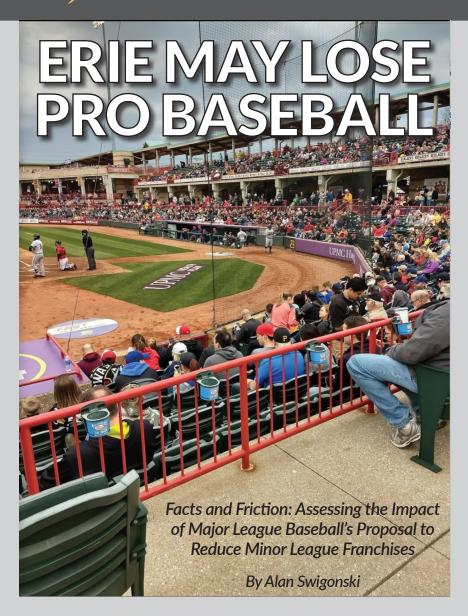
JEFFERSON REPORT







The Jefferson Educational Society will periodically publish reports on issues important to the Erie region. This report was written by Alan Swigonski.

Swigonski, a retired auditor, is the former managing director of the Waldron Campus Center at Gannon University. He was the founding co-director and president of Team Erie, the citizens action group that from 1990 to 1995 helped galvanize public opinion to build Jerry Uht Park, now UPMC Park.

Editor's Note: Reports on the unfolding baseball controversy will be updated on the Jefferson's website, jeserie.org, and in emails to the Jefferson Report's list of supporters. – Pat Cuneo, Publications Coordinator

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'Baseball, it is said, is only a game. True. And the Grand Canyon is only a hole in Arizona.'

- George Will, columnist and author

Erie May Lose Pro Baseball

Facts and Friction: Assessing the Impact of Major League Baseball's Proposal to Reduce Minor League Franchises

By Alan Swigonski

Major League Baseball is suddenly considering a radical proposal to eliminate the player development agreements for 42 of its 162 minor league teams at the end of the 2020 season – and the future of MLB-affiliated professional baseball in Erie is squarely on the target list.

That development, which continues to unfold, and the alarm expressed by community, government, and business interests – locally, across the state, and nationally – has been swift and sweeping.



Erie SeaWolves President Greg Coleman presents jersey to SeaWolves owner Fernando Aguirre

Major League Baseball Commissioner Rob Manfred is the force behind the proposal, for which most baseball watchers suspect is one way for Manfred to bolster his tough guy image in advance of negotiations with the Major League Baseball Players Association as the current Collective Bargaining Agreement is due to expire in 2022. Regardless of motivation, the plan will be presented and debated at the Baseball Winter Meetings from Dec. 8-12 in San Diego, Calif.

The following report examines the issue, its economic and entertainment impacts in the Erie region, in particular, as well as assessing the likely next steps in the controversy. That Erie has already spent millions amid a \$12 million upgrade of UPMC Park has further alarmed local baseball fans and civic and business interests.

The Proposal (Majors vs. Minors)

Major League Baseball's plan would reduce the total number of affiliated clubs to 120 before the start of the 2021 season, jeopardizing the future of the Erie SeaWolves and 41 other minor league franchises. Minor league player salaries, as well as coaching staffs, are paid 100 percent by the MLB parent teams. MLB is now pressuring Minor League Baseball (MiLB) to pick up more costs. ⁴

Major League teams say they spend nearly \$500 million annually in salary to support the minor leagues but get back only \$18 million. ³² Eliminating some teams will save salaries for the MLB franchises, which have been previously successful in getting MiLB (and the faithful cities that host minor league teams) to cover costs for improved playing fields and ballparks, while abandoning cities that have not been able to keep up with the higher standards and highly competitive market. The mere fact that Erie's name is on the Commissioner's hit list is as impractical as it is insulting, many argue.

In addition to cutting 42 teams, the proposal would "put a cap at 150 for the number of players the 30 MLB teams have in their minor leagues," and move the amateur draft from June to August, basically eliminating the short-season teams including the NYP (New York-Pennsylvania) League which Erie had fielded teams in the past. Finally, the proposal maintains that a new independent "Dream" league could be formed, ostensibly "where jilted minor league owners, who will have lost all their equity, could take their teams but now absorb all costs of the salaries of players, coaches, trainers, equipment people, as well as their work compensation insurance," wrote Bill Madden of the New York Daily News. ³⁶

Since 77 minor league teams have relocated since 1990 (including Erie), the MLB leadership appears to believe that the minor leagues will sort themselves out, with the best ballparks and most attractive geographic areas able to attract teams if they lose their own. This proposal, called the "120 plan," saves relatively little for MLB owners, despite the heavy pain it inflicts on the MiLB owners. Wrote Madden: "Of the \$500 million MLB pays the minor league players – their own contracted players – a large chunk of that comes from the signing bonuses, and the total outlay below Triple A baseball is about \$40 million, half of which is subsidized by MiLB in the form of an annual ticket tax, which it pays to MLB. Under the '120 plan,' the total savings for MLB would be about \$20 million in an industry that grossed about \$11 billion in 2019, representing less than one-fifth of 1 percent. For this is MLB really prepared to destroy baseball in the grass roots communities of the

lower minor leagues, put dozens of owners out of business with no equity to show for it, invite millions of dollars in lawsuits, risking Congress stripping them of their antitrust exemption, and most importantly, losing hundreds of thousands of fans, many of them forever?" ³⁶

Commissioner Manfred's plan deals with four main points, as reported initially by Laura Albanese of Newsday:

- 1. So-described "inadequate facilities"
- 2. Untenable travel due to franchise location
- 3. Poor pay for minor leaguers
- 4. Drafting and signing players who "don't have a realistic opportunity to make it to the majors" ¹¹

It is noteworthy that the third point would allow MLB to take a posture of concern for the players as they go about eliminating 25 percent of their jobs. Remarkably missing from the discussion is that one of minor league baseball's primary allures is that it's an affordable alternative for most fans who can't afford to attend MLB games.

Manfred is not magician enough to fool baseball fans into thinking this ploy is a good-faith effort to improve and grow the game of baseball. They understand perfectly well that baseball is no longer just a game; it's a business. They're fine with that, but if it must be all business, they want it conducted ethically.

The Impact

Pause to consider something that transcends dollars and sense. Columnist and author George Will addressed such a thing in 2014: "The experience of the ballpark itself, it's the experience of being in this spontaneous three-hour community of strangers who are brought together as a kind of amiable tribe for a home game at the ball park that is the reward itself more than just winning." ²¹

Fans' love for the game is tangible if not visceral. Few things evoke the emotions of Americana more than rooting for the home team; a sentimental part of their otherwise stressful lives, passed on through generations. The amount of capital derived from things like love and spirit are equal or less than zero on the balance sheets of the MLB. Baseball

executives are unmoved by such things; they are moved by big money. Players that are considered prospects are considered investments, and cities like Erie are considered resources to be used in growing those investments. With hardened hearts worthy of Wall Street or Washington, D.C., baseball executives (led by Manfred) demonstrate little concern for the players themselves, and most certainly not the fans. Major League ballparks on average are only 66 percent full for regular season games, but media revenues have risen even while players' salaries have declined. ²⁰

Much to my chagrin, baseball and softball fields sit empty in between the ever-decreasing number of organized games that our kids can enjoy. Yet, instead of fashioning a grass roots effort to get children more interested in the game and older generations more attached to their home teams, MLB appears content with gaining as much power as it can over a business domain. Considering the fact that this power play over minor league baseball (and the cities that faithfully host it) is just a warm up for the big money grab being planned in labor negotiations in two years, there appears to be little concern for us fans on any level.

Here is a look at the numbers:

- 255 the number of players who have advanced from Erie to the major leagues since 1995. ²⁴
- 1,800 plus hotel room nights booked for baseball annually.* 16
- \$93,366 state tax generation (payroll, sales, corporate, etc.) from the current \$12 renovation project.* 15
- 218,000 average annual attendance at SeaWolves games since the club went from short-season A ball to the full-season AA Eastern league in 1999. * 16
- \$250,000 plus cash and in-kind charitable/community donations annually from the SeaWolves. * 16
- 250,000 plus more than a quarter of a million fans attend SeaWolves games and other events at UPMC Park annually. *1618
- \$955,000 the total annual payroll for SeaWolves employees (assuming post-renovation additions). * 16
- \$1,000,000 plus spent annually by the franchise with Pennsylvania businesses. * 16

- 5,300,000 the number of fans who have attended games at UPMC Park since its opening in 1995. * 16
- \$12,000,000 at this moment construction underway at UPMC Park, as a result of a \$12 million RACP (Redevelopment Assistance Development program) grant. The playing field, as part of the grant, has already been upgraded down to the drainage system. Heated batting cages, new scoreboard, and other features now surpass the standards set by professional baseball. Enhancements now underway will add to the fan experience, which is a welcomed sign that at least on the local level the franchise owner and management and Erie Events (Erie County Convention Center Authority) value their customer base. * 17
- \$16,000,000 original investment by local and state government in 1995 for the construction of Jerry Uht Park (now UPMC Park). ²³
- 40,000,000 plus the number of fans who attended minor league baseball games in 2019. ⁶
- \$11,000,000,000 MLB is an \$11 billion industry.
- Zero the amount of demands and requests made of the local franchise that have been unmet since 1995.

Local Reaction

Reaction has been a mixture of support and extreme concern. Erie SeaWolves President Greg Coleman summed up the position of local baseball interests with this remark: "SeaWolves owner Fernando Aguirre, the SeaWolves front office, Erie's elected officials, and Minor League Baseball stand united and will fight this unrealistic, unworkable and irresponsible plan championed by MLB." 12

A number of government officials have also responded quickly to the threat of losing pro baseball. Erie Mayor Joe Schember fired off a letter to MLB Commissioner Rob Manfred, noting "the SeaWolves draw a quarter of a million people to downtown each year. "This team is a critical component of our world-class downtown and bayfront. If the proposed elimination were to go through, the Erie SeaWolves will sustain a major loss in equity that could prohibit it from continuing operations. It is vital that they remain in Erie, as my team and I are working very hard to build opportunity, restore hope, and transform Erie." ¹⁸ Mayor Schember has since reiterated he "stands ready to

^{*} local impact

work with government officials (and community leaders) to convince MLB that it would be a mistake to drop the SeaWolves." 13

Erie County Executive Kathy Dahlkemper reminded MLB Commissioner Manfred in her own letter that there were very strong reasons to make the stadium renovations "our top priority in the RACP Grant." Dahlkemper added that it is clear that Erie's community leaders are speaking with one voice and are determined to see to it that "something so vital to our community fabric is preserved."

The Erie delegation of state representatives were also quick to respond. State Reps. Patrick Harkins, Robert Merski, Ryan Bizzarro, and Curt Sonney crafted their own letter to Major League Baseball, noting that "to cut ties with the SeaWolves would be to remove an irreplaceable source of income for Erie, a reason for young residents to stay and raise families here, and a unique opportunity to enjoy professional baseball that would not otherwise exist in our corner of Pennsylvania."

U.S. Rep. Mike Kelly, R-16th Dist., also sent his own letter to MLB, according to Erie Times-News sports writer Tom Reisenweber. Wrote Kelly, "Minor league baseball teams are a bedrock of many towns across America. The Erie SeaWolves are no exception, and they have become part of the city's culture and identity."

Urban redevelopment, as underscored by Mayor Schember, has already been positively affected by the investment and re-investment in UPMC Park. Studies have shown that local impact is not simply a function of high venue utilization, but also a central factor in acting as the centerpiece of larger entertainment projects, opening up land for new development and driving infrastructure for future growth. "Urban economists all recognize that stadiums can serve as the driver for future development and serve to improve a community's image,"

according to the Journal of Sports Economics. ³

On December 2, Governor Tom Wolf, in a letter to MLB, reiterated the value of professional baseball to communities, stressing that "the result of your proposal will be detrimental not only to players and employees of teams



From left are Gov. Tom Wolf, SeaWolves owner Fernando Aguirre, and Erie Events Executive Director Casey Wells.

that will lose their jobs, but to the communities these teams call home. ... If these teams are cut, it also creates another issue for local authorities in regard to possibly having an empty stadium to maintain."

In his own letter to MLB, Attorney General Josh Shapiro spoke of the human element of the sport and "the passion" that fans have for minor league baseball. Shapiro warned Commissioner Manfred that "to eliminate these Pennsylvania teams creates serious legal questions and may prompt me to take legal action to protect our communities that would be harmed." ³¹

SeaWolves owner Fernando Aguirre said he has already traveled to Washington, D.C., along with a contingent of fellow MiLB franchise owners, to make their best case to elected officials.

National Reaction

More from George Will: "Baseball seems to me to be the proper game for a democracy because it's the game of a half-loaf, no one gets everything they want and there is an emotional amount of losing in it." ²¹

Politics is a lot like baseball, and when the two meet, it can get ugly. And so it begins with a bipartisan letter from 106 U.S. Representatives from around the nation calling for MLB to pull back plans on contracting 42 teams. According to Ballpark Digest's Kevin Reichard, the correspondence reads, "Minor league baseball is an important part of the fabric of communities in all corners of America. These clubs employ thousands of people, donate millions of dollars to local charities, and provide families with affordable entertainment." Most pointedly, the letter includes a veiled reference to Congressional support of MLB's antitrust exemption and wage exemptions over the years – support that could disappear." ⁶

U.S. Senate Majority Leader Chuck Schumer, D-N.Y., said he will work to keep his state's teams in the fold. U.S. Senator and Democratic Presidential candidate Bernie Sanders, I-Vt., offered his observations of the proposal, stating in his own letter to MLB that "shutting down 25 percent of MiLB teams would be an absolute disaster for baseball fans, workers and communities throughout the country. Not only would your extreme proposal destroy thousands of jobs and devastate local economies, it would be terrible for baseball." Sanders went on Twitter to double down on his comments, noting that it "has nothing to do with what's good for baseball, and everything to do with greed," according to Ball Park Digest. ⁵

Shortly after the New York Times published details of the contraction proposal, MLB Commissioner Manfred took time out to play golf with President Trump. ³⁵ It was not reported whether discussions included negotiating tactics.

Trust vs. Antitrust

In the absence of productive bargaining, there is little doubt the issue of MLB's exemption from federal antitrust laws will be challenged, if not this year, then the next. Elimination of the exemption is not a panacea, nor are its ramifications simple to comprehend. Here is a brief summary: Baseball's exemption from antitrust laws, which prohibit actions that unreasonably restrain competition, stems from a 1922 Supreme Court decision in which the Court ruled that antitrust law did not apply to baseball. The rationale was that baseball games were local affairs, not interstate commerce. The Supreme Court upheld the antitrust exemption twice, first in 1953 and again in the famous 1972 case in which Curt Flood sued Bowie Kuhn in his attempt to have the reserve clause declared illegal and have himself declared a free agent.

After the 1975 Andy Messersmith arbitration ruling in which the reserve clause was deemed to cover one, and only one, season, Major League Baseball and the Players Association eventually agreed on a structure for free agency, but the antitrust exemption remained. The Supreme Court has made it clear that it would not overturn the exemption, insisting that only Congress could do so. ³⁵

Baseball is the only major sport that has an exemption from antitrust law. Whenever Major League Baseball is involved in a major controversy, Congress typically starts talking about revoking the exemption. This talk reached a fever pitch during the 1994-95 players' strike, but nothing happened. If Congress completely repeals baseball's antitrust exemption, there could be some interesting long-term consequences. First, the minor leagues could be affected. Minor-league baseball today depends on the continuing existence of the reserve clause, which allows a major-league team to retain the rights to a player even after the player's contract expires. The reserve clause allows baseball to have deep minor-league systems by allowing the teams to retain the rights to many players who are not on their major-league rosters. ³⁵

One could make a case that the antitrust exemption benefits both MLB and MiLB, so caution needs to be taken in automatically playing the "abolish the exemption" card. This is where meaningful and mutually

beneficial negotiations need to win the day, for the state of the business, and the good of the game. MiLB spokesman Jeff Lantz stressed that negotiations are at any early stage and said there is plenty of time for the two sides to reach an agreement that "hopefully does not result in the reduction of teams." ¹⁴

Pat O'Conner, as MiLB President, seems to understand the stress placed on the cities affected by potential contraction. "My job is to save baseball in 42 communities. You have communities that are threatened in this process. This is the social function. This is the communal centerpiece," he told the New York Times. ⁷

But MiLB will need to speak less in terms of the importance to communities and more about the bottom line of the business. Conversely, MLB seems intent on striking a pose. A recent article by NBCSports.com sheds light on the likely approach to bargaining by MLB. "MLB Commissioner Manfred took an aggressive posture, telling the union that "there is not going to be a deal where we pay you in economics to get labor peace." Manfred also told union representatives that, "maybe Marvin Miller's financial system doesn't work anymore," according to NBCSports.com. This does not bode well for negotiations with the Major League Baseball Players Association (MLBPA) in 2021-22. MLB plans to take a hard line with the union and is unwilling to make any concessions. ²⁰

The comment about "Marvin Miller's financial system" may be interpreted as a suggestion that the league may, for the first time in more than 25 years, seek to institute a salary cap or to seek other fundamental changes to the arbitration and/or free agency systems, which have been in place since the 1970s. Which was the reserve clause. ²⁰ If and when this hurdle is cleared with regards to the contraction proposal, there is still the big battle ahead, and if not used now, then that antitrust exemption card will be played at that time. As MLB profits climb, players' salaries have dropped (in spite of the multi-million dollar deals being handed out to the game's biggest stars). ¹⁰ This is significant now with the contraction proposal because it impacts the way that MLB wants to be perceived by future bargaining partners, players, legislators, and, finally, fans.

Before the 2021 season begins, MLB and MiLB must settle on a new agreement. The issue has already turned contentious, with MiLB favoring the status quo and MLB adamant about contraction. In a standard negotiating process, MLB would start at 120 teams, and MiLB would start at 162 and the two sides would seek compromise. This effectively reduces the number of Player Development Contracts (PDC's) as teams are cut. ¹⁰ But for MiLB, the moment PDC's are no longer permanent, the value of every franchise is

diminished. MiLB owners purchased, at significant cost, franchises that have been part of a stable, successful agreement that stretches back more than a century. There is room for a compromise somewhere in the middle. But the trust and partnership that has ruled the agreement for years is already a casualty of the negotiations. ²⁹

The Look Ahead

Detroit Tigers owner Christopher Ilitch spoke in the fall about the strides his organization made this past year; not in terms of attendance or victories, but in terms of the prospects pipeline of which Erie is a significant part. "Of our top 30 prospects, almost two dozen players are at the Double-A, Triple-A and Major League levels, and to me that's impressive," he told the Detroit News. "That's one of the highest numbers in MLB. That's progress and I am pleased about that. I think our fans are excited to see the next wave of young stars put on the Old English D."

A glance at the Tigers top 30 prospects reveals that 20 of those prospects (and nine of the top 10) have already played for the SeaWolves, with most of the others due for a stop in Erie on their way up the pipeline that Ilitch is so proud of. ²⁶ We can only hope that Ilitch and his management team are going to bat for us, given that Erie has come through for the Tigers and given them everything they demand of their minor leagues franchises and communities. It is reason for optimism that civic leaders, elected officials, and local ownership/management have moved so urgently and forcefully to underscore the importance of Erie's spot on that pipeline.

Hopefully, once MLB re-examines progress on UPMC Park, considers the input of elected officials and then joins MiLB at the negotiating table in good faith, Erie will no longer be in their crosshairs. Perhaps the focus can switch to growing the popularity of the sport and rewarding fans for their faithful support.

The next time George Will visits Erie, as he did in November for the Jefferson's Global Summit speaker series, I prefer to hear about baseball more and politics less; much less.

Reflecting on our Erie Past

Following is a list of Erie teams dating to the late 19th century:

- Erie, Inter-State League (1885)
- Erie, New York-Penn League (1890-91)

- Erie Blackbirds, Eastern League (1893-1894)
- Erie Fishermen, Interstate League (1905, 1908)
- Erie Sailors, Interstate League (1906-1907, 1913, 1916)
- Erie Sailors, Ohio-Pennsylvania League (1908-1911)
- Erie Sailors, Central League (US) (1912, 1915, 1928-1930, 1932)
- Erie Yankees, Canadian League (1914)
- Erie Sailors, Middle Atlantic League (1938-1939, 1941-1942, 1946-1951)
- Erie Sailors, PONY League (1944-1945)
- Erie Senators, PONY League (1954-1956)
- Erie Sailors, New York-Penn League (1957-1959, 1961-1963, 1990-1993)
- Erie Senators, New York-Penn League (1960)
- Erie Tigers, New York-Penn League (1967)
- Erie Cardinals, New York-Penn League (1981-1987)
- Erie Orioles, New York-Penn League (1988-1989)
- Erie Sailors, Frontier League (1994)
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