6.

5. *Id.*

6. *Id.* at 7.

7. *Id.*

8. *Id.* at 4-5.

9. *Id.* at 10.

10. *See id.* at 11-14.

11. *Id.* at 17.

12. *Id.* at 18.

Board (NLRB) requires that employees who are part of a union belong to the same bargaining unit with bargaining unit defined as employees who are part of a similar job grouping and having a common interest.¹³ In MLB, the bargaining unit is made up of at most 1200 players, with the players divided among the 30 MLB teams.¹⁴ Unions have a duty to represent all of its members equally; however, there is no duty to those who are not current members of the union.¹⁵

Wollett draws attention to the notion that the current Union does not properly represent most baseball players.¹⁶ He points out that it is normal for unions to have a degree of control over the supply of labor, but that baseball's Union does not do this because they fail to represent minor league players, regardless of their skill level, until they reach the major leagues.¹⁷ Wollett points out that at least theoretically under the NLRB, the Union should be responsible to every baseball player who has the skills that people will pay to watch play.¹⁸ Also, MLB's Union, like other similarly situated entertainment unions, is different from the majority of its brethren in that the Union allows players to negotiate salary and benefits on an individual basis between them and the individual employer.¹⁹ This has led to inequalities, which is demonstrated by the fact that while the player's percentage of league revenue tripled between 1969 and 1999, a disproportionate amount of that money went to star players.²⁰ This has widened the financial gap and increased the conflict of interest existing between the MLB's stars and those making the league minimum.²¹

Using the barometer that already exists between the haves and have-nots in MLB, Wollett attempts to argue why a more expansive Union that covers minor league baseball players would not work. First, he points to the larger discrepancy in salary a player in the minors makes compared to those in the majors.²² Next, he describes another conflict of interest that exists between current major leaguers and those in the minor league players: Typically, a parent organization pays the salaries for both major and minor league players, and

13. *Id.* at 20.

14. *Id.* at 21.

15. *Id.*

16. *Id.*

17. *Id.* at 23.

18. *Id.*

19. *Id.* at 22.

20. *Id.* at 88-89.

21. *Id.* at 88-89.

22. *Id.* at 24.

by keeping the minor leaguer salaries lower, there is a larger amount of money available for the major league players.²³ Third, Wollett points out less than ten percent of minor league players who advance to AA ever make it to the majors, and those who do not make it to the big leagues are typically out of professional baseball within two years.²⁴ This situation creates a large divide between the interests of those who make it to the major leagues and those who do not.²⁵ To overcome these obstacles, Wollett suggests the solution is for minor league players to organize their own distinct union.²⁶

This argument is weakened by Wollett's decision to focus the next half of the book on the injustices that current major league players face with the CBA²⁷ before he continues analyzing the issues that could possibly be overcome by minor league players unionizing. Wollett points to the financial hardships felt by minor league players as his main reasons for why they should unionize. He recalls the testimony given by Dan Peltier to the United States Senate Judiciary Committee, in which Peltier complained about the lack of pay for minor league players and the odds against most players ever playing in the big leagues.²⁸ Further, Wollett discusses how a player, who made \$40,000 in 1995 (adjusted to \$56,649 based on 2009 inflation²⁹), did not own his own home, had little in savings, and had to work in the offseason for added financial support. However, Wollett's argument is not supported because he does not demonstrate how those issues should be considered a hardship. For an individual who was still redefining his "craft" and may have not had all the necessary skills to reach the highest level of his profession, to many, the correlating compensation would appear to be adequate. Wollett could have made a more convincing argument for minor league ballplayer's need to unionize by focusing on individuals such as Bobby Lanigan. Lanigan, playing Class A baseball in 2009 for the Beloit Snappers, earned \$1100 a month over the six-month season.³⁰ In order to survive financially he had to share an apartment with three other players.³¹ Wollett could have also strengthened his argument

23. *Id.*

24. *Id.*

25. *Id.*

26. *Id.*

27. *See generally id.* at 26-70.

28. *Id.* at 73.

29. United States Department of Labor, *Bureau of Labor Statistics Inflation Calculator*, BLS.GOV, <http://data.bls.gov/cgi-bin/cpicalc.pl> (last visited Nov. 22, 2009). The calculator uses the average Consumer Price Index for a given year. *Id.*

30. Bill Glauber, *Ball Team Runs the Squeeze Play*, MILWAUKEE J. SENTINEL, July 5, 2009, available at <http://www.jsonline.com/news/wisconsin/49985257.html>.

31. *Id.*

by attempting to explain in more detail the benefits he perceives minor league ballplayer would accomplish by unionizing, instead of just assuming that unionizing would automatically increase minor league players' compensation.

Wollett goes on to contradict himself later in the book by discussing how the creation of a new bargaining unit, including minor league players, could be a good idea.³² In giving the impression he would support minor league players as part of the bargaining unit, he goes on to provide two reasons why he feels this inclusion could still not work.³³ First, Wollett states the NLRB does not like to change who is part of bargaining unit when the current bargaining unit has a long history of working.³⁴ Then, Wollett again mentions that a conflict of interest would arise, trumping the community of interest shared by the different players, if the two classes of ball players belonged to the same union.³⁵

One should not be so fast to accept Wollett's assertion that major and minor league players have a different community of interest. In most unions, it is common for individuals of different seniority and skill levels to be paid on different pay scales. In fact, the differences in wages can be quite significant. One could make the argument that if the Union were to include minor league players, the difference in salaries could be millions of dollars. This is no different than what is currently the norm between major league journeymen and their megastar brethren. Also, with a common employer, in this instance the combined thirty major league teams under the MLB banner, the amount of total available money is not going to change regardless of some or all the players being a part of the Union. In fact, with the increasing signing bonuses awarded to non-Union players, including minor league players in the Union and limiting bonuses may make more money available to the current big leaguers.

If presented with the offer to include minor league players in to the Union, Wollett makes the argument that the 1200 MLB players currently part of the bargaining unit will say "let the minor league players wait their turn,"³⁶ as he feels it would be against the current major league players' best interests. Is that statement true? Wollett, in quoting former minor leaguer Peltier's Senate testimony, states that only one in every ten players drafted spends at least one day in the majors, and further, only one in one hundred of those players make

32. WOLLETT, *supra* note 1, at 102-06.

33. *Id.* at 104-05.

34. *Id.*

35. *Id.* at 105.

36. *Id.*

a significant impact in the majors.³⁷ Would this then not be the same as saying that nine out of ten guys who make the major leagues do not have a significant impact? If this is the case, then where do their best interests lie? Many players have a "split contract," which regulates both their major and minor league salaries depending on if they are in the big leagues or in the minors.³⁸ One could imagine a situation in which many of these players would realize that it would be in their best interest to guarantee themselves extra financial security by voting to include themselves as part of the bargaining unit if they were ever sent back down to the minor leagues.

Wollett does not shy away from being outspoken with his thoughts when it comes to individuals he does not feel are representing the best interests of the game.³⁹ Wollett describes the Union as a "unionoid,"⁴⁰ meaning that it is lawyers who are in charge and not the players who are being represented. Wollett questions if, in today's game, the Union is putting forth its best effort of creating membership participation.⁴¹ Wollett suggests that he would like to see more participation by players in the Union and an increase in sharing of information between the Union and its membership.⁴² While focusing heavily on the role of the Union, Wollett's suggestion for improving baseball does not solely focus on the Union leadership.⁴³

Wollett's suggestions to improve the game include examining management,⁴⁴ the commissioner,⁴⁵ the fans,⁴⁶ and how to better adapt the game for a global scale.⁴⁷ Wollett believes if members of teams' front offices would do a better job in evaluating players and coaches, any team can compete even with a limited budget.⁴⁸ He also looks to the commissioner's office, where he feels a stronger presence is necessary.⁴⁹ Wollett encourages fans to not be the "silent partner"⁵⁰ and to use their market power if baseball goes in a direction they do not appreciate. Wollett also writes that as the game progresses, base-

37. *Id.* at 73.

38. *Id.* at 23.

39. *See id.* at 77-78.

40. *Id.* at 77.

41. *Id.* at 79.

42. *Id.* at 78.

43. *See generally id.* at 93-119.

44. *Id.* at 93.

45. *Id.* at 112.

46. *Id.* at 107-12.

47. *Id.* at 120-25.

48. *Id.* at 93.

49. *Id.* at 112.

50. *Id.*

ball's most important goal will likely be to reach out on an international scale.⁵¹

Overall, *Getting on Base* is a thought provoking and interesting book. Wollett uses the personal stories accumulated over his lifetime to share a wealth of information. His love for baseball and collective bargaining is quite clear. Wollett uses his observations and examples to discredit the role being played by the Union leadership and points out that there is an inherent unfairness that exists in the collective bargaining agreement, for both the journeyman player and the minor leaguer looking to become a major leaguer. As it was pointed out previously, Wollett's arguments for improving the situation are hurt by the absence of support for his recommended changes, and the lack of a focus when examining certain issues. Despite these flaws, Wollett entices a person to think about the issues effecting baseball, and helps to guide them in their search for answers.

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51. *Id.* at 120.

