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An MLB International Draft: The Implications of Leverage and Logistics

As we have seen play out in the public sphere this past summer, Major League Baseball and the MLB Players Association famously share a long and complicated history of bitter labor relations. One main source of this relationship's defining distrust lies in the historic handling of the international player acquisition system. Revisions to the current system loom in the upcoming Collective Bargaining Agreement negotiations, set to play out in dramatic fashion over the coming twelve months. As has been the case in the past two Basic Agreements, the international acquisition system will likely be modified to more accurately reflect the interests of both the league and the union. One solution is an international draft. As laid out to me by a league source at the executive level, baseball must resolve two main dilemmas when it comes to a potential draft: leverage and logistics.

This comes down to a standardized solution that also carries cultural versatility for the many talent pools across the world, ranging from the Caribbean to the Pacific Rim with emerging markets popping up in Brazil, Australia, and Germany. Plenty of factors are at play, but focus must be maintained on incremental improvement. One veteran international scout's words ring true: the first version of an international draft will likely have its holes, though represent a step in the right direction.¹ With the international system's many intricacies and far-reaching effects, we must remember the words of Jeff Miller, NFL EVP of Communications, Public Affairs & Policy, throughout this process: "Don't let perfect become the enemy of good."²

¹ American League assistant international scouting director in discussion with the author, November 2020.

² Jeff Miller, "Football Business Management: Concussion and Player Safety" (Zoom lecture, Guest speaker, Columbia Sports Management, Washington, D.C., December 1, 2020).

Negotiating Leverage Implications of an International Draft

In terms of the lasting effects of an international draft, leverage plays an outsized role on both the levels of business expansion and contract negotiations. One defining facet of leverage that should be acknowledged is the exploitation of Latin youth labor, which can get lost in the discussion of an international draft centered around teams seeking to maximize the efficiency of process, competitive balance, and the fairness of competition.³ At face value, the league sees the implementation of an international draft as an opportunity to regain leverage in the sphere of labor relations. “In going global to access these markets, MLB behaves like other big businesses favoring globalization in their respective areas,” following the multi-national corporation blueprint: build global markets for a product and develop a global labor pool to manufacture the product.⁴

In the modern economic climate of American capitalism, the sign of a mature, effective corporation is the implementing of market manipulation to reduce financial risk. By this standard, Breen identifies MLB’s institutional “competitive balance” structures as having been put into place in the service of lessening corporate risk for major-league teams to navigate market forces and outcompete flow of labor pool better than competing professional leagues.⁵ Many see the current system as a mere intermediate step, a test of the effect of a slowdown of signing bonuses on competitive balance, towards an eventual draft.⁶

When it comes to the players, the delta in negotiating leverage is steep. This is largely due to the fact that many prospects from top baseball countries such as the Dominican Republic

³ Jarrett Seidler, “Guarding the Lines: Well, Being Ethical, It’s Hard,” *Baseball Prospectus*, August 15, 2019.

⁴ Arturo J. Marciano and David P. Fidler, “The Globalization of Baseball: Major League Baseball and the Mistreatment of Latin American Baseball Talent,” *Indiana Journal of Global Legal Studies* 6, no. 2 (Spring 1999): 514-21.

⁵ J.P. Breen, “The Visible Hand of the Baseball Economy,” *Baseball Prospectus*, November 12, 2019.

⁶ David Laurila, “Rosenheck & Jonas: Internationals Draft Issues,” *FanGraphs*, March 26, 2012.

and Venezuela do not have alternative educational options in place given both the requisite time investment demanded by baseball academies and the infrastructure of their home countries. A look inside competitive balance rhetoric from the league juxtaposed with prospects' varying levels of leverage dependent upon their country of origin will help establish the stakes of upcoming changes to the international player acquisition system.

In the NBA's relationship with European basketball leagues, the track of Dallas Mavericks guard Luka Dončić stands out. Born in Slovenia, Dončić signed a five-year contract with Real Madrid at age 13 where he played on the developmental and then professional teams before entering the NBA Draft at age 19. The Spanish club basketball route gave Dončić not only sufficient exposure to justify the 3rd overall pick but also provided the NBA with a young, exciting star whose crafty play could appeal to European audiences.

Two examples of American players who flexed their muscles in negotiating leverage and exposed an uneven player acquisition system are Lucius Fox and Carter Stewart. Fox, a shortstop, moved from Florida — where he was a borderline first-round pick under the domestic draft system — to the Bahamas to qualify as an international free agent in 2015. “By being able to negotiate with multiple teams to drive up his price, Fox received a bigger bonus [\$6 million with San Francisco], than anyone in the 2015 draft other than the No. 1 overall pick, Dansby Swanson (\$6.5 million).”⁷ The right-handed pitcher Stewart went one pick ahead of the memorable selection of Cardinals quarterback Kyler Murray (who possessed the leverage of having already dazzled the NFL's de facto minor leagues of NCAA football), in the 2018 MLB draft. Spurning not only Atlanta's signing bonus offer of \$2 million (40% of slot value due to a grade-school skateboarding injury) but also the powerhouse baseball program of Mississippi

⁷ Ben Badler, “International Draft is About Money, Not Balance or Transparency.” *Baseball America*. November 11, 2016.

State, Stewart opted to spend a year in junior college before signing with the Fukuoka SoftBank Hawks of Japan's NPB for a reported sum of \$7 million.⁸

One potential wrinkle posited by amateur draft advisor, Adam Jonas, helps account for slot flexibility essential to players' negotiating leverage:

“There needs to be some flexibility built into the system, so there isn't a hard cap for a special player. A Stephen Strasburg or a Bryce Harper gets paid for his project-ability, so why shouldn't a Dominican player get the same opportunity? There's a fairness issue in play here. There's no question that the interests of American players are looked at in a different way than Latin players.”⁹

After selection, players should hold the option to either sign a contract with that club or to enter an independent showcase league run by Major League Baseball that allows for a player to benefit from major-league instruction. MLB has undergone a radical restructuring of its minor-league system due to inefficient market allocation and unsustainable business models throughout small-town America. A logical progression in the protection of its future revenue drivers is a reallocation of investment into a labor pool rich in return on investment.

An additional facet of leverage that requires remedy is the imbalance in comparative markets for players depending on their country of origin. A look into the landscape of countries with professional leagues — Cuba, Mexico, South Korea, Taiwan, Japan — offers the insight that MLB teams will pay more for a developed product, however the compensation these players demand and ultimately receive on the open market is largely dictated by a nation's respective acquisition structure.

⁸ Michael Baumann, “MLB Is Coming Back. Its Player Development Pipeline Is Not,” *The Ringer*, June 24, 2020.

⁹ <https://blogs.fangraphs.com/rosenheck-jonas-international-draft-issues/>

Per an executive league source, Cuba stands out as a singular solution for the league.¹⁰ Cuba has long been a bastion of baseball talent where the game carries unique historic and cultural value. Recently, the World Baseball Classic began to afford MLB teams the chance it had been waiting for: to evaluate Cuban ballplayers against elite competition. Since its inception in 2006, there has been a big spike in notable Cuban international stars — from Alexei Ramirez and José Fernández to Aroldis Chapman, Yoenis Céspedes, and Yasiel Puig — which has brought on an exodus of talent that has left the Cuban Baseball Federation (FCB) rather barren in the succeeding years.¹¹

Despite progress under the Obama administration towards a posting system relationship between MLB and the FCB, Roberto González Echevarría, Yale professor and trusted authority on Cuban baseball history, expressed his reservations for any changes on the horizon with all signs of Castro's successor, Díaz-Canel, pointing towards a continuation of the regime's communist policies.¹² In recent years, González Echevarría said, the Cuban game has been depleted by regime politics, but that premier talent will continue to find ways off the island, exhorting us “to remember that above all else, these ballplayers defect for freedom.”¹³

Accommodating this level of nuance, delicate diplomatic discussions are a priority for the MLB to navigate the countries where it has pursued a policy of non-interference of several countries with developed professional leagues. It would understandably be outside of MLB's interest to meddle with the fan support of these leagues that ultimately set the stage for postseason television viewership in these countries. This policy has traditionally featured a

¹⁰ Major League Baseball executive in discussion with the author, October 2020.

¹¹ Eric Longenhagen and Kiley McDaniel, *Future Value* (Chicago: Triumph Books, 2020): 104.

¹² Roberto González Echevarría (Sterling Professor of Hispanic and Comparative Literature, Yale University) in discussion with the author, December 2020.

¹³ Ibid.

posting system for professional-status players (over the age of 25) to compensate development by the clubs and an unofficial handshake agreement to keep MLB teams from signing amateurs (below the age of 25) before they reach their respective professional leagues. MLB Pipeline's top international prospect, Yoelqui Céspedes, younger half-brother of Yoenis, is "believed to be weighing his options, which include exploring the possibility of entering MLB's Draft or playing in Japan."¹⁴ The winds are changing on the international circuit, further driving home the importance of a singular solution that requires adaptation and communication from the league office as the Biden administration takes office.

A league priority has been placed on settling these professional league relationships that act as outliers to a potential international draft. MLB and Mexico's LMB recently reached a two-year player transfer agreement after a 2018 impasse (due to club corruption in taking full cut of signing bonuses, which came to a head in the Dodgers' acquisition of Julio Urías in 2012. MLB has also come to a March 2019 agreement with Taiwan to a posting system for the CPBL, which produced Yankees pitcher, Chien-Ming Wang in 2000.

In South Korea, the KBO enjoys phenomenal fan support. Since 2012, three players have entered MLB from KBO through the posting system method (1 on MiLB contract). Hyun-jin Ryu (Dodgers, 2012) recently produced a posting fee in excess of \$25 million as a 26-year-old professional. Amateur signings range from Shin-Soo Choo (Seattle, 2000) at 18 years old to MLB's voiding of Baltimore's 2012 contract with 17-year old pitcher Seong-Min Kim (\$550,000 signing bonus), which "almost instantly sent the peninsula into an icy rage."¹⁵ KBO and MLB later agreed to label the signing a "breach of protocol," wording that endures as both confusing (as a protocol contradicts this agreement's existence as an unofficial rule) and illuminating in

¹⁴ Jesse Sanchez, "Yoelqui Céspedes, Yoenis' Brother, Declared FA," *MLB.com*, March 18, 2020.

¹⁵ Bradley Woodrum, "Seong-Min Kim, Korea, and the International Draft," *FanGraphs*, February 16, 2012.

terms of the future handling. According to Woodrum, “If the MLB does entertain the notion of an international draft, it must do so fully recognizing the distinct groups of talent and markets for talent in other nations. The draft in Puerto Rico does not seem to have stopped the pipeline of talent, but it may have adversely hurt the nation’s baseball institutions, which hurts national interest, which hurts the MLB.”

In Japan, Masahiro Tanaka (7 years, \$155 million to the New York Yankees) stands as the largest international deal, one completed under the 2014-17 \$20 million limit on posting fees (essentially, Tanaka received 88% of the total \$175 million acquisition cost). At the time — and before throwing a pitch in MLB — Tanaka earned the fifth-highest total contract value for a pitcher. Yankees general manager, Brian Cashman, commented at the signing, “It might have been overkill, but we felt like if that’s the case, we’d rather go all out than fall short wishing we did a little bit more.”¹⁶ The posting system, first pioneered by current Yankees assistant general manager Jean Afterman as a loophole to get Japanese pitchers Hideki Irabu and Hideo Nomo their market rate in MLB, continues to receive criticism from baseball officials in both countries. The case of Shohei Ohtani, a two-way Japanese star who still held amateur status when he signed with the Angels in 2017 at 23 years of age (likely seeking to capitalize on his youth and health), provides one of the most extreme exceptions to the rule we’ll ever find in baseball, according to an AL international scouting director, as players posted before 25 severely curb the compensation owed to both the player (amateur restrictions) and team (percentage cut).¹⁷

Senior writer for MLB Pipeline, Jim Callis, points to the Moncada (50%) vs. Tanaka (88%) debate to demonstrate that there is no current way to ensure everyone has the same

¹⁶ Bryan Hoch, “Tanaka Signs \$155 Million Contract with Yankees,” *MLB.com*, January 23, 2014.

¹⁷ American League international scouting director in discussion with the author, December 2020.

baseline in market value within the current system.¹⁸ When it comes to the logistics of the draft, to be discussed in the following section, it is paramount to allocate flexible slot values to protect the negotiating leverage of the players.

Logistical Challenges Facing an International Draft

Addressing the details of a potential draft, there are myriad factors to consider: age (around 17), alternative pathways (option to enter an independent showcase league run by MLB), country-specific compensation structures (country-by-country basis), number of round (15-20, about 2/3 of a club's annual international signings), etc. Jeff Tiedeman, current baseball operations director for a top agency, Independent Sports & Entertainment, argues that two separate drafts would group international players on similar footing in terms of adequate alternative playing options.”¹⁹ Jorge Arangure of the *New York Times* counters that a single draft would most effectively achieve the goal of depressing signing bonuses, otherwise each top pick would have the argument to rival each other's bonuses, an unsustainable model for whom owners see as unproven talent less likely to make the big league roster than domestic amateurs.²⁰ A potential issue to be renegotiated is the likely disparity between the compensation received by top domestic and international draft picks. (Spencer Torkelson set the record this past year with a \$8.42 million signing bonus, nearly double that of Jasson Dominguez and Robert Puason's share for top 2019 international signing bonus, \$5.1 million).

¹⁸ Jim Callis (senior writer, MLB Pipeline) in discussion with the author, October 2020.

¹⁹ Jeffrey J. Tiedeman, “MLB International Player Draft: Home Run or Headache,” *Sports Lawyers Journal* 21 (2014): 263

²⁰ Jorge Arangure, interview with Ben Lindbergh and Sam Miller, “Effectively Wild Episode 163: All About the International Draft,” *FanGraphs*, Podcast audio, March 20, 2013.

One priority in implementation worldwide is to avoid mass player defections to exempt countries. In U.S., high school is the requirement to be drafted; international requirement has to be age as many prospects in Latin America do not attend high school. Accommodations for undrafted and unsigned players should provide a different fallback option would have to be offered (American amateurs have the option/ability/leverage point to attend college before reentering draft pool in 3 years' time). It appears most feasible to grant undrafted players free agency (given their decrease in value in the next class; Arangure: "one less year in the minor league system") and impose a signing bonus limit on this group. This way, players have both options and can maintain a significant portion of negotiating leverage.

Two valuable arrows in MLB's quiver that could help it navigate potential legal challenges would include the league's unique antitrust exemption and its collective bargaining relationship with the MLB Players Association. First, it must be considered that MLB's antitrust exemption applies only to its national activity; its tenuous status could potentially be endangered if tested outside borders. Second, the fact that MLB negotiates issues "within the legitimate objectives of [the] union" through collectively bargaining agreements largely grants the league immunity from monopolistic behavior regarding artificially depressed wages.²¹

A potential international draft must also take into account the value of diplomatic affairs in relation to the unique situations of each affected country. A solution must particularly weigh baseball's direct economic role in job supply on the island. Likewise, MLB would also need to reopen discussions with Japan, South Korea, Mexico, and Taiwan regarding amateur acquisition. "In order to get the best talent to enter the MLB draft, these Asian countries must find a way to

²¹ Tiedeman, "Home Run or Headache," 270.

eradicate most of the stigma currently placed on their amateur players who leave to play in other countries.”²²

As Tiedeman aptly notes, “one of the hardest parts of scouting international talent is not evaluating the talent; it is *finding* that talent.” (Tiedeman 278)²³ A centralized system built on showcases and prospect leagues regulated by MLB would help solve the problems of exposure and meddling by local trainer-agents, known as *buscones*. A noteworthy model to emulate is the recently built-up, Dominican Prospect League. As evidenced by MLB’s recent wave of young stars — Tatis Jr., Soto, Acuña Jr., Guerrero, Jr. to name a few — “there’s been a shift in efficiency since the advent of the prospect leagues, with teams often giving the top bonuses to the top eventual pro performers.”²⁴ More than 3,000 players have participated in the DPL and approximately 700 have signed since the league began 10 years ago.²⁵

The prevailing hope among writers and scouts alike is that Venezuela will continue producing and developing talent, however the problem lies in these prospects’ flow and exposure to the United States. Travel restrictions have kept Cleveland from working with its top shortstop prospect, Brayan Rocchio, this past season, and very few American scouts were able to travel there this year with no access to commercial flights.²⁶ In the face of its severe political and economic turmoil, Venezuela, however, owns the advantage of an unrivaled foundation of youth baseball instruction. The production of pure, game-ready prospect talent, much of whom has translated into major league stardom, comes from this all but invincible feeder system, which would greatly benefit from MLB intervention with centralized showcases to display its talent.²⁷

²² Ibid. 278.

²³ Ibid. 278.

²⁴ Longenhagen and McDaniel, *Future Value*, 97.

²⁵ <https://www.mlb.com/news/dominican-prospect-league-shows-off-near-chicago>

²⁶ Ben Badler (senior writer, Baseball America) in discussion with the author, October 2020.

²⁷ American League international scouting director in discussion with the author, December 2020.

One insightful case — where a U.S. sports league’s international presence features both fan interaction *and* talent development — lies in the Ultimate Fighting Championship’s expansion and development in Australia, where the league has not only hosted more than eighteen fights and events but also tapped into a fruitful talent pool of new fighters.²⁸ A lesson to extract from the UFC’s success Down Under is that commercial success can be coupled with labor development with constant and consistent visibility on a national level through tentpole events.

Recommendation

The case of Puerto Rico presents an important lesson of the potential impact of a draft upon a baseball country. “No one here disputes the diminished stature of baseball in Puerto Rico, and most agree on the culprit: Major League Baseball’s decision, in 1990, to include Puerto Rico, a commonwealth of the United States, in its first-year player draft.”²⁹ Baseball people in Latin America point towards Puerto Rico as an example of the draft’s danger of capping the number of players who get a chance to play professional baseball.³⁰ The main baseball academy in Puerto Rico is funded by MLB, not by franchises looking to outcompete each other at each possible turn. Perhaps more important, major league teams have less incentive to cultivate talent in Puerto Rico because those players may end up with another team through the draft. David Bernier, Puerto Rico’s former secretary of sport and recreation joins the finger-pointing through his searing declaration: “With the way things are, Puerto Ricans are slowly becoming less

²⁸ “UFC Celebrates a Decade in Australia and New Zealand,” UFC.com, July 9, 2020.

²⁹ Jorge Castillo, “Puerto Rico Traces Baseball’s Slide to the Draft,” *The New York Times*, January 16, 2012.

³⁰ Alex Remington, “MLB Wants an International Draft. Here’s Why It Shouldn’t Happen,” *Hardball Times*, May 14, 2014.

enthusiastic about baseball, and that can become a vicious cycle.”³¹ It is worth considering what we would learn from a multi-year exemption from the draft, whether that is a one-year test leading into an international draft that included Puerto Rico or a standalone multi-year case study.

However, the other school of thought ascribes Puerto Rico’s relative downturn in baseball talent (still alongside Curaçao as two of the top MLB talent producers per capita) to other factors like a general downturn in economy and a rise in alternative sports options. There is indeed a correlation in a decline of baseball talent with the inclusion of Puerto Rico in the Rule-4 draft in 1990 but perhaps not causation.

“The primary difference between Puerto Rico and many of the other Latin American nations . . . lies in economics” — gaps in GDP and the presence of exchange rates allow for decreased signing bonuses to theoretically cause less of an impact on the Dominican Republic among other baseball countries.³² Edwin Rodríguez, coach of a youth team in Caguas, Puerto Rico, who helped develop 2012 No. 1 pick, Carlos Correa, says, “It’s a combination of a lot of other things . . . I walk around and our kids are playing other sports like volleyball, soccer and basketball. In the Dominican Republic, someone tells them they are going to pitch. They don’t have options.”³³ One potential element that could help resolve some of these problems is the inclusion of Puerto Rico into an international draft.

Either way, many baseball officials agree on the sustainability of evaluation under the current system of scouting and academy development. Donny Rowland, the Yankees’ international scouting director, concurs with this assessment: “The teams that have shown an

³¹ Castillo, “Puerto Rico,” January 16, 2012.

³² Tiedeman, “Home Run or Headache?” 266.

³³ Gabrielle Paese, “Do Puerto Rican Ballplayers Belong in a Stateside or Potential International MLB Draft?” *ESPN One Nación*, June 7, 2015.

ability to get an edge in this market are the most likely to get an edge in a draft setting, even if it doesn't appear to advantage them directly at first.”³⁴ One international scouting director told Longenhagen off the record: “The draft will make evaluations get better due to more information. ... [The owners] want to spend more of their pool on top-end players, know more about players, and avoid big cost increases, saving where they can.”³⁵

Vital progress has been made over the course of the past two CBAs in the form of the Trainer Partnership Program (TPP), a system of MLB-certified trainers who fulfill new requirements for early registration and drug testing of prospects. As of December 15, 2020, 20 of the current class of MLB Pipeline's top 25 international prospects outside of Cuba work out with the TPP.³⁶

The TPP has also streamlined the process of feedback for the league and union when it comes to the prioritization of the international issue. One common theme is an evident majority of dissatisfaction with the status quo. A standardized draft is a solution growing in popularity for the accelerating trend of prospects signing younger than ever. One excerpt from Badler's 2019 analysis is especially telling:

“I hope they have the draft,” said one trainer previously opposed to the draft. “All the trainers, to have a player, we used to get them at 13-14 years old. Now you have to get them at 10-11 years old. So you have to carry them until they're 16 years old. How much money have you spent on those guys?”³⁷

One key factor to keep in mind is that all of this theory and activity is determined by MLB-MLBPA negotiations in the upcoming CBA. In an ever-changing landscape of league-union relations, with different emphasis invariably being placed on different interests, “Labor

³⁴ Longenhagen and McDaniel, *Future Value*, 118.

³⁵ Ibid. 119.

³⁶ <https://www.mlb.com/prospects/international/>

³⁷ Badler, “Current International Signing System,” June 26, 2019.

strife is hard to predict,” according to noted Kennesaw State University economics professor, J.C. Bradbury.³⁸ Any changes made to the international player acquisition system are normally made as a concession by the players — the union does not represent amateurs and could thus use them as a bargaining chip if push comes to shove on larger issues such as service-time manipulation. Alas, with the uncertain economic circumstances brought on by the pandemic, the implementation of an international draft may not be atop a list of priorities for owners this upcoming year.

Various forms of posturing from the league have taken place at various stages in collective bargaining — Commissioner Bud Selig labeling an international draft as a priority in 2013, Commissioner Rob Manfred’s (Selig’s successor) statement on Moncada leading up to the 2016 negotiations, and Manfred again voicing concerns in the leadup to unprecedented 2019 midterm negotiations: “There’s only one way that the vast majority of the problems in the Dominican Republic will be solved on a permanent basis. . . .The transparency that accompanies a draft.”³⁹ A frustrating trait of proposals for change to move toward a mutually beneficial partnership is that they are often viewed with askance “because too many in Latin America believe the true nature of change is an effort to reduce the money clubs spend on international amateur talent.”⁴⁰

On the surface, the league’s framework of imposing restrictions to ensure greater control over its talent pool and native infrastructure through unilateral methods paints the classic picture of management strongarming labor. Overall, sufficient accommodation to the nuances of both negotiating leverage and cultural and political logistics will determine if the execution of an

³⁸ Qtd. Ben Lindbergh, “Baseball’s Economics Aren’t as Skewed as They Seem,” *The Ringer*, February 21, 2018.

³⁹ Qtd. Jeff Passan, “The Dysfunction of the Baseball Culture in Latin America,” *Yahoo Sports*, July 9, 2018.

⁴⁰ Ibid.

international draft bears a closer resemblance to United Fruit's corrupt exploitation of Central American land and laborers in the 19th and 20th centuries⁴¹ or Red Bull's successful "glocalization" of extreme sport marketing strategies over the past couple decades.⁴² However, the tendency for the law of unintended consequences to multiply in the realm of baseball likely means that we will have to wait and see.⁴³ Jagger and Richards may have taught us that while "you can't always get what you want . . . you get what you need." But left unexplored in this context is the possibility that the league next year gets exactly what it has spent decades lobbying for, but it turns out hurting both parties' main interest: the long-term health of baseball.

⁴¹ Stephen Schlesinger and Stephen Kinzer, *Bitter Fruit: The Story of the American Coup in Guatemala* (Cambridge, MA: Harvard University Press, 2005).

⁴² "Case Study Red Bull – Further Market Expansion," GraduateWay, February 5, 2018, accessed December 12, 2021.

⁴³ Dustin Palmateer, "Outta Left Field: International Consequences and the New CBA," *Baseball Prospectus*, December 14, 2016.

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