

Testimony of  
**The Honorable Mark Dayton**

February 13, 2002

It is no coincidence that both Minnesota Senators are testifying on behalf of this legislation today, Senator Wellstone as its author, and I as an original cosponsor. We, like thousands of Minnesota Twins fans throughout not only Minnesota but also the entire Upper Midwest region, were stunned last November, when Major League Baseball suddenly announced plans to "contract": to eliminate two teams before the start of the 2002 season. One of those teams was widely rumored to be our Minnesota Twins.

Fortunately for us, a Minnesota judge ruled that the Twins are contractually obligated by a one-year lease the team signed only last October to play this season in Minnesota; and the Minnesota Court of Appeals has upheld that decision. Commissioner Selig has now announced that Major League Baseball will not eliminate any teams for this 2002 season. So, Minnesota Twins fans and their elected leaders have a brief reprieve.

I am cosponsoring this legislation, because it would importantly clarify that Major League Baseball does not enjoy a status different from any other sports league, relating to the elimination or relocation of a team franchise.

Nevertheless, in past years, numerous teams in the NFL, NBA, and NHL have been moved by their owners to different cities. Federal courts have upheld owners' rights to do so, and they have rejected league attempts to prevent these moves as violations of the Sherman Anti-Trust Act (eq. Los Angeles Memorial Coliseum Commission vs. the National Football League in 1984).

So even if this legislation is passed by Congress and signed into law by a former baseball owner, or even if it were law today, it would not - it could not - prevent a Minnesota Twins owner from moving the team out of our state.

What the Wellstone Bill would do, however, is prevent a scheme such as Major League Baseball recently concocted for its "contraction." Without claiming an antitrust exemption, Major League Baseball could not have planned, then proclaimed, that two teams would be eliminated by the League from their cities and from their fans. Without such an exemption, the owners of 28 baseball businesses could not act in concert to buy out the owners of the other two franchises, for their expected future financial benefits.

This league-coordinated "contraction" is very different from an individual owner's decision to sell or move a single franchise. In that situation, while one city and its citizens lose their team, another city and its citizens gain it. With contraction, only the owners gain. Fifty players lose jobs, and their Association loses financial leverage. Two cities lose their teams; two other cities lose their chances to gain teams.

Baseball's claimed antitrust exemption also allows the owner of an existing team to prevent another team from being moved to a nearby city, where it might "compete in its market." One owner wins while depriving thousands of fans in a city like Washington, who want a team and have a willing buyer. This restraint of competition is precisely the abuse which antitrust legislation is meant to stop. Major League Baseball's "contraction" demonstrates clearly the tight control which the League exercises over the actions of the 30 businesses which comprise it. Please remember that in its landmark decision, *Curt Flood vs. Kuhn*, 1972, the U.S. Supreme Court stated unequivocally that "professional baseball is a business engaged in interstate commerce." Senator Wellstone's bill applies to those businesses the same rules which apply to other pro sports businesses.

Let me conclude by saying again, to my constituents: Congress cannot save the Twins for Minnesota. Only Minnesota can save the Twins for Minnesota. Much as I detest the financial excesses in pro sports today, I believe that the Twins need revenues from a new baseball stadium to be viable financially. More importantly for Twins fans, they need those new stadium revenues to field winning teams, with marquee players, who can win league pennants and World Series. In both 1987 and 1991, we found out how exciting and fun that can be.

Like the Metrodome, this new stadium can be built without costing a single taxpayer dollar. However, if the Minnesota Legislature fails to approve the project this year, they may not get another chance.

H:\Mark's Statements\Testimony Judiciary hrg. anti-trust laws Major League Baseball.wpd