

1 primary reason for that and Mr. Topkis properly interrupted
2 because it was an unresponsive portion of your answer.
3

4 I now ask you what was your primary reason for
5 going into the Bengals?

6 A The primary reason for investment in the Bengals
7 was the same as our investment in the Reds, that is,
8 community service, trying to find a second tenant for the
9 stadium so that we could finance a new stadium for the city.

10 Q Was the stadium designed with the end in view
11 there would be both baseball and football in the stadium?

12 A Yes, it is a dual purpose stadium.

13 Q Now, Mr. Dale, suppose you had a system in
14 baseball by which a player could play out his option -- you
15 understand what I mean by playing out his option?

16 A Yes, sir.

17 Q It is after the second year that he would be a
18 free agent.

19 A Yes, sir.

20 Q Suppose that he could then sign up with any other
21 team in your league or, indeed, in the American League
22 and suppose that additionally if he did so the rules of
23 baseball provided that the club which lost his services
24 was entitled to compensation from the acquiring club and
25 suppose further that the rule provided that if the two

clubs couldn't agree on what the fair compensation to the losing club would be, the Commissioner of baseball or some other instrumentality could fix the compensation that was to be paid by the acquiring club to the losing club.

In your opinion, would that kind of a rule or system be workable in baseball?

A No, I do not think so.

Q And would you indicate to his Honor why you don't think that that would be feasible?

A In the first place, your Honor, as an owner, I would not be willing to -- I don't believe I would be willing to put the investment and the time and the troubles that are required, something in the order of \$350,000 to \$400,000, to bring a ballplayer to the major league level under a rule which would permit him to leave within one year. That is a sizable investment. In the first place there is no guarantee when he arrives at the major league level he is going to be an established player. You are still running great risks. You are running risks of injury, running risks of pressure, etc.

So in the first place I think the baseball system would break down because the ownership interest would be unwilling to invest that kind of money.

Secondly, if the ballplayer were free to choose

1 where he wished to move at the end of the second year, and
2 then I were subjected to a rule that would require me to
3 agree with the new owner on his terms, so to speak, as to
4 what he is going to give me in return, I have lost control
5 of my business and if I would be subjected further to
6 a rule whereby the Commissioner of baseball or some other
7 third party would be free to decide what compensation,
8 particularly in player personnel -- which would be more
9 disastrous than money -- I'd have to give up, I don't
10 believe I would want to be involved in such a system because
11 by taking some free agent off the market I would be exposing
12 my entire roster. Someone could come in and take away
13 one of my stars. The building of a team is -- you try to
14 bring all the skills of each position together, and I may
15 have backups for some of those players, and I may not, and
16 if the Commissioner were free to come in and take a man
17 off my roster that I had great plans for and I was developing,
18 and the whole team is based on his future, then all of my
19 planning in this business is gone, and I would not want
20 to be a part of such a business, and I don't believe that
21 others would either.
22

23 MR. HUGHES: That is all.

24 THE COURT: Mr. Kramer?

25 MR. KRAMER: No, your Honor.