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The Globalization of Baseball: A Latin American Perspective

ANGEL VARGAS*

INTRODUCTION

The global reach of Major League Baseball (MLB) has never been more evident. MLB has been engaging in high-profile efforts to globalize America's pastime by staging exhibition and regular season games in foreign nations, such as the Dominican Republic, Mexico, Venezuela, Cuba, and Japan. The presence of foreign players, especially those from Latin American countries, is at an all-time high.¹ MLB even produced a video celebrating Latino major leaguers. Writers have even referred to the present as the "golden age" of Latino influence in MLB.² In the globalization of baseball, Latin American countries, particularly the Dominican Republic and Venezuela, are at the forefront of MLB teams' attention and activities as they deepen their search for the next generation of Latino superstars.

Virtually everything about the globalization of baseball that comes out of the MLB Commissioner's Office in New York is, however, one-sided propaganda. A critical Latin American perspective has been missing from the discourse about the globalization of baseball.³ The most serious problem today is the lack of MLB interest in, and respect for, what people in Latin America perceive as the problem with the way MLB teams behave in Latin America. In this Article, I provide my perspective as a Venezuelan active in

* President, Venezuelan Baseball Players Association, and General Secretary, Caribbean Baseball Players Confederation. I would like to thank Dean Alfred C. Aman, Jr. and the Indiana University School of Law-Bloomington for inviting me to participate in the Symposium on Baseball in the Global Era: Economic, Legal, and Cultural Perspectives and to publish this article in the *Indiana Journal of Global Legal Studies*.

1. *More than 23 Percent of MLB Players Born Outside of U.S.*, MAJOR LEAGUE BASEBALL, at http://www.majorleaguebaseball.com/u/baseball/mlbcom/int/int_foreignborn_2000.htm (Apr. 6, 2000).

2. MARCOS BRETÓN & JOSÉ LUIS VILLEGAS, *AWAY GAMES: THE LIFE AND TIMES OF A LATIN BALL PLAYER* 244 (1999); Evan Grant, *Viva Beisbol: The Increasing Influence of Latin Americans*, DALLAS MORNING NEWS, Mar. 27, 2000, at 1A, available at 2000 WL 17632018.

3. A powerful exception can be found in Arturo J. Marcano & David P. Fidler, *The Globalization of Baseball: Major League Baseball and the Mistreatment of Latin American Baseball Talent*, 6 *IND. J. GLOBAL LEGAL STUD.* 511 (1999) (arguing that MLB teams violate international labor and human rights standards in how they recruit and treat Latino children).

the world of professional baseball on MLB mistreatment of Latin Americans.

My arguments do not depend on academic theories about globalization, or flow from nostalgic myths about baseball as a national pastime, but arise out of MLB mistreatment of Latino children and their parents that unfortunately I and my Latin American colleagues see almost every day. I am the President of the Venezuelan Baseball Players Association (Association). Since 1988, I have been working with the Association on behalf of Venezuelan baseball players. I also serve as the General Secretary of the Caribbean Baseball Players Confederation, which represents professional baseball players from the Dominican Republic, Puerto Rico, Mexico, and Venezuela. My professional baseball experiences also include three years in the U.S. minor leagues, where I played in the Philadelphia Phillies and Boston Red Sox organizations. I also played college baseball at Pima Community College in Tucson, Arizona and professional baseball for seven years in Venezuela and one year in Mexico.

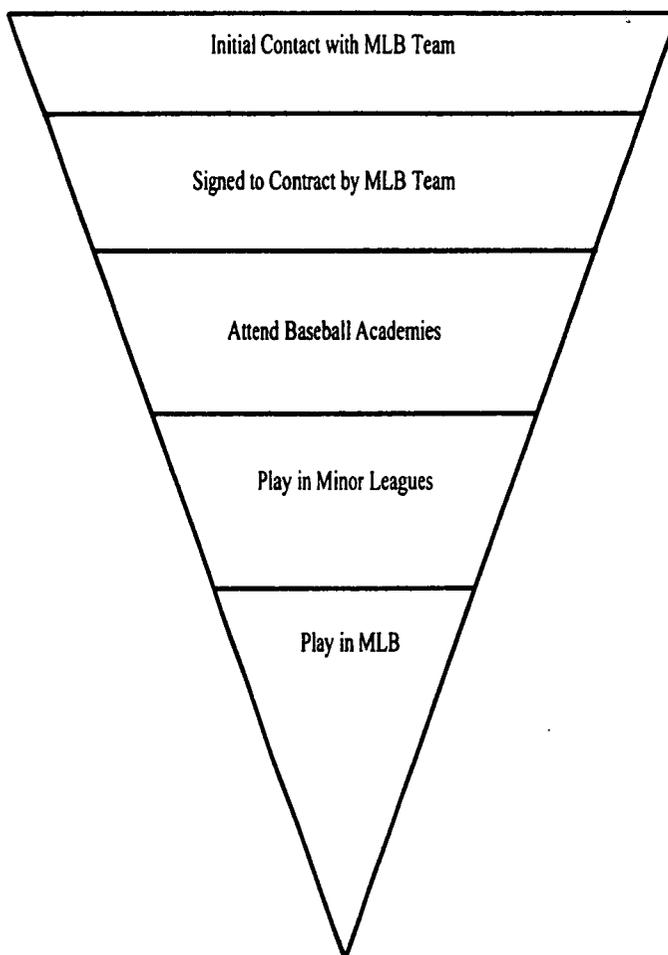
In this Article, I lead the reader through the steps by which a typical Venezuelan or Dominican boy with baseball talent becomes involved in professional baseball and with MLB. I analyze four steps in this process: (1) how MLB teams initially contact the boy and his parents (Part I); (2) signing the boy to a MLB professional baseball contract (Part II); (3) the experience of the boy in the “baseball academies” that each year serve as training grounds for hundreds of Latino children (Part III); and (4) the experience of the Latino player if he is lucky enough to play in the U.S. minor or major leagues (Part IV). Because I am a lawyer, and because it is important to analyze the legal aspects of the globalization of baseball, I discuss the legal problems created by MLB recruitment practices in Latin America.

Most of my arguments focus on the first three steps in this process because that is where the greatest MLB abuses occur. As the process of bringing a Latino boy into professional baseball progresses, the number of recruits affected declines. Figure 1 illustrates this dynamic and communicates the message that the globalization of baseball has its greatest impact *before* a Latino baseball player goes to the United States. The initial contacts, signing, and training in baseball academies take place in Latin America. I and those who are involved in professional baseball in Latin America are well-placed to comment on the problems we see daily.

In Part V, I outline responses from key actors in the globalization of

baseball that are necessary to solve the problems I discuss. I conclude with a plea to the baseball world to end the discrimination against Latino children and their parents and make equal treatment the norm for MLB in the twenty-first century.

Figure 1: Numbers of Latin Americans at Various Stages of Involvement with Major League Baseball



I. INITIAL CONTACT

The well-known baseball writer Milton Jamail accurately observed that “[t]here’s not a kid in the Caribbean who reaches his 14th birthday without being seen by the major-league teams.”⁴ This observation is revealing and worrying for several reasons. First, Jamail captures the scope of MLB team interest in Latino baseball talent. Second, the quote reveals how systematically and competitively MLB teams hunt for Latino talent. Third, Jamail shows us that these powerful, wealthy teams are targeting Latino children, many of whom come from poor families and for whom professional baseball offers the only hope of economic stability. The appetite of powerful MLB teams for Latino talent combined with the vulnerability of children and their parents in these countries is a recipe for exploitation.

Historically, initial contacts with Latino children were made by MLB team scouts. Scouts often rely on people known as *buscones* to help them comb the country for baseball talent. Often the initial contacts are innocent, involving a scout or *buscón* making favorable comments to parents about a child’s performance in a youth league game and giving them his card. The idea is to foster the parents’ and the child’s loyalty to the team that the scout or *buscón* represents. With very talented children, the initial contacts can be more serious and intense, involving gifts of uniforms, bats, gloves, and money, or an invitation to attend a baseball academy where the child can train at a big-league facility. Many times the academy is used to hide talented children who are too young to sign from other team scouts and *buscones*.⁵

MLB scouts and *buscones* have, for many years, competed fiercely with each other for Latino talent.⁶ Today, they face new competitive pressures from agents, who have sensed a market opportunity in the frenzy that MLB

4. Quoted in Rich Ruppert, *Baseball Report*, PRESS DEMOCRAT, May 4, 1997, at C3, available at 1997 WL 3437307.

5. See ALAN M. KLEIN, *SUGARBALL: THE AMERICAN GAME, THE DOMINICAN DREAM* 53-54 (1991) (quoting a former Dominican baseball commissioner stating: “These camps are hideouts because the scouts didn’t want their kids seen by other scouts. It almost seemed like they were concentration camps.”).

6. For a historical perspective on MLB recruiting practices in Latin America, see Samuel O. Regalado, “*Latin Players on the Cheap: Professional Baseball Recruitment in Latin America and the Neocolonialist Tradition*,” 8 IND. J. GLOBAL LEGAL STUD. 9 (2000). See also KLEIN, *supra* note 5, at 42 (arguing that the behavior of MLB scouts in the Dominican Republic “were reminiscent of those of the West African slave traders of three centuries earlier.”).

teams display trying to find young Latino talent. The rise of agents in the process of initial contacts has good and bad aspects. On the positive side, a qualified; professional agent can act in the best interests of a child and balance the power and influence possessed by MLB teams. Young prospects who are represented by agents usually receive, for example, much higher signing bonuses than players who are not represented. On the negative side, some agents are just as eager as MLB teams to exploit naive, poor children and their families to get a piece of any signing bonus that may come along. Agents are copying the *buscón* system by setting up their own network of people to find prospects to contact. The competition to make initial contact with talented Latino children has, with the increase in agent involvement, gone from fierce to vicious.

We are very concerned about this in Latin America and wonder why MLB has permitted these problems to develop without any redress. The intensity of MLB recruitment in Venezuela is, for example, undermining the *criollitos*—youth league baseball. In June 2000, the Associated Press reported that “[s]ports officials in Caracas, Venezuela, denounce an increasing tendency [of MLB teams] to recruit underage players and to crush their baseball dreams through exploitation and false promises. In the worst cases, the officials say, scouts promise boys lucrative major league contracts, then take them out of local play to hide them from other scouts.”⁷

The greatest legal concern about how Latino children are contacted is that the actions of scouts, *buscones*, and agents are unregulated in the two biggest markets: Venezuela and the Dominican Republic. In Venezuela, for example, we do not have laws that adequately regulate the qualifications or activities of scouts and agents. We, as a country, have to change our attitudes about this as the situation is out of control; and we have to take our share of the blame for letting this happen. But we are also deeply disappointed that MLB has not taken any serious action to mitigate the problems that its hunger for cheap Latino talent has created. Let me make clear that MLB knows, and has known for a long time, that these problems exist; but to date, it prefers the current system because it produces cheaper talent.

7. Associated Press, *False Pitches Crush Latin American Youngsters' Baseball Dreams*, THE STAR-LEDGER (NEWARK, N.J.), June 4, 2000, 2000 WL 21307073.

II. SIGNING

The next step is signing a Latino child to a professional contract with a MLB team. There are enormous problems with how MLB teams sign Latino children to contracts. The first problem concerns underage signing. MLB teams routinely sign Latino children younger than is permitted by MLB rules. This type of behavior has been occurring for years. The flagrant violation by the Los Angeles Dodgers of MLB rules in signing Adrian Beltre, an incident that became public in November 1999, shed disturbing light on what has been a routine practice by MLB teams.⁸ Tommy Lasorda himself, in defense of the Los Angeles Dodgers, argued that every team knowingly signs players in violation of MLB rules.⁹ He argued that there must be fifty players in the Major Leagues who were illegally signed.¹⁰ Lasorda's number did not include minor leaguers who have been signed in violation of the seventeen-year old rule. The actions of MLB teams mock the intended purpose of the MLB seventeen-year old rule: to protect children from exploitation.

There is, unfortunately, a difference between what the seventeen-year old rule actually says and what MLB teams act as if it means. The rule provides that a player who is not subject to the draft and who is not under contract with a MLB team can be signed by any team if (1) he is seventeen years old at the time of signing, or (2) he is sixteen years old at the time of signing and he will turn seventeen prior to the later of (i) the conclusion of the baseball season in which he signed and (ii) September 1 of the year he signs.¹¹ The seventeen-year old rule does not apply to players in the United States, Canada, and Puerto Rico, because they are subject to the MLB draft. The rule, thus, applies to children who live in Latin America. MLB teams act, however, as if this rule allows them to sign players immediately when they turn sixteen, but this is not what the rule provides. Thus, many signings that MLB teams trumpet to the world as legal are in fact violations of the MLB rule.

The seemingly harsh reaction of the Commissioner's Office to the Beltre incident should be viewed in light of the fact that everyone in MLB has known

8. See Associated Press, *Dodgers Fined for Signing Young Beltre*, available at <http://espn.go.com/mlb/news/1999/1221/246027.html> (Dec. 21, 1999).

9. See Associated Press, *Lasorda Defends Dodgers' Actions*, available at <http://espn.go.com/mlb/news/1999/1116/174860.html> (Dec. 16, 1999).

10. *Id.* ("I bet you there's 50 ballplayers in the major leagues that have signed illegally.")

11. Major League Rule 3(a)(1)(B).

for years that signing players in violation of the seventeen-year old rule was a routine practice. The essence of Lasorda's defense of the blatant disregard of the Dodgers for MLB rules was indignation that the Dodgers were being punished for what every MLB team had been and was continuing to do. In addition, it is not clear to me that the Commissioner's Office did punish the Los Angeles Dodgers as severely as some people think. MLB Executive Vice President Sandy Alderson said that the closing of Dodgertown in the Dominican Republic was a symbolic sanction rather than a substantive one. The imposition of symbolic sanctions by the Commissioner's Office looks to me like a green light for business as usual.

Another problem in Venezuela is that MLB signs too many players, most of whom they release within two years. Over-signing players is part of MLB team strategy to get Latino talent as cheaply as possible. Dick Balderson, formerly of the Colorado Rockies, referred to this strategy as the "boatload mentality." "The boatload mentality means that instead of signing 4 American guys at \$25,000 each, you sign 20 Dominicans for \$5,000 each."¹² Balderson's statement communicates that he and other MLB executives see Latino children and young men as commodities—a boatload of cheap Dominicans, as if these human beings were pieces of exported fruit. I hope the reader can appreciate how demeaning this attitude is toward Latinos, but this is the attitude that MLB displays in the globalization of baseball.

Another significant problem is that MLB scouts and teams never, to my knowledge, give the children and their parents a Spanish-language version of the contract or give them any Spanish-language document that explains the contract that they are signing. Most of these children and their parents do not speak or read English; yet, they are presented with a lengthy, complex English-language contract and asked to sign.¹³ MLB teams also make little effort to explain contracts to the children and their families. One reason for this is that the scouts and teams make extravagant promises, such as, "You have a three-year contract, you are our top prospect, and you will be playing immediately in the United States." But the contract usually says something different. Another reason for the failure to translate or explain the contract is that this allows the MLB team to change its mind later about the player,

12. Quoted in, BRETÓN & VILLEGAS, *supra* note 2, at 38.

13. Usually, MLB teams have Latino children and their parents sign the Uniform Minor League Player Contract. Because the contract is a uniform agreement, the failure of MLB teams to translate this *one* document into Spanish for use in their extensive Latin operations is bewildering and appalling.

regardless of what the contract says. Finally, it is my experience that MLB teams often do not even give the players copies of the English-language contract for the same reasons I mentioned above.

Signing an employee to a contract in Venezuela without providing that person with a Spanish-language version of the contract is illegal. The contract is void under Venezuelan law. It is unthinkable that MLB teams are not aware of this rule of Venezuelan law, yet the teams routinely ignore it in the hunt for cheap talent. The “rule of law” is a popular concept in the era of globalization,¹⁴ but I have listed two examples—underage signing and signing English-language contracts—where MLB teams ignore MLB rules and the laws of a sovereign State.

We also experience problems with signing bonuses. The Association routinely receives calls from players who never received a promised signing bonus or received only part of a promised signing bonus. Scouts sometimes also take a significant chunk of a signing bonus for unspecified reasons not written down in any contract,¹⁵ and unscrupulous agents also ask for fifteen to twenty percent of a signing bonus (agents in the United States can only take five percent). These problems occur routinely despite the fact that signing bonuses for Latino players are significantly less than bonuses received by American players drafted by MLB teams.

III. THE BASEBALL ACADEMIES

Many Latino players who are signed by MLB teams attend so-called “baseball academies” in the Dominican Republic and Venezuela. Most MLB teams have these facilities in these two countries. In Venezuela, twenty-eight of the thirty MLB teams operate academies. The numbers are similar in the Dominican Republic. The scale of MLB involvement in baseball academies means that for years, hundreds of Latino children and young men have passed through these training facilities.

One reason behind the development of baseball academies in Latin American countries is the restricted number of visas available to MLB teams

14. See, e.g., Symposium, *The Rule of Law in the Era of Globalization*, 6 IND. J. GLOBAL LEGAL STUD. 421 (1999).

15. This behavior is also prohibited by Major League Rules. See Major League Rule 3(j) (prohibiting scouts from demanding or receiving any money for services rendered in securing employment with any major or minor league team).

from the U.S. government for foreign baseball players. MLB teams do not have enough visas to send all Latino players to the United States, so academies hoard the promising players by keeping them from other teams that might like to sign them. The visa bottleneck created by the U.S. government has driven the development of the baseball academies.

Many problems exist in connection with these baseball academies, including significant violations of Venezuelan and perhaps Dominican law. The first problem has to do with the ages of players who attend academies. Although MLB rules prohibit MLB teams from signing players younger than seventeen, these rules do not prohibit MLB teams from sending players between the ages of twelve and sixteen to the academies. Such children are not technically employees, because they have not signed a contract; but they nevertheless participate in the full regimen of the academy. It is my experience that in many Dominican and Venezuelan academies, the persons responsible do not treat the players according to their ages. This means that thirteen- and fourteen-year-olds are expected to complete workouts designed for players seventeen years and older. In my opinion, treating boys this way is neither right nor necessary, unless Latino boys are regarded as cheap commodities. But again, this practice is unregulated by MLB and the Dominican Republic and Venezuela.

A second problem is the deplorable conditions in which players live and train in many of these academies. Common complaints that I hear about academies in Venezuela include a lack of:

- security against personal and property crimes;
- consistent and adequate supplies of clean water;
- consistent and adequate sanitary services (e.g., toilets);
- well-maintained buildings;
- sufficient food and nutrition;
- trained medical staff;¹⁶
- serious educational activities; and
- high-quality playing facilities.¹⁷

16. Major League Rule 56(g)(5)(f) ("The Major League Club shall provide to the Minor League Club a trainer for the championship season and all reasonable medical supplies for use by such trainer. The Major League Club shall be responsible for the entire cost of the trainer's salary and benefits. . . .").

17. Major League Rule 58 sets standards for minor league playing facilities, but the MLB Commissioner's Office applies these standards to minor league facilities in the United States but not to those in the Dominican Republic and Venezuela.

I hear these complaints not only about MLB-run baseball academies but also about the Summer League programs organized by MLB teams in Venezuela and the Dominican Republic, and the so-called “parallel” league organized and operated by Venezuelan professional baseball teams.

To be fair, a small number of baseball academies do not have these problems. I believe that the facilities used by the Houston Astros in Venezuela and by the Los Angeles Dodgers and Oakland A’s in the Dominican Republic exhibit none of these problems because the teams have invested money in the physical facilities and in trained professional staff to manage the enterprise. But I have to stress that these academies are the exception and not the rule in the Dominican Republic and Venezuela. I believe that most MLB teams, in the pursuit of cheap Latino talent, have not bothered to invest in physical facilities or proper management at the academies. The “boatload mentality” is at work in the academies. MLB teams sign many Latino players cheaply and then as cheaply as possible weed out the promising players from the rest.

Particularly disturbing to me is the lack of adequate food and medical attention because the players work in the academies very hard and expend significant energy. Their bodies need proper nutrition. Yet, I repeatedly hear complaints and stories in Venezuela and the Dominican Republic about academies that provide inadequate food and water to players. I also receive complaints about players who do not receive adequate medical attention after they are injured while playing in academies or on Summer League teams.¹⁸ Often, injured players are immediately released, and MLB teams try to avoid paying for medical costs that the player incurs treating the injury. In addition, firing an employee who is injured on the job is illegal under Venezuelan labor law, as is the refusal to pay for the medical expenses that the employee incurs treating the injury.

MLB rules require that major league clubs provide qualified medical trainers or personnel to their minor league teams.¹⁹ Most academies and

18. Two well-known incidents in Venezuela involved Venezuelans injured while playing on Summer League teams for the New York Yankees and Chicago Cubs. See Juan de Dios Espinoza, *The Ninth Inning*, EL SIGLO, July 26, 2000, at 14 (reporting on the injury and mistreatment suffered by Alexis Quiroz while playing on the Dominican Summer League team of the Chicago Cubs). See *Lesión que afecta el desempeño diario*, EL UNIVERSAL, available at <http://noticias.eluniversal.com/1999/07/21/21301BB.shtml> (July 21, 1999) (reporting on injury suffered by Eric Relucido while playing on the Venezuelan Summer League team for the New York Yankees).

19. Major League Rule 56(g)(5)(f).

Summer League teams have a “trainer,” usually someone who has little or no qualifications to treat sports injuries. MLB teams apparently do not require that academy or Summer League team “trainers” be trained to handle baseball injuries. Under Venezuelan law, someone who claims to be a medical trainer must be certified by the government. Here is another example where MLB teams routinely ignore MLB rules and Venezuelan law.

The reader might be wondering why the Association has not taken action to address these problems. The first problem is that the players in the academies and Summer League facilities are not members of the Association. Technically, the Association does not represent their interests; it only represents players in the Venezuelan professional league.²⁰ The second problem is that, even if the Association did represent these players, it does not have the resources to cope with problems in the academies and Summer League in addition to all the other problems that it faces. The Association staff consists of myself and four other people. That is all. We are understaffed and under-funded. Despite the representation and resource problems, I have confronted the persons in Venezuela who are responsible for the MLB academies and Summer Leagues only to be told not to interfere, because MLB would “get mad” at me and the Association. Behind this threat was a desire to prevent exposing the entire system to much-needed critical scrutiny.

MLB teams are also violating a host of other Venezuelan laws.²¹ To my knowledge, MLB teams do not comply with the following requirements of Venezuelan law:

- If an employee is fired before the employment contract terminates, the employer must pay the rest of the salary due under the contract. MLB teams routinely release players under contract without providing the rest of the salary due under the contract.
- Employers must pay ten days of salary for every three months an

20. Similarly, according to Donald Fehr, President of the Major League Baseball Players Association (MLBPA), the MPBPA does not and cannot represent Latinos playing minor league baseball in the Dominican Republic or Venezuela because such players are not major leaguers. Donald M. Fehr, Presentation at Symposium, *Baseball in the Global Era: Economic, Legal, and Cultural Perspectives*, Indiana University School of Law—Bloomington (Feb. 25, 2000)(unpublished, on file with author).

21. In December 2000, a Venezuelan labor law court found the New York Yankees guilty of firing a pitching coach, Winston Acosta, in violation of Venezuelan labor law because the Yankees did not pay Acosta the labor benefits he was entitled to under the law. See Nelson Contreras, *Yankees perdió demanda*, EL MUNDO, Dec. 16, 2000, at 14. Acosta stated that he pursued his case to vindicate not only his own rights but the rights of players and coaches whose rights under Venezuelan law have been violated by MLB teams. *Id.*

employee works. MLB teams do not make such payments to players under contract.

- Companies must make social security payments to the Venezuelan federal government for all Venezuelan employees. MLB teams make no such payments.
- To employ foreign workers in Venezuela, companies must obtain working visas for the workers. MLB teams routinely ignore the working visa requirements for foreign players, such as Dominicans, who play in the academies and in the Summer League.

We also have concerns about how the academies interfere with the education of children in Venezuela. When attendance at the academies occurs during the school year, as it often does, the players have no chance to attend school and a baseball academy. In the academies, MLB teams provide little more than simple English lessons narrowly related to playing baseball. Often the English courses are not mandatory. This situation shows that MLB teams have little interest in educating the Latino children that are brought into the system. Under Venezuelan law, it is arguable that MLB academies are unlawfully interfering with the attendance of children at school. I do not believe that Venezuelan companies can formally or informally employ children and prejudice their attendance at school under law. Why should MLB academies be allowed to do so?

IV. LATINO PLAYERS IN THE MINOR AND MAJOR LEAGUES IN THE UNITED STATES

The overwhelming majority of Latino children brought into the MLB system through initial contacts, signing, and the academies never make it to the United States to play in the minor or major leagues. The attrition rate for Latinos who make the minor leagues in the United States is also very high. One problem created by this high attrition rate is the large number of illegal immigrants in the United States who were once part of the minor leagues but who were cut from the teams. As Bretón and Villegas noted, “[N]o one knows for certain how many ‘illegals’ major league baseball is generating every year. But they are out there and baseball knows it.”²² This is another part of the dark

22. BRETÓN & VILLEGAS, *supra* note 2, at 192.

side of MLB's "boatload mentality" toward Latino players.

But even for the Latino player who survives to secure a place in the minor or major leagues, the problems continue. I do not discuss these problems in detail, because other authors, such as Samuel Regalado,²³ have analyzed these problems with more authority than I could. But I mention briefly some important problems that Latino players face in the minor and major leagues in the United States:

- There is deeply ingrained prejudice against Latino players in MLB. Latino major leaguers routinely say that they are treated under a different, tougher standard than American players.
- Latino players face cultural obstacles that do not confront American players. Making the cultural transition from the Dominican Republic or Venezuela to life in the United States is very difficult for Latino players because they often do not have the language and other skills to make a successful transition.
- Increasingly, Latino players in both the minor and major leagues are having difficulty obtaining visas for their families to come to the United States during the North American baseball season. Isolation from family members exacerbates the difficulties Latinos face in succeeding in *las Grandes Ligas* and the minor leagues.
- Latino major league players often find that there are no career opportunities for them in MLB when their active playing careers are over. MLB teams have systematically denied Latino players opportunities to coach, manage, and be a part of baseball management, despite the importance of Latino players to the success of MLB teams. This is a different type of "boatload mentality:" after the teams are finished with the players, put the players back on the boat and send them home.

23. See SAMUEL O. REGALADO, VIVA BASEBALL! LATIN MAJOR LEAGUERS AND THEIR SPECIAL HUNGER 204 (1998) ("Latin stars of the late twentieth century represent only the most recent generation of a skilled and courageous group whose path to success was laden with loneliness, racism and ridicule.").

V. NEEDED RESPONSES

I did not participate in the Symposium and write this Article just to complain about how MLB teams systematically mistreat and exploit Latino baseball talent, or how MLB teams routinely flout the Venezuelan legal system, or how the MLB Commissioner's Office in New York has done next-to-nothing about the discriminatory treatment of Latino baseball talent by MLB during the past twenty-five years. In addition to my observations about the problems, I offer some solutions:

- The MLB Commissioner's Office must credibly sanction MLB teams for misbehavior in Latin American countries. What I criticize in this Article has been widely known in MLB circles for many years, but the Commissioner's Office has done little to curb the abuses. In February 2000, I met with a very senior official from the Commissioner's Office. I expressed my opinions about the problems created by MLB teams in Venezuela and the Dominican Republic. His response was the response I have heard a hundred times: "We are aware of the problems, and we are working on them." The first half of his statement is correct, but I have seen no serious evidence of the Commissioner's Office working to resolve these problems in a systematic way.²⁴
- Scouts, MLB teams, MLB academies, and agents must be better regulated by governments.²⁵ Right now, the system is out of control and exploitative. The system is not characterized by respect for the rule of law or by respect for Latino children and

24. In recent months, there has been a great deal of talk about an international draft that would include young players in the Dominican Republic and Venezuela. In fact, the Blue Ribbon Task Force on Baseball Economics, which included such luminaries as Paul Volker and George Will, called for MLB to institute an international draft covering all foreign players. See *Committee: MLB Teams Need Revenue Sharing Increase*, THE SPORTING NEWS, available at <http://tsn.sportingnews.com/baseball/articles/20000713/246959-p.html> (July 13, 2000). In addition to talk about an international draft, the MLB Commissioner's Office is apparently seeking to hire an "Administrator" who will have the responsibility of overseeing MLB team behavior in the Dominican Republic and Venezuela. Whether this Administrator will have sufficient authority and resources to police properly MLB team practices in Latin America remains to be seen.

25. In 1985, the Dominican Republic passed a law regulating baseball academies. See Presidential Regulation 3450 of 1985 translated in AARON N. WISE & BRUCE S. MEYER, 2 INT'L SPORTS LAW & BUS. 889 (1997). I do not believe that this law has been effectively implemented or enforced by the Dominican government. Others share this perception. See Marcano & Fidler, *supra* note 4, at 540 (mentioning that all they could elicit from people about the Dominican law was laughter).

their families. In Venezuela, support is growing for a baseball law to halt many of the current abuses. Our President, Hugo Chávez, has expressed interest in this proposed legal reform, and newly-elected national legislators have also expressed a desire to adopt such a baseball law. It is my hope that this baseball law can become a model for other Latin American countries and form the template for a global baseball law.

- The MLBPA could assist the efforts of the Association and the Caribbean Confederation by voicing clearer and stronger opposition to MLB team actions in Latin America. Cross-border labor union solidarity is often necessary in the era of globalization to cope with the mistreatment of laborers in many fields of economic activity. We need such solidarity in the face of the globalization of baseball.
- Major league Latin American baseball players, especially the very big stars, should speak out. These superstars have status and influence in their home countries that can be used to improve MLB treatment of Latino children and their parents. I realize that these players are not trained social activists, but I believe that Latin Americans must take responsibility for what we have allowed to happen to us.

CONCLUSION

Bretón and Villegas ask the question that captures my passion about the problems the globalization of baseball creates for Latin Americans: “Would it be tolerated if underprivileged Americans were treated by major league baseball the way Latinos are?”²⁶ I am not asking for special treatment for Latin American baseball players. I ask those who respect the game of baseball to open their eyes to the systematic exploitation of Latino children, parents, and young men by a global business that historically and today treats Latino players like cheap commodities. I ask the baseball world to support my plea for equal treatment—for internationally recognized standards that should be applied to all baseball prospects regardless of their race or national origin.

26. BRETÓN & VILLEGAS, *supra* note 2, at 48.

When I was a boy, I dreamed of playing in *las Grandes Ligas*, of hitting the grand slam home run in the World Series, and of being a sports hero in my country. Today, my dream is different. Today, my dream is that the baseball-loving children of the Dominican Republic and Venezuela can pursue their baseball dreams as respected human beings and not as cheap commodities vulnerable to the greed of a global business that cannot understand that exploitation can accompany the opportunity it offers children all over the American hemisphere.