

Spoiling for a Fight

Written by {ga=gdbenz}

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When it comes to professional sports, there is almost no circumstance where a person says "it's not about the money" and means it. Yet here goes the latest pretender to that throne, DeMaurice Smith, doing just that.

Smith, you see, is the leader of the NFL Players Association, the players' union. Having been recently elected to that post on a platform of being a fighter who won't sell out the players like prior leadership supposedly did, he has been meeting with newly elected player representatives from each team and telling them that the mostly stalled negotiations for a new collective bargaining agreement really isn't about the money, but respect. That's the first but hardly only clue that Smith's game plan is to use bravado to mask his incredible naïveté.

None of this would matter much except that with Smith at the helm, there will be a labor disruption of some sort that threatens some or all of the next NFL season. For Browns fans that might seem like the least of their concerns. But it is a far more important issue to the progress of this team than it might otherwise appear. With a new coaching staff just on board, a strike or lockout will just set the organization back that much further.

According to a story in Sunday's New York Times, Smith has been using most of his time since being elected to let the players know they are "at war" (they aren't) and lobbying members of Congress on the plight of the beleaguered players whose paltry million dollar average salaries make them America's most misunderstood underclass.

That Smith is in over his head is probably obvious to everybody but the players that elected him. But then again the NFL Players union isn't exactly the brightest or strongest union going. In fact, what distinguishes it most is its willingness to inflict damage on its own members before eventually caving to the demands of the owners.

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That gets us back to the money part. Smith is downplaying the money issues (which are substantial) by trying to convince the players that the owners' motives really are about driving the union out of business. It's an old saw, really. Every new union leader trots out the union-busting rhetoric every time things get a little bit tough. On the list of goals the owners probably have for these negotiations, busting the union probably comes in 40, slots lower than the amount of meal money paid during training camp.

The irony, actually, is that it is Smith who seems to want to bust his own union. He's been constantly floating the idea of having the NFL Players Association decertify as a means toward gaining leverage against the owners in negotiation.

Here's how that would work: So long as there is a labor union in place that's been certified by the National Labor Relations Board, which the NFLPA is, the owners can legally bargain with them as a group without violating anti-trust laws. If there is no certified union, then the owners can't collectively act against the players without running afoul of anti-trust laws. This is important because Smith surmises that the owners' strategy is to lockout the players on March 3, 2011, the date when the current labor contract terminates. Lockouts are legal and are designed to put pressure on the union at the bargaining table in the same way that a strike by the union puts pressure on the owners. Smith has vowed that his union won't strike. Thus, to keep the owners from continuing a lockout once imposed, Smith would have the union file a petition with the NLRB to decertify. Once decertified, it would be illegal for all the owners to work together and keep the players locked out. That would preserve football, I suppose, but under what terms and conditions aren't exactly clear and that's the rub.

Smith's grand scheme is a strategy without an end game. Once the union decertifies, it loses the ability to represent the players. That means there is no bargaining that could legally take place unless the union re-certifies. And if it re-certifies it risks another lockout and the parties end up in a vicious circle where nothing actually gets accomplished.

Moreover, Smith's strategy lacks for an overarching, more practical reason. His members ultimately are never going to be strong or united enough to see such a radical strategy through even if there were some logical conclusion to it. The NFLPA has always been a weak union. The members, meaning the players, understand that their shelf life in professional football is very limited. There also is the fact that they have no other viable professional football options. Mix in the fact that a fan base still struggling with far more serious economic realities of their own will feel very little sympathy toward them and you have the makings of what ultimately is a

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failed strategy.

I suspect Smith is actually smart enough to understand all that on some level. But right now it would essentially be career suicide to admit as much. That's why the posturing, the fiery rhetoric and the hobnobbing with legislators. To Smith it makes him look like he's doing something of value despite the absolutely vacuous nature of each and every gesture.

If Smith really wants to be a union leader to be reckoned with, his best strategy is to actually sit down with the owners and negotiate a new contract. That's the far harder work of course and carries with it the smell of defeat, particularly this time around.

According to the New York Times article, the amount in play right now is around \$1 billion. That's the difference between the current revenue 60/40 revenue split which favors the union and the new, unstated split the owners envision. So yea, it's about money, a whole lot of money.

There are other issues as well. The owners want to make the pie bigger and see an 18-game schedule as the key. They claim, somewhat disingenuously, that going to an 18-game schedule doesn't really change anything because all that's really occurring is that the preseason gets cut down to 2 games. Thus the number of games played remains the same it's just that more count.

Not quite. Veteran players spend very little time playing in the preseason. Those games tend to be populated by players trying to make the squad. Moreover, those games are run at about half the speed of a regular season game. Injuries still occur, certainly, but the chance of any particular veteran getting injured is significantly less.

Then there are the usual other smaller issues, like health care coverage, compensation for off season workouts, pension and the like. These are important, certainly, but they aren't driving the negotiations.

I can understand why Smith doesn't want to take on the issues at the table directly. They

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probably seem overwhelming given his almost complete lack of training or experience in labor matters. His prior work was mostly as a prosecutor which gives him a leg up with all the criminal problems the players get embroiled in but doesn't necessarily do him much good on billion dollar business issues.

Moreover, these kinds of negotiations are mostly unwinnable from the union's standpoint, assuming the goal is to win, which it is not. Whenever a new contract is reached, and at some point there will be a new contract, you can count on the players getting less of a percentage of the revenue (but probably more overall) and compromising more on safety issues like the length of the season. The NFL owners are far more equipped to withstand whatever pressure the union can bring to bear and will mostly get their way because the economics and the future of the sport mostly depend on it.

Eventually Smith will come to understand that the real path forward starts at the bargaining table and not in the hallways of Congress. But right now he seems more hell-bent on establishing his own reputation as one tough S.O.B. and sacrificing a season if necessary to accomplish that. It's too bad of course because all that means is that in the interim his members and the fans that support them will be the ones that are S.O.L.

