



Next week the NFL owners and the trade group formerly known as the National Football League Players Association union are scheduled to resume another round of negotiations over a new collective bargaining agreement. Don't expect anything to get done.

To this point, to call what the talks that these two parties have been engaged in "negotiations" is like calling "Dancing with the Stars" entertainment. It's just not quite the right word. Instead, the players and their former union have been basically in a stare-down, each claiming they're fighting for what's best seemingly unencumbered by the thought that the game they both profess to love is being jeopardized by their very actions.

For now, union leader DeMaurice Smith, clueless and tone deaf as always, looks at the union's attempt to overthrow the owners and the game as a bit of a Holy War, if a Holy War is what you'd call a fight between the Corleone's and the Tattaglia's.

Invoking Clemenza on Friday, Smith said that the owners forced the players to "go to the mattresses" at the negotiating table. He said the owners had lied to the players and tried to trick them into a deal and as a result the union had to decertify in order to pursue this not as a labor matter but as an anti-trust violation.

## Norma Rae in a Fedora

Written by {ga=gdbenz}

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NFL Commissioner Roger Goodell, meanwhile, was not nearly as strident or metaphorical. In a separate interview on Friday, Goodell, seeing no reason to attack the players or even Smith, just pointed out the obvious, saying that the vision that the union has for the game, as evidenced by the court filings, is detrimental to the game itself. The union has claimed, for example, that both the draft and the salary cap are illegal and both serve as underpinnings for the incredible success of the league.

But the one yarn that Smith continues to try and spin is to paint the owners' pursuit of an appeal of Judge Susan Richard Nelson's ruling that lifting the lockout as an unprecedented action in which a group of owners of a business are purposely suing to not do business.

They're not suing to stay out of business and Smith knows it. They're appealing a lawsuit filed by the union and the players. That alone is a world of difference. Further, they're appealing in order to keep this as a labor dispute to solve between two inextricably linked parties instead of an anti-trust action where one party's interest is in hurting the other.

But perhaps the most tone-deaf aspect of Smith's rhetoric is simply that the strategy he's led, having his union actually decertify, is far more unprecedented of an action than a garden-variety appeal of an adverse legal ruling.

Simply put, the course the union is on has been pursued only one other time, by this same union. It's not been done in any other sport and as far as I can tell has not been done in any other industry. But Smith and his advisers believe that this strategy, launched early last year when Smith had each team's players vote during training camp on decertifying, is the most clever and innovative approach and that they are true trailblazers. Norma Rae in a fedora.

Smith meanwhile talks about the braveness of his players and their unbending commitment to their sport, invoking for example Drew Brees' getting together of players to work out as proof that all the players really want to do is play the game they love. In truth, the lambs are being led to slaughter.

Fundamentally, the standoff is about each side testing the other's mettle. The owners want a bigger piece of the revenue pie and the players are adamant that the owners are going to get it and don't need it anyway. As long as the owners can keep the players locked out, the players'

thinking goes, eventually they'll crack. As long as the courts keep a lockout from taking place, the players' thinking goes, eventually the owners will crack.

Right now the pressure is a bit on the players in the sense that the 8th circuit court of appeals doesn't seem to be in a terrible hurry to lift their temporary stay of Judge Susan Richard Nelson's ruling finding that the lockout was impermissible. Each day that passes the players aren't getting the workout bonuses that supplement their income nicely during the spring and summer months.

But if the lockout is enjoined and the owners are forced to open their doors, those bonuses will once again flow, the season will go forward unabated and there will be game checks to eventually cash. If that becomes the case, the players and their advisers will surely sit their like petulant children who refuse the vegetables their parents shove in front of their faces and no meaningful negotiations will take place in the near term.

Eventually, though, the vegetables must get eaten. The question is when will the players and Smith come to that conclusion? If the lockout stays, that's easy. The players will crack. They always do. If the lockout is lifted, things get far more complex.

You don't have to be the Ghost of NFL Future to see how it all plays out because Goodell's has already laid it out for them. They just aren't listening.

In the near term, the owners will adopt some interim rules, careful not to violate anti-trust laws to meet the court's requirements, but will otherwise be no more motivated to reach a new deal. That will be fine with the players, of course, because as long as they can play football under any rules and get paid, they really won't see any need to say yes to any re-ordering of the leagues' revenues.

Indeed, you can expect an almost party atmosphere from the players, at least initially. Unrestricted free agency for any player not under contract, hooray. No draft. A chastened ownership group that can't work collectively to set the economic road map for the league. What could get better than that? Smith will be canonized by the players as the very re-incarnation of Marvin Miller.

Well, that may be right but only if you thing that could go on indefinitely, which it can't.

If you believe, for example, that a cooperative, productive relationship between management and the workers is critical to the product produced, then it follows that when the relationship is broken, the product will suffer. Count on it.

As the product suffers, so does the interest others, like networks and beer manufactures, have in supporting it, at least at current levels. Besides, as current contracts like that expire, then the landscape for new deals becomes more fragmented. Teams won't just be negotiating for their local radio rights, but for their local television rights as well because the owners' ability to work collectively on these issues becomes severely hampered.

As the economic base begins to crumble, there will be no incentive, for example, for the owners to spend money in such an uncertain climate. Even in the near term, when media and sponsorship contracts still are fully in place, there will be plenty of owners pinching pennies.

There may be unrestricted free agency for any player not under a contract, but that doesn't mean the floodgates open for new found riches. In fact, I'd expect the opposite to happen. Put it this way, there were plenty of teams in the NFL already spending the bare minimum when there was a salary cap in place. Do you think they would spend more without a cap?

At the same time, injured players would find themselves without protection and potentially benefits, including extended health or retirement benefits. In order to avoid a charge of illegal anti-trust activity, there probably won't be league wide benefit levels. Instead, each and every one of those items would be subject to individual negotiations.

Maybe some of the top players might benefit from that scenario, the vast majority of the league's players would not. You only need to see all the efforts underway in states to eliminate the collective bargaining rights of state employees to understand that the lack of the union doesn't generally raise the standard of living for the employees, it lowers it.

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As that scenario plays out over several months and perhaps a year or two, eventually enough players will get fed up with the legal strategy that the union set in motion and make efforts to re-form a union. That would be the point at which the current union leadership might begin to realize that it's rarely about winning the smaller battles when the outcome of the war is still in jeopardy.