

## Bonds Contract Language Not Enforceable

Written by Maury Brown  
Thursday, 01 February 2007 03:03

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Let's start backwards and work forward on this one...

First, he's got to sign it. It's unenforceable. The CBA supersedes any language in the contract. Clubs can try to cover their rears, but in the end, it's a case of, "You took the gamble, now deal with the ramifications."

There... Now that we have that set aside, we can move to the beginning.

[Barry Bonds](#) ( [current contract information](#) )—the saga—seems to continue *ad nauseum*, even when a contract is signed. Or, isn't signed, which is what is floating around today. For weeks (53 days to be exact), the dance as to how the Giants, Jeff Borris, and Barry Bonds were going to agree on contract language that would address a host of issues—many of which we've never seen in a MLB contract before—has sat in the background.

So, Monday night Bonds agrees to a one-year \$15.8 million deal, which has language that, on the face of it, allows the Giants to get out of the deal if Bonds is indicted in the BALCO investigation (and presumably the pesky tax evasion issue that seems to be getting little play).

The contract language that was leaked to the [AP reads](#) as follows:

"Player acknowledges and agrees that an indictment for any criminal act under [that section] ... is proper grounds for termination of this contract," Bonds' contract states.

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"Player also acknowledges and agrees that he will not grieve, appeal or otherwise challenge any club action to terminate this contract as a result of player's indictment for any criminal acts [specified] ... nor will he cause or authorize any third party, such as the Major League Baseball Players Association, to grieve, appeal or otherwise challenge any club action to terminate this contract as a result of players' indictment for any [specified] criminal acts." Sounds like the Giants are covered, right? Here's the deal... that ain't gonna happen.

If Bonds is indicted (a big IF), the chances that the Giants can enforce this language are virtually *nil*.

There's a reason baseball has a [Collective Bargaining Agreement](#) , and more correctly, the Uniform Player's Contract. It's called "uniform" for a reason... it's designed to keep individual contract wording from occurring and add, yes... uniformity to what is, and is not permissible as a player in Major League Baseball. The CBA spells this out pretty clearly. It reads (emphasis mine) in

### Article III –

#### Uniform Player's Contract

(see page 12):

**During the term of this Agreement, no other form of Uniform Player's Contract will be utilized. Should the provisions of any Contract between any individual Player and any of the Clubs be inconsistent with the terms of this Agreement, the provisions of this Agreement shall govern.** Subject to the limitations set forth in Article IV below, nothing herein contained shall limit the right of any Club and Player to enter into Special Covenants in the space provided in a manner not inconsistent with the provisions of this Agreement.

So, as Bonds' agent, Jeff Borris has said, "Although it is not my policy to comment on the specifics of an individual player's contract, the reporting that Barry will allow the Giants to get out of his contract if he is indicted on the federal steroid investigation is inaccurate," he said. "The collective bargaining agreement governs the work relationship between the owners and players, not the Giants' unilateral assertions."

So, that addresses that contract language. But, here's the deal... Bonds has yet to sign the agreement. "At this time, Barry is not signing the new documents," Borris said. Why?

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The commissioner rejected part of the contract language that dealt with personal appearances. Once again, from the Uniform Player's Contract, it reads:

### Baseball Promotion

3.(b) In addition to his services in connection with the actual playing of baseball, the Player agrees to cooperate with the Club and participate in any and all reasonable promotional activities of the Club and Major League Baseball, which, in the opinion of the Club, will promote the welfare of the Club or professional baseball, and to observe and comply with all reasonable requirements of the Club respecting conduct and service of its team and its players, at all times whether on or off the field.

So, here we sit. More Bonds. 24/7/365. Peter Magowan and Brian Sabean have gotten in bed with the cancer, and will live and die by it. So be it. But, let's not hear any howling if Bonds is indicted and this contract language doesn't fly. You want to dance with the Devil, then deal with the consequences.

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### **Other contract points:**

- Under the new agreement, two of Bonds' trainers -- Harvey Shields and Greg Oliver -- no longer will be on the Giants' payroll. They also won't be permitted in restricted areas in any major league ballpark, such as the clubhouse.
  - On his \$4.2 million in potential bonuses... He would collect an additional \$500,000 if he makes 250 plate appearances. He then would get \$1 million apiece for reaching 300, 375 and 450 plate appearances. He could receive another \$700,000 if he makes 525 plate appearances.
  - Bonds will have a base salary of \$10 million for the year of the agreement. The remaining \$5.8 million will be deferred (it is not known at this time if it is with interest).
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