

redirect

A Montreal 109.

Q And everybody I believe knows this, but how many players are there of a team on the ice at any one time?

A The limit prescribed by the rules is six. Occasionally more than that get out there.

Q Did I understand you to say that it is costing \$200,000 per year per club, you estimated, for your players' development program?

A That is right. That's besides the contribution which each club must make to produce this amateur support that I spoke of.

Q My question is how many clubs are there now in the National Hockey League?

A There are twelve active as of now. We have added two which will be active in the 1970-'71 season.

MR. KRAMER: Thank you.

THE COURT: Now Mr. Topkis.

REDIRECT EXAMINATION BY MR. TOPKIS:

Q Mr. Campbell, I see in the Uniform Player's Contract -- the Standard Player's Contract, rather, a provision, and I am referring to Paragraph 17, which reads as follows:

"The player hereby undertakes that he will at the request of the Club enter into a contract for the



1 following playing season upon the same terms and condi-  
2 tions as this contract save as to salary, which shall be  
3 determined by mutual agreement. In the event that the  
4 player and the Club do not agree upon the salary to be  
5 paid, the matter shall be referred to the president of the  
6 league and both parties agree to accept his decision as  
7 final."  
8

9 A That's right. That's what the contract says,  
10 and it has not been changed officially although the owner-  
11 player council to which Mr. Eagleson referred had agreed  
12 that the final sentence of that clause 17 would be inoperative  
13 and that there was replaced or it was replaced by an  
14 arrangement by which it was sought to have what I might call  
15 a multiple arbitration where each side selected one and  
16 the two original appointees appointed the third arbitrator,  
17 but no such arbitration has taken place.

18 Q However, the right exists?

19 A That's right.

20 Q So if a player and a club are unable to agree  
21 on the salary which a player shall receive in the option  
22 year of his contract, then both the player and the club  
23 have the right to go to arbitration?

24 A This is correct.

25 Q And that has been true for how long, sir?



gwb-4

Campbell-redirect

1  
2 A One year.

3 Q And before that time both the player and the  
4 club had the right to seek your determination of the  
5 salary level which was fair, is that right?

6 A That is correct.

7 Q And that has been true for 24 years?

8 A Yes.

9 Q Or as long as you have been president of the  
10 National Hockey League?

11 A That's right.

12 Q And I take it that in your functioning in that  
13 capacity you have done your best to be fair to both player  
14 and club?

15 A I have, and I don't want to discuss unnecessarily  
16 the method --

17 Q No. I think you have answered my question.

18 A Let me say this. I don't like to be patting  
19 myself on the back, but let me put it this way. In the  
20 two preceding seasons before this arbitration was dispensed  
21 with, there were thirteen arbitrations in all and I am  
22 happy to say that Mr. Eagleson expressed his approval of  
23 my efforts.

24 Q Now, you spoke of a subsidy of some \$800,000  
25 a year to the amateur leagues.



1                   A       Yes.

2                   Q       That is raised by contribution of the clubs in  
3                   the National Hockey League?  
4

5                   A       Yes, equally.

6                   Q       Equally?

7                   A       Yes.

8                   Q       And that sum is paid over to these amateur leagues  
9                   without regard to which club in the National Hockey League  
10                  is going to be able to get which player, is that right?

11                  A       That is correct.

12                  Q       It is a common effort, is that right?

13                  A       That's right.

14                  Q       A common subsidy?

15                  A       Yes, I think that's a fair statement.

16                  Q       And you said that the clubs on the average have  
17                  an expense of about \$200,000 a year in addition to their  
18                  share in this common fund of \$800,000?

19                  A       Yes. This is the best estimate that I can make  
20                  from my discussions with the member clubs. This will vary  
21                  from year to year. A minor league club may have a good  
22                  year or it may have a bad year, or it may dispose of some  
23                  players to other clubs and thereby be able to offset its  
24                  losses, but that will just be a corresponding expense for  
25                  some other club.



recross

So basically it's about \$200,000 a year.

MR. TOPKIS: Thank you, Mr. Campbell. I have no further questions.

MR. HOYNES: Just a moment, your Honor.

THE COURT: Surely. Take your time.

(Pause.)

RECROSS-EXAMINATION BY MR. HOYNES:

Q Mr. Campbell, with reference to this amendment to Paragraph 17 of the Standard Player Contract which is not contained on the printed form, but is in resolution form, I believe, was that change arrived at as part of a process which we might describe as collective bargaining between the players' representatives and owners' representatives?

A I would say that that's a fair statement, yes.

MR. HOYNES: Thank you. That is all.

THE COURT: Is there anything else for this witness?

(No response.)

THE COURT: President Campbell, you are excused and I should like to have the record reflect the thanks of the Court for the cooperation of Mr. Banner of the law firm of Simpson, Thacher & Bartlett.

(Witness excused.)



1  
2 MR. TOPKIS: Your Honor, we have some paper  
3 material to go into. Would it be appropriate now to take  
4 our luncheon recess and do that upon resumption, or  
5 what would be your Honor's pleasure?

6 THE COURT: Excellent suggestion.

7 MR. TOPKIS: I thank you.

8 THE COURT: Aside from the ten or fifteen minutes  
9 that the housekeeping details will require, are there any  
10 other witnesses that the plaintiff contemplates calling?

11 MR. TOPKIS: No, your Honor.

12 THE COURT: Then I take it we will hear the  
13 motions to dismiss this afternoon, and would it be fair  
14 to estimate, without cutting either one of you in any way  
15 at all, that if we meet at 2:15, we ought to be able to  
16 wind up today's hearing by three o'clock? Is that a  
17 pretty good idea?

18 MR. HUGHES: I would say it is approximately so,  
19 but if your Honor has other judicial commitments we would  
20 be willing to meet a little bit earlier.

21 THE COURT: My time is yours. Don't cut out a  
22 word. Whatever you have to say, you say. I have a rough  
23 idea of how long it's going to take. Thank you, gentlemen.

24 Mr. Clerk, would you be good enough to announce  
25 a recess until 2:15.



THE CLERK: Recess until 2:15.

All rise.

(Luncheon recess.)

-----

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CCRTLAND 7-4580