

Outside the Lines

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Chairman's Note

Do I have your current E-mail address? The annual survey will be E-mailed in early January to all recipients of the newsletter who have provided me with a current E-mail address.

Possible joint event at next July's convention. Long-time Committee member **Larry Hadley**, who organizes sessions on sports economics for the Western Economics Association, recently informed me that the WEA will be meeting in Denver from July 11-15, 2003 – the same weekend as the SABR convention, in a hotel just a few blocks away. We're exploring the possibility of a joint event the afternoon of Friday, July 11.

MLB News

The Numbers:

Attendance: Down 6.1% overall. The Brewers, Pirates and Tigers all saw drops of more than 20% as the shine of their new ballparks rubbed off to reveal the dreadful teams within, while Jeffrey Loria worked his special magic on the Marlins, reducing their attendance (from an already low base) by more than 35%. Minor league attendance remained essentially steady, falling 0.4% to a total of 38,639,142 fans.

TV ratings: Regular season: Saturday Game of the Week up 12%, ESPN up 10%, ESPN2 up 17%, Fox Sports Net's 25-team regional average up 3%. Divisional series ratings rose 19%, while LCS ratings fell 7% and with an all-West Coast World Series depressing ratings in the East and Midwest, the Series finished with an 11.9 rating/20 share, both all-time lows. This was down 24% from 2001, and 4% below the all-New York 2000 Series.

Clubs supposed to reinvest revenue sharing payments. The memorandum of understanding between the players and owners provides that "each club shall use its revenue-sharing payments to improve its performance on the field." The document doesn't define this standard and says only that the Commissioner "has the authority to enforce this provision."

Draft reforms on indefinite hold. Although early reports had the new CBA establishing a world-wide amateur draft and eliminating compensation picks for free agent signings, when the dust cleared after the last day's frenzied negotiations, MLB and the MLBPA couldn't agree on what they had agreed to. They decided to postpone all changes in the draft pending the report of a joint committee which will study all aspects of the draft and report its recommendations early next season.

New CBA, new penalties for drug offenses. Players convicted of possessing hard drugs can be now be suspended for 15-30 days for a first offense, 30-90 days for a second, with an automatic one-year suspension for a third conviction, a two-year suspension for a fourth. Players convicted of selling or distributing hard drugs will be suspended 60-90 days and fined \$100,000 for a first offense, suspended two years for a second offense. Marijuana use and possession is punishable by fines, but no suspensions. These penalties don't apply to players who come forward and seek treatment, who receive their full salary for the first 30 days of treatment, half salary for the next 30 days. A first positive test for steroids subjects a player to a treatment program; the second through fifth positive tests bring suspensions of 15 days, 25 days, 50 days and one year, all without pay. However, drug testing officials from other sports have criticized MLB's testing plan as essentially worthless: it doesn't test players during the offseason, and only once during the season or spring training.

Yankees waayyyy over luxury tax threshold. If the 2003 luxury tax (17.5% on the amount of payrolls in excess of \$117 million) had been operative in 2002, the Yankees would have paid over \$10.2 million on a payroll which, when computed for purposes of the luxury tax, exceeded \$175 million. Only two other clubs would have paid any tax: the Texas Rangers (almost \$2.4 million) and Los Angeles Dodgers (just over

over \$500,000).

More clubs adopt variable ticket pricing. Six clubs – the Cubs, Indians, Rockies, Mets, Cardinals and Giants – now charge different prices for the same seats, depending on the date, the day of the week, the opponent or the promotion. For example, the Cardinals charge \$1/seat more from May 31-September 7; the Giants charge more on Fridays through Sundays; and the Cubs and Rockies have three-tiered plans. The Mets' four-tiered pricing scheme may be the most complicated:

Gold Plan: 17 games, including Opening Day, weekend series against the Yankees, Mariners, Braves and Cardinals, and a midweek series against the Giants: tickets scaled from \$16 to \$53.

Silver Plan: 21 games, including weekend series against the Diamondbacks, Phillies, Reds, and Rockies and two midweek series against the Braves: tickets scaled from \$14 to \$48.

Bronze Plan: 27 games, including weekend series against the Expos and Padres and midweek series against the Cubs, Dodgers, Marlins, Expos and Brewers: tickets priced at 2002 level, \$12 to \$43.

Value Plan: 16 games, including midweek series against the Astros, Phillies, Brewers, Marlins and Pirates: tickets scaled from \$8 to \$38.

Commissioner to appoint MLB marketing task force. Although the members of the task force haven't been named yet, no panel chosen by Bud Selig will have the nerve to recommend the one action that would do the most to improve MLB's marketing and public image. Nor will they opt for the best alternative: a non-waivable six-figure fine for any MLB executive uttering any variant of "Fans of Team X are kidding themselves if they think their team will ever be able to compete."

Expos' RICO action stayed pending arbitration. Commissioner Selig and MLB President DuPuy won a significant victory when Miami federal judge Ursula M. Ungaro-Benages stayed the RICO action filed against them by the Expos' former limited partners pending arbitration of the partners' claims against companies controlled by Marlins owner Jeffrey Loria. However, the stay allows the plaintiffs to come back to court to apply for injunctive relief should MLB try to move the Expos before the arbitration is resolved.

Around the Majors

Wrigley Field nears landmark status. The Cubs and the City of Chicago are close to a deal which would allow the Cubs to add close to 2,000 bleacher seats in return for landmark status covering key architectural features such as the scoreboard, marquee and ivy-covered walls.

Pohlad doesn't regret offering the Twins for contraction. During the Minnesota Twins' victory celebration after defeating Oakland in the AL divisional playoffs, owner Carl Pohlad was asked if he felt guilty about proposing the Twins for contraction. "I don't feel guilty in the least," he responded. "Why should I? It was a business decision."

Bernie Brewer gets club-financed A/C. When the Milwaukee stadium authority balked at spending \$35,000 to air-condition the mascot's in-game home, the Brewers picked up the tab. "Bernie Brewer is an essential part of the entertainment experience at Miller Park, and we care about his health and well-being," assured new Brewers CEO Ulice Payne. Payne, the former managing partner of Milwaukee's Foley & Lardner, replaced Wendy Selig-Prieb late in the season.

Expos to play 22 home games in Puerto Rico. Pending final approval from the MLBPA, three Expos homestands would be relocated to San Juan, where Hiram Bithorn Stadium will be enlarged from 15,000 to 20,000 seats. MLB is reportedly planning to sell the club during the 2003 season, with interests from Washington, Charlotte and Portland, Oregon among the likely bidders. A wild-card in the process remains the likelihood that the former Expos limited partners who are plaintiffs in the pending RICO action will seek to enjoin any relocation of the team from Montreal.

Cardinals announce new stadium plans. The St. Louis Cardinals have announced plans for a \$402 million "Ballpark Village" in downtown St. Louis, including \$325 million for a new stadium they hope to construct by 2006. The Cardinals have agreed to pay \$50 million upfront; to spend another \$60 million developing two adjacent blocks; and to lease the park from a related corporation for at least 29 years at \$14 million/year. Additional private money will come from 60 private suites and premium seat licenses for about 10,000 of the park's 45,000 seats. The Cardinals will also be responsible for operating, maintenance and capital expenses.

In late November the Missouri Department of Economic Development approved up to \$29.5 million in tax grants, which the club expects to resell for \$25 million. At the end of the club's 29-year lease in the new

park, the Cardinals must either repay the money with interest or give the state an ownership share in the stadium. Given the likely value of a 30-year-old stadium whose sole tenant will almost certainly be demanding a new facility, I hope those legislators aren't expecting a check...

Payroll vs. Performance, 2002

With three teams winning over 100 games and three more losing 106, 2002 was not a banner season for competitive balance in Major League Baseball. But as the table below shows, the on-field disparities bore little relation to the payroll differentials among clubs.

Team	Record	Opening Day Payroll	August 31 Payroll	Luxury Tax Payroll
Yankees	103-58	\$125,928,583	\$133,429,575	\$175,327,055
Red Sox	93-69	\$108,366,060	\$110,249,535	\$113,795,076
Rangers	72-90	\$105,302,124	\$106,915,180	\$130,622,297
Diamondbacks	98-64	\$102,820,000	\$103,528,877	\$114,324,396
Dodgers	92-70	\$94,850,952	\$101,504,889	\$120,009,194
Mets	75-86	\$94,633,593	\$94,395,575	\$109,916,503
Braves	101-59	\$93,470,367	\$93,786,065	\$110,769,808
Mariners	93-69	\$80,282,668	\$86,084,710	\$100,044,597
Indians	74-88	\$78,909,448	\$74,888,365	\$90,428,225
Giants	95-66	\$78,299,835	\$78,426,572	\$96,222,368
Blue Jays	78-84	\$76,864,333	\$66,814,971	\$66,697,684
Cubs	67-95	\$75,690,833	\$74,950,543	\$88,838,341
Cardinals	97-65	\$74,098,267	\$76,227,801	\$96,112,859
Astros	84-78	\$63,448,417	\$65,412,960	\$82,118,370
Angels	99-63	\$61,721,667	\$62,757,041	\$77,183,754
Orioles	67-95	\$60,493,487	\$56,504,685	\$72,085,335
Phillies	80-81	\$57,955,000	\$59,593,741	\$72,240,007
White Sox	81-81	\$57,052,833	\$54,534,084	\$65,535,093
Rockies	73-89	\$56,841,043	\$56,509,185	\$80,035,177
Tigers	55-106	\$55,048,000	\$54,390,870	\$75,324,003
Brewers	56-106	\$50,287,333	\$49,259,130	\$58,190,047
Royals	62-100	\$47,257,000	\$49,362,709	\$58,708,117
Reds	78-84	\$45,050,390	\$46,310,698	\$62,397,730
Pirates	72-89	\$42,323,598	\$46,059,984	\$63,701,390
Marlins	79-83	\$41,979,917	\$40,822,536	\$53,103,414
Padres	66-96	\$41,425,000	\$41,791,170	\$65,677,440
Twins	94-67	\$40,225,000	\$41,309,031	\$53,666,264
Athletics	103-59	\$39,679,746	\$41,942,665	\$65,878,086
Expos	83-79	\$38,670,500	\$37,901,032	\$43,549,061
Devil Rays	55-106	\$34,380,000	\$34,728,540	\$43,983,815

Sources: Opening Day salaries, 4/4/02 AP; Aug. 31 salaries, 10/11/02 AP; luxury tax payrolls, 11/13/02 USA Today (includes \$7,734,310 per team in benefits)

To summarize:

- The six division winners ranked 1st, 4th, 7th, 13th, 27th and 28th, with the wild-cards 10th and 15th.
- The six last-place clubs ranked 3rd, 6th, 20th, 21st, 26th and 30th.
- If the playoff berths had gone to the highest-payroll clubs, the Yankees, Indians, Rangers, Mets, Cubs and Diamondbacks would have won their divisions, with the Red Sox and Dodgers as wild-cards. Only two of these eight clubs actually made the playoffs, while four finished at least 11 games below .500.
- The AL West finished in reverse order of team payroll. Last-place Texas outspent division-winning Oakland by over \$65 million – which, in turn, was more than the entire payroll of the world champion Anaheim Angels.
- The 106-loss Tigers outspent the division-winning Athletics and Twins by \$15 million; the 106-loss Brewers outspent them by \$10 million; and the 100-loss Royals outspent them by \$7 million. Of the eight teams which outspent Oakland and Minnesota *combined*, only three made the playoffs.

Review of the 2002 Member Survey

Each January, the Committee surveys all members with E-mail addresses about various issues relating to the business of baseball. These surveys often ask broad questions with no “right” answer, but since this year’s edition focused on topics related to the upcoming labor negotiations, we can look back and see how well we did.

Only nine of 37 respondents correctly predicted that MLB’s then-pending attempt to contract would be a complete bust, with both Montreal and Minnesota opening the 2003 season in the same cities. 25 of us thought that the Expos would relocate to Washington or northern Virginia, while just two forecast any reduction in the number of major league teams.

Fifteen of 37 correctly predicted that the 2002 season would end with a new labor agreement, reached without a strike or lockout. Of the remaining 22 respondents, eighteen thought the season would be played to completion with no work stoppage; as of January, only four anticipated a 2002 strike or lockout.

Our collective wisdom came close to predicting the percentage of local revenues to be shared under the new agreement. The owners asked for 50% revenue sharing and settled for 34%; our average guess was 33.9%, our median, 33%. But we all overestimated the likely luxury tax: the initial tax rate was lower, and the 2003 tax threshold (\$117 million) higher, than anyone had anticipated. Fourteen of 35 respondents correctly predicted that the new CBA would not require teams to maintain a minimum payroll, while only seven forecast that it would not contain provisions for a worldwide amateur draft.

The Second Annual Bud Selig Prediction Contest asked respondents to identify the 16 clubs least likely to make the playoffs. For purposes of this contest, the 14 “contenders” included the eight playoff teams (New York Yankees, Minnesota, Oakland, Anaheim, Atlanta, St. Louis, Arizona and San Francisco), plus the six other clubs which missed the playoffs by the smallest margin (Boston, Chicago White Sox, Seattle, Montreal, Houston and Los Angeles). Here’s how we voted, with the eventual contenders in bold italics:

Out of 29 valid ballots cast:

- 0 votes: **Atlanta, New York Yankees, Seattle**
- 1 vote: **Arizona**, Cleveland, **St. Louis**
- 2 votes: **Houston**, New York Mets
- 3 votes: **Oakland**
- 4 votes: **Boston**
- 8 votes: **Chicago White Sox, San Francisco**
- 12 votes: **Los Angeles**
- 15 votes: Chicago Cubs
- 17 votes: **Minnesota**, Texas
- 20 votes: Philadelphia
- 24 votes: San Diego
- 26 votes: Colorado, Toronto
- 27 votes: Cincinnati, Florida, Milwaukee, **Montreal**
- 28 votes: **Anaheim**, Detroit, Kansas City, Pittsburgh, Tampa Bay
- 29 votes: Baltimore

We made four gross errors out of the 30 teams. 28 out of the 29 respondents dismissed the chances of the eventual world champion Anaheim Angels, fresh off a 75-87 season in which they missed the playoffs by 27 games, and just two thought the Montreal Expos could contend. At the other extreme, only one picked Cleveland as a non-contender, only two ruled out the New York Mets. With the Minnesota Twins a smaller error, we correctly assigned 25 of the 30 teams to “contender” or “non-contender” status.

Inside the Major League Rules, by **Doug Pappas**

Major League Baseball’s fundamental governing documents – the Major League Agreement, Major League Rules and league constitutions – aren’t generally available to the public. A few months ago, though, I spent several hours reviewing the 1999 editions of these documents. Some of these provisions may since have been amended, but most should remain in full force and effect.

Major League Agreement. The document which creates and defines the Commissioner’s office and sets the rules of procedure for major votes:

- Commissioner can discipline leagues, clubs, officers, employees and players for conduct “deemed by the Commissioner not to be in the best interests of Baseball.” Penalties can include a reprimand; deprivation of a club’s representation at joint meetings; suspension or removal of league or club officers or employees; temporary or permanent ineligibility of a player; fines of up to \$250,000 against leagues and clubs, \$25,000 against officers and employees, and \$50 against players; and loss of benefits under the Major League Rules, including the right to draft players.
- Except as necessary to preserve the integrity of, or public confidence in, baseball, the best-interests power does not extend to anything that requires the club to act, or not to act, on the election of a Commissioner; expansion; sale or relocation of a club; provisions affecting revenue sharing; provisions amending the Major League Agreement; any matter subject to collective bargaining with the MLBPA; or anything which a league constitution specifies must be voted on by members of the league.
- Commissioner elected for a term of at least three years, longer if the clubs specify; re-election to be considered at a joint meeting to be held between six and 15 months prior to expiration of the contract. Election (by written ballot) requires 3/4 majority of all major league clubs, including at least five clubs in each league; re-election of a sitting Commissioner requires a simple majority, including at least five clubs in each league.
- Unless otherwise specified, all votes require a simple majority of all clubs in both leagues, with the vote of each team in the smaller league weighted so the leagues collectively cast the same number of votes. (Thus each of the 16 NL clubs receives one vote, each of the 14 AL clubs receives 1-1/7 vote.)
The specified exceptions include:
 - Simple majority, including at least five clubs in each league: matters subject to collective bargaining with the MLBPA.
 - Simple majority of clubs in each league, counted separately: issues affecting the scheduling of both leagues’ seasons; any action affecting the All-Star Game or any postseason series; amendment of the playing or scoring rules (where if the leagues disagree, the Commissioner can cast the deciding vote); any action relating to radio or television.
 - 3/4 majority of the clubs in each league: interleague play; switch in either league away from current three-division format; any amendment to the Central Fund Agreement except those affecting radio and TV (which, as noted above, can be changed by a simple majority in each league).
 - 3/4 majority in the affected league, plus a majority of clubs in the other league: expansion, sale or transfer of control of a club (except that control passing to a spouse or descendant requires only a majority vote), relocation of a club to a city not within the other league’s circuit [transfers into another club’s territory require 3/4 majority in both leagues]
 - 3/4 majority of all member clubs: any change in revenue sharing that affects both leagues, except for amendments to the Central Fund Agreement [3/4 majority of each league]; amendments to the Major League Agreement, except that those affecting the Commissioner, the Executive Council and the procedure, including voting requirements, applicable at joint meetings require a 3/4 majority of the clubs in each league.

- Renewal or extension of the Major League Agreement requires the approval of both leagues, with each free to determine the vote necessary to approve.
- Clubs agree to submit all disputes, except those for which a resolution procedure is expressly provided in MLB's governing documents, to the Commissioner as binding arbitrator, and agree not to challenge the Commissioner's actions in court. If a club violates this agreement, the Commissioner is empowered to order him to pay the defendant's attorneys' fees.
- All parties agree that "no diminution of the compensation or powers of the present or any succeeding Commissioner shall be made during his term of office."

Major League Rules. These include the rules establishing teams' territories and governing franchise moves, expansion and discipline. They also include the draft and waiver provisions, which I didn't have time to review thoroughly

Territorial Limits: Expanded between the 1990 and 1994 Major League Rules to include not just a club's home city, but also surrounding counties. Of particular interest in this respect:

- The Orioles' territory includes Anne Arundel, Howard, Carroll and Harford Counties in Maryland;
- The Marlins' major league territory includes Palm Beach County;
- The Dodgers' and Angels' territory includes Orange, Ventura and Los Angeles Counties;
- The Yankees' and Mets' territory includes New York City, plus Nassau, Suffolk, Westchester and Rockland Counties in New York; Fairfield County south of I-84 and west of SR 58 in Connecticut; and Bergen, Hudson, Essex and Union Counties in New Jersey;
- The Athletics' territory includes Alameda and Contra Costa Counties;
- The Phillies' territory includes Gloucester, Camden and Burlington Counties in New Jersey;
- The Giants' territory includes San Francisco, San Mateo, Santa Cruz, Monterey and Marin Counties, plus Santa Clara County with respect to another major league team.

Under Rule 1(c), either league can move into a territory belonging to a club in the other league, so long as (a) 3/4 of the affected league's teams consent; (b) the two parks are at least five air miles apart unless the two clubs mutually agree otherwise; (c) the newcomer pays the existing club \$100,000 plus half of any previous indemnification to invade the territory; and (d) the move leaves no more than two clubs in the territory. This provision dates to late 1960, when it was adopted to establish the terms for the expansion Los Angeles Angels to play in the territory claimed by the Dodgers in 1958.

As additional territorial protection, Rule 52 allows a major league club to block any other major or minor league clubs from playing within 15 miles of its territory without permission.

Rule 1(d) provides for the recognition of new major leagues: Any group of eight clubs can apply for major league status if it meets the following criteria:

- Evidence of financial soundness;
- 15,000,000 population in the eight cities;
- All cities with parks seating at least 25,000;
- Average paid attendance of 3.5 million over the three previous seasons;
- Balanced schedule of at least 154 games;
- Major league minimum salary, with no maximum;
- Agreement to become parties to the Major League Agreement and the Professional Baseball Agreement;
- Agreement to accept Uniform Players' Contract;
- Agreement to join the major league players' pension plan or create something comparable.

These conditions have remained largely the same since 1959, when they were adopted in response to the two-pronged threat posed by the Continental League: competition for fans and players, and a challenge, in Congress and the courts, to Organized Baseball's antitrust exemption. Under Rule 1(e), a new league can apply for major league status if it meets all of these requirements except the average paid attendance.

Roster Limits: Governed by Rule 2. Major league clubs can reserve 40 players, only 25 of whom can be on the active roster between Opening Day and midnight August 31. AAA clubs can reserve 38 and AA clubs can reserve 37, with roster limits of 24 from Opening Day through the 30th day of the season and from August 10 until the end of the season, 23 between these dates. Teams in A, short-season A and Rookie leagues can reserve 35. Class A clubs play with 25-man rosters, while short-season A clubs have 30-man

rosters, only 25 of whom are eligible to play in any given game, and Rookie league clubs have 30-man rosters.

Disciplinary Lists: MLB maintains Suspended, Restricted, Disqualified and Ineligible lists. A player earns a spot on the Suspended list for insubordination or breaching a regulation or other provision of violating his contract. The Reserve list is reserved for those who fail to report, or to sign a contract, within 10 days after the start of the regular season; the Disqualified list includes those who play with or against a club which during the current season has had a connection with an ineligible player or person; and the Ineligible list collects those involved with attempts to throw games, bribe players or umpires, or bet on games, and those convicted of crimes involving moral turpitude.

Conflicts of Interest: Rule 20 contains several provisions the Commissioner and others at MLB seem to have forgotten:

(a) OWNERSHIP AND FINANCIAL INTERESTS. "No Club, or owner, stockholder, officer, director or employee (including manager or player) of a Club, shall, directly or indirectly, own stock or any other proprietary interest or have any financial interest in any other Club in its League, provided, however, that any owner or stockholder of a Major League Club (who is not also an officer, director or employee of a Club) whose interest does not exceed 5% of such Club and whose interest does not constitute a control interest [as defined] may own a non-control interest not exceeding 5% of any other Club or Clubs in its League, unless the Commissioner determines that such ownership would not be in the best interests of Baseball."

(c) LOANS TO CLUBS AND OTHER INDIVIDUALS. "No Club, or owner, stockholder, officer, director or employee (including manager or player) of a Club shall, directly or indirectly, loan money to or become surety or guarantor for any Club, officer, employee or umpire of its, his or her League, unless all facts of the transaction shall first have been fully disclosed to all other Clubs in that League, and also to the Commissioner, and the transaction has been approved by them."

(d) LEAGUE OFFICIALS. "No officer, employee or umpire of a League shall, directly or indirectly, own stock or any other proprietary interest or have any financial interest in any Club of his or her League, or loan money to or become surety or guarantor for any such Club."

AL Constitution. 3/4 majority needed to expand. 3/4 majority must approve relocation, with the added proviso that relocation to within 100 air miles of another club must also be approved by that club. Transfers of control in a club require 3/4 approval, with the exception of transfers to heirs or legatees upon an owner's death. If the owner of a club decides to sell stock in the club to the public, the AL can require that membership in the league itself be held by a separate subsidiary corporation, all or nearly all of which is retained by an owner. Amendments require 3/4 vote, except that the rules governing involuntary termination of membership, termination procedure, action without a meeting, and the amendment process itself can't be amended without unanimous consent.

Rule 8.7, "Fiscal Responsibility," mandates that each club retain a 60:40 ratio of assets to liabilities at the close of its fiscal year. An AL resolution, adopted December 12, 1982 and amended December 8, 1983, provides that for purposes of the 60/40 rule, balance sheets shall be recast to:

- Value non-current baseball assets (stadia, spring training camps, franchise, player contracts, right to future broadcasting revenues, etc.) at \$20 million, if the balance sheet shows less;
- Eliminate advance ticket sales, and other advanced monies, from both sides of the balance sheet;
- Record the value of all current assets (cash, receivables, securities, etc.) as booked, and the value of all non-current non-baseball assets at a value determined by an appraisal of their net fair market value;
- "Include in a club's liabilities the present value of all long-term baseball commitments"; and
- "Exclude from a Club's liabilities any debt obligations relating to stadium improvement or acquisition."

NL Constitution. 3/4 majority to expand or to amend the league constitution. Sale or relocation of a franchise must be approved by 3/4 of the other franchises, exclusive of the affected club.

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