

## Conquer and unite

*After tough campaign, new chief must quickly bring players together*

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The NFL Players Association begins meeting Saturday in Maui to elect the successor to late Executive Director Gene Upshaw, who ruled as the union's unquestioned leader for a quarter-century.

The persistent question now, besides who will win the job: Will the victor speak for all the players, as Upshaw once did, and can the union, with labor strife on the horizon, emerge whole from the contentious battle to elect a new leader?

Despite repeated controversies littering the selection process, some in the industry insist that NFL players will unite behind a new executive director, if only out of necessity. Others disagree, worrying the selection has become so chaotic and divisive that effective leadership will be impossible.

"The fact that the NFLPA has hired an attorney to investigate one of the final candidate's actions should raise red flags all over the place, including both internally and externally," said Ian Pulver, who worked for more than a decade as the associate counsel of the NHLPA and now is an NHL agent. "The smoke signals emanating from the search process lead me to believe that the players may be wise to scrap the entire process and start over."

The controversies include a congressional inquiry, questions about whether NFLPA staff were acting to protect their jobs, and a union-led investigation into whether contender Troy Vincent sent confidential agent information to his partner in their financial services company.

Last week brought the latest twist in the story. Three player representatives added player attorney David Cornwell back into the mix, reversing the action of the union's executive committee, which eliminated Cornwell from contention in January. In addition to Vincent and Cornwell, the other candidates are Trace Armstrong, like Vincent a former NFLPA player president, and Washington, D.C., attorney DeMaurice Smith.

If the victor emerges without the proverbial locker room behind him, it might spell trouble in the coming labor negotiations with the league. The owners opted out of the current collective-bargaining agreement in May, making 2010 the last year of the deal.

"If management feels Vincent, or whomever comes out of this thing, doesn't have the support of a portion of the rank and file, I certainly think they will be emboldened to take a harder-line position," said Josh Zuckerberg, a partner and labor expert with Pryor Cashman. "That is just Labor Relations 101."

Veteran NFL agent Peter Schaffer said he hopes the 32 player representatives select a candidate who unites the membership. "I think the player reps are taking their responsibility very seriously and are going to be diligent in finding the best leader," he said.

Despite Schaffer's optimism, many NFL agents and other industry sources expressed concern that no matter the outcome now, the union will emerge divided because the race evolved into such a vicious division between Vincent supporters and detractors. Some agents, too, are wary of Vincent after allegations he

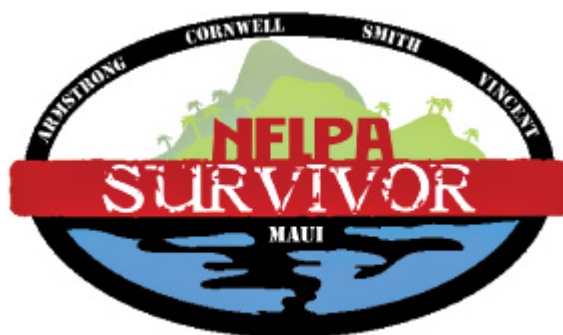


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sent confidential information, including their Social Security numbers, to his business partner. Others in the industry say just the fact he is under investigation could invalidate the election.

If the allegations are true, "it should disqualify him from being a candidate," said Buzz Hargrove, the former president of the Canadian Auto Workers who was recently named the NHLPA's interim ombudsman.

Joseph "Chip" Yablonski, the longtime NFLPA outside attorney who is investigating the Vincent matter, declined to say when he would finish his probe or whether he would travel to Maui to present the results of his investigation to the player representatives.

Hargrove said the union has a duty to inform members of the results of the investigation before the vote.

"During an election, it is very difficult to vote for someone who is under investigation," he argued. "It is unfair to the people voting and it is especially unfair to the candidate, who may be innocent."

Shortly before his death, Upshaw discovered a Vincent e-mail to his partner that spawned the investigation, as well as more than 1,000 other documents in his own investigation of the former player president. Yablonski did not comment on whether he is examining the other documents in Upshaw's file, which was found by someone recently cleaning out Upshaw's office at the request of his widow, Terri.

Sports agent pioneer Leigh Steinberg said the turmoil may have been inevitable based on recent history.

"Gene Upshaw was a giant who occupied such a central role for so long that his death without a succession plan created a massive vacuum. It was only natural there would not be a smooth or easy transition following it," he said.

Through 2007, Upshaw had been grooming Vincent as his successor, sources said, but changed his mind in early 2008. Upshaw cut off his relationship with Vincent right after last year's union annual meeting.

Vincent's supporters maintain that he still has a lead in the votes, but those who oppose him counter that his support is crumbling by the day. Cornwell's recent inclusion in the process is proof that players are not happy with the executive committee's choices, others argue.

Armstrong was said to have eight or nine strong supporters and Smith as many as 10 last week before Cornwell entered the race, but it's impossible to gauge true support because most of the information comes from the candidates' backers.

Meanwhile, one of the candidates who the executive committee eliminated along with Cornwell in January, Entergy New Orleans Inc. CEO Rod West, is following the recent developments with considerable interest.

"Recognizing that this has ... evolved into a divisive situation for the players, I think the new leader of the union, whoever that person is, would do well to focus less on the issues that divided the players and more on servicing the interests of the stakeholders who the union is duty bound to represent," West said. "This isn't about personalities. It's about business. Lord knows I wish them well."

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## THE ELECTION PROCESS

The NFLPA's next executive director will be elected by a simple majority of the 32 player representatives, or 17 votes. Player President Kevin Mawae would cast a vote in the event of a tie. In the event of no simple majority on the first vote, the candidate with the low vote is eliminated. If on the next vote there is also no simple majority winner, then again the candidate with the low vote is eliminated, with presumably a winner emerging after the third vote.

Beginning Saturday, the four candidates are expected to give one-hour presentations before the entire board of player representatives. On Sunday morning, the candidates will have the opportunity to meet in break-out sessions with smaller groups of player representatives. The vote is expected to take place sometime after that, but it is not clear if it will occur on Sunday afternoon or on Monday.

— Liz Mullen