



**Major League Baseball (MLB)** fans over the past several years have not only been witness to those performances taking place on MLB baseball diamonds across America, but have also been privy to after-the- fact cover-ups, collusion, denials and authoritarian control of their *National Pastime*

. And all this in spite of supposed lessons learned from its failures going back to the early 20th century with the 1919 Black Sox throwing the World Series.

But where MLB differs in the late 20th and early 21st centuries from its historic past, is by virtue of its yearly multi-billion dollar revenues it now enjoys, enabling it more unilateral power over the game of baseball in spite of the **Major League Baseball Players Association (MLBPA)** and the **World Umpires Association (WUA)** with which it must collectively bargain.

MLB is given great latitude granted by the United States government, which allows MLB to continue to be the only professional sports league in the U.S. not subject to anti-trust laws, except with respect to collective bargaining with its unions. And it seemingly appears it need not explain its decisions or lack thereof to its fans, employees, or even the U.S. Congress, unless of course subpoenaed, about the "best interests of baseball."

News arose in July 2007 that now former **National Basketball Association (NBA)** veteran referee, **Tim Donaghy**, was pending indictment by the federal government, allegedly for providing information to illegal bookmakers associated with the Gambino Crime Family in New Jersey, who wagered bets on NBA games. He allegedly funneled confidential information to them on games and personnel while he was actively refereeing for the NBA during the 2005 and 2006 seasons included the post-season. Donaghy is expected to plead guilty on federal charges in court on August 15,

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2007.

And in early August 2007, MLB tried to hoist its latest unilateral decision upon the WUA in light of the perception of illegal gambling and cheating ongoing in the NBA by one or more of its officials, especially with NBA Commissioner David Stern's assertions that he thought the NBA had had the best security detail in all of sports. Such has made for nervous Nellie's over at MLB headquarters on Park Avenue, NYC. And although there have been complaints from players as well as from fans with how discipline and policies have been decided by David Stern, there still is a perception of a rationale and accessibility to the NBA's Commissioner.

It will take months for the NBA to come to a conclusion regarding the reach that Donaghy may have had in the NBA and who else may have been involved, if at all, and how new security options will be implemented. But Stern made it clear that he will not react swiftly with a knee-jerk reaction as to the legalities and ethics of preserving the NBA. And that is precisely what MLB Commissioner Bud Selig has been accused of by the WUA.

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It has been reported that a letter dated August 6, 2007 from the WUA to MLB stated that the WUA was breaking off talks with MLB concerning its very recent unilateral decision to require extensive credit background checks to be performed on all MLB umpires effective immediately. However, due to the lack of disclosure of how the findings of any investigations would be handled by MLB, the WUA cut off cooperation with MLB until the expiration of its Collective Bargaining Agreement which expires in 2009. The points of contention which MLB was not willing to concede or even discuss with the WUA include:

- "The nature, type and scope of information that you intend to gather on the umpires."
- "The sources, legitimate and otherwise, from which you intend to collect the information."
- "The persons who will have access to the information once it is collected."
- "The vendors and consultants who will assist you in collecting and reviewing the information."
- "The frequency with which you plan to conduct the investigations."
- "The uses to which the information will be put."
- "The process by which MLB, the WUA and the affected umpires will address any concerns that might arise from the information."

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- "The protections that will be put in place to ensure that the information is not misused or publicly disclosed."
- "The safeguards that will be adopted to ensure that umpires will not be subject to disciplinary or other adverse job actions stemming from or based upon any of the information."

And furthermore, WUA spokesman, Larnell McMorris, who also serves in such a capacity for the National Basketball Referees Association, (NBRA) said that the umpires also wanted to revisit their prior discussion with MLB regarding the use of an additional or 7th umpire for World Series games as well as the National League and American League Championship Series, given the need for an alternate in case of injury, illness or unforeseen emergencies. But Rob Manfred, MLB Executive Vice President of Labor Relations, depicted the umpires' demands as an underhanded way to get an extra umpire for post-season play, again citing that such did not serve the 'best interests of baseball' and accused the WUA of not bargaining in "good faith."

While MLB has no apparent problem with waving the 'best interests of baseball' banner when it sees fit for public relations purposes, it apparently is not concerned about it enough to ensure the game's integrity in having enough umpiring officials on hand during the crucial post-season. And apparently such has been a previous concern to the WUA which remained unaddressed.

To date, when alternates are required for the 70 MLB contracted umpires, minor league umpires are called upon to pick up the slack. Although MLB umpires draw salaries ranging from a minimum of \$87,000.00 to upwards of \$250,000.00, minor league umpires, many whom have worked as much as many as 154 MLB games in one season, receive a pro-rata share of the minimum MLB salary. Minor league salaries are monthly, with a maximum of \$3500.00 per month.

But are not games compromised when replacing MLB umpires with minor league umpires in a pinch? Especially with the use of QuesTec, the controversial computerized technology used to grade an umpire's home plate ball and strike calls. Used since 2001, MLB has not made public the exact amount of such machines used in MLB stadiums. There are reports that as few as 13 stadiums have QuesTec and as many as 23 stadiums are equipped with it. But certainly not all 30 MLB stadiums have the systems.

While QuesTec has remained a contentious issue with MLB umpires as well as many MLB pitchers and catchers, umpires are graded on every game they call behind the plate and then evaluated by the Umpire Supervisor for MLB. Formerly former American League umpire, Frank

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Pulli, served in such a capacity prior to his retirement and now former National League umpire, Rich Garcia, succeeds Pulli.

But questions about the integrity of QuesTec remain. For example, the calibration of QuesTec varies from stadium to stadium and such nuances such as shadows and the locations of stands proximate to home plate can alter the placement of the equipment or change the end result of the scoring. This is noted with respect to curve balls and sliders which QuesTec cannot accurately discern as the ball may clip the corner of the plate initially but may end up outside of the batter's box when caught by the catcher. Such would be scored as a strike, yet the umpire would correctly call it a ball.

Secondly, umpires are suspect of only one individual having full discretion to grade the umpires with use of QuesTec as he sees fit, and may not be an impartial judge, being an employee of MLB. And questions also remain about the revenue and financial arrangement which MLB has with QuesTec Systems and the monetizing of such arrangements which MLB to date refuses to disclose to its owners, players, or umpires.

That brings us to Frank Pulli and Rich Garcia and their own histories with the 'best interests of baseball'. In 1989, after the completion of investigator John Dowd's report on Pete Rose's illegal sports betting activity, other indiscretions arose. We now know, as confirmed by Pete Rose himself in 2004, that he did indeed bet on MLB as well as on the team he was playing for and managing at the time, the Cincinnati Reds.

But what we did not know in 1989, until it was revealed some 13 years later in a report by the New York Daily News in 2002, was that then National League umpire Frank Pulli, then American League umpire, Rich Garcia, and then Chicago Cubs Manager, Don Zimmer, were found to have been involved in illegal sports betting on sports other than MLB, with members none other than the Genovese Crime Family in New Jersey.

At the time, then MLB Commissioner, Fay Vincent, disciplined Pulli and Garcia for associating and doing business with gamblers and bookmakers in violation of Major League Rule 21 or "the best interests of baseball." Both came forward early on when called upon and satisfied both Dowd and Vincent. "With these guys, there was nothing involving baseball in anything they did. Anybody who doesn't understand that misses the crux of the whole point, said Vincent."

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But the aforementioned quote was not from 1989 but from 2002, in the NY Daily News report which stated that Pulli and Garcia were put on 2 years of probation at the time. It was ultimately kept secret not by one Commissioner but two, when Bud Selig succeeded Vincent. The secret remained in Selig's office for over 10 years and had it not been for Don Zimmer in his 2001 autobiography mentioning that he was also reprimanded by MLB, the secret might still be just that.

Now that the 'best interests of baseball' has reared its head again with respect to the gambling issue in the NBA, that which has never been addressed, is why sports betting by MLB umpires Pulli and Garcia was not divulged until 2002? And why were both Pulli and Garcia then subsequently rewarded by Commissioner Selig by becoming the exclusive individuals who oversee the QuesTec System and grade umpires on their calls from behind the plate? And fans are also aware, ad nauseam, about the failed oversight of performance enhancing drugs having been used throughout Selig's administration.

It is evident now, however, as Selig nears the end of his contract with MLB which expires in 2009, and paid him a salary of \$14.5 million in 2006, that he measures the success and integrity of MLB through eyes of a CEO of a Fortune 500 Company. He regaled at the beginning of the 2007 season that MLB revenue for 2006 was a resounding \$5.2 billion. Yet, Selig's continual foot-dragging on issues of concern to the fans are never addressed unless push comes to shove, such as intervention by the U.S. Congress or the threat of MLB's losing its anti-trust exemption by the U.S. government.

But as long as MLB has benefit of Rule 21 to hide behind and use whenever it becomes convenient, it bears no resemblance to integrity whatsoever. And Commissioner Selig's legacy more than likely will be overshadowed by how he looked the other way and how he may have forever sullied the hallowed records of America's pastime in the process.

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