

Please note that this case is in most ways authentic -- inasmuch as all of the events did actually take place. However, it is also somewhat hypothetical -- inasmuch as all of the happenings did not befall a single individual. So in reality, the story is a synthesis of a number of incidents. They are put together here and ascribed to a fictitious individual in the interests of anonymity, brevity, and impressiveness of illustration.

Willie Crankem was given his first hockey stick when he was six. For a year he simply played "shinny" -- at every opportunity, but in a totally unorganized setting. He learned to skate well, He used his stick well. He became aggressive. He stood out among his young friends.

His parents thought they saw in him a budding talent. So they enrolled him in a Charlie Brown League.

Two years later, when he was only eight, Willie made the team which represented his community in the Little Richard League. And he starred. His parents' dreams began to come true!

His success continued through the Mite and Pee Wee Divisions and on to a calibre A team in the Bantam League of an Athletic Club in Edmonton. Willie was 13.

Then troubles began. At that time he applied to transfer from his Local Community League (with which he had just finished a 5-year association) to a Knights of Columbus Bantam AA League. The Association (EMHA) refused his release -- on the grounds that once in a district and affiliated with a club, a player could not be allowed to transfer unless his family moved again. Willie's father, however, pressed the issue to the

Supreme Court where an injunction was awarded quashing the EMHA ruling.

Willie moved on -- through Midget to Juvenile to Junior ranks, maintaining throughout an A calibre of performance. Also, though he had gained admission to the university, he later found it necessary, for financial reasons, to withdraw temporarily. In any case, by this time the opportunities for professionalism had become very, very real.

But disaster struck again. His team amalgamated with the only other Junior A club in the City. Along with the amalgamation went an increased schedule and more travel -- which he could ill afford either as a student or as a worker. Amalgamation also meant a loss of affiliation with his Tier One Junior A club.

Willie assessed his alternatives: (1) to accept the new status of his team and attempt to cope with his diverse ambitions; (2) to request a transfer to an out-of-town farm team, where the pace might be less hectic; or (3) to seek a release and regress to a local Junior B team, where he might pursue his multiple ambitions on his own terms.

Willie decided to seek the release.

But the AAHA Hearing Committee refused his request.

Willie again initiated court action. The action was never completed, however, because the AAHA relented and granted the release.

Finally, last winter, when he was 18, Willie's ambitions to pursue a hockey career and his companion aspirations for certain other things in life shaped into a dilemma which literally overwhelmed him. In the fall, he had attended the local Major Junior A or Tier One training camp -- but had achieved only third place in the competition for his position. So he had decided to take advantage of an Association regulation permitting Junior B clubs to retain two Junior A players, and to return to his former Junior B club.

But in January, he learned, through a radio sports-cast, that he had been sold to another team in the Western Canada Hockey League. This "sale" came as a shock to Willie -- for he was not aware that anyone "owned" him or had the right to "sell" him.

But own him they apparently did. For sell him they certainly did.

In the WCHL there is a subtle control device known as the "Protected List" or the "List of 70" which gives to each team -- without the involved players' knowledge -- the priority draft rights over 70 junior players in the territory. It was on the basis of Willie's perceived contractual obligations to the league -- together with the workings of the Protected List -- which gave the club a "right" to sell Willie.

As of this writing, Willie is still pondering his alternatives:

(1) to accept the trade -- thereby keeping his hopes for professional play alive, but leaving home and giving up his educational goals; or (2) return to his Junior B team -- thereby giving up his chance to become a prime draft choice; or (3) seek to reestablish his competitiveness through a hockey scholarship at the University -- though he fears he may have forfeited this opportunity by playing one game at the Tier One level following training camp last fall.

This case, abbreviated as it is, may seem to play down the opportunities that were made available to the individual throughout his hockey career. But no doubt opportunities were there, in considerable abundance, from age seven to 20.

The real purpose of the story, however, was to highlight the problems that young athletes may encounter. And they do encounter problems. Many athletes do. Regularly. And frustratingly.

THE ISSUES AND THE QUESTIONS

Let us reexamine the critical events in this case study and attempt to extract from them the issues and the questions which are central to this inquiry:

1. Willie's first encounter with the system occurred when he was only 13 years of age and playing a Bantam A level of hockey. His wish, and that of his parents, was simply that he be allowed to transfer from an Athletic Club League to a Knights of Columbus League -- a seemingly reasonable personal wish. His request was initially denied, however, on the basis of what appears to be an equally reasonable regulation -- a restriction on player transfers, for the purpose of maintaining equitable levels of play among teams and of eliminating bribery and other undesirable practices in the competition for players.

A conflict resulted. It was resolved, however, when Willie's father demonstrated the seriousness of his request by appealing to the courts and when the Association yielded and granted the transfer.

2. The next incident occurred when Willie had reached the Junior A level of play -- in our terms, a pre-professional level. At this point the stakes are higher; often the hockey career is bound up with an educational and/or work career.

Again, Willie "won his case" -- inasmuch as he was granted his release and allowed to return to his former Junior B team. But it must be noted that the right he won was *to regress in his hockey career so that he might pursue other goals simultaneously.*

3. The final episode occurred when Willie was exercising what he thought was his option to play Junior B hockey -- an option he had chosen when he found that his performance at the point of advancement to Major Junior A was, at best, marginal. But as he discovered, by previously playing Junior A and also two games of Major Junior A, he had become a *potentially valuable property* to the system and/or some operator. At that point, the system moved in with its one-sided contracts, Protected Player Agreements, and so on, to take over Willie's career and use him, trade him, or sell him as the circumstances warranted.

Clearly, the events recounted in this single case study do not constitute an adequate body of evidence upon which to formulate conclusions.

But they do bring into rather sharp focus the questions to be addressed in this inquiry:

1. In amateur hockey, is the balance between necessary organizational regulation and desired individual freedom a reasonable one?
2. If not, at what point and for what reasons do undesirable imbalances occur? And,
3. If not, what corrective measures seem indicated to restore the desired balance?

III.

DESCRIPTION

THE ORGANIZATION AND GOVERNANCE OF HOCKEY IN ALBERTA

As the reader begins this section, he is asked to recall that the central purpose of this study was not to investigate directly the structure, the governance, or the processes of policy-development in amateur sports -- but rather to inquire into the extent to which appropriate rights and freedoms are or are not accorded to individuals who play amateur hockey.

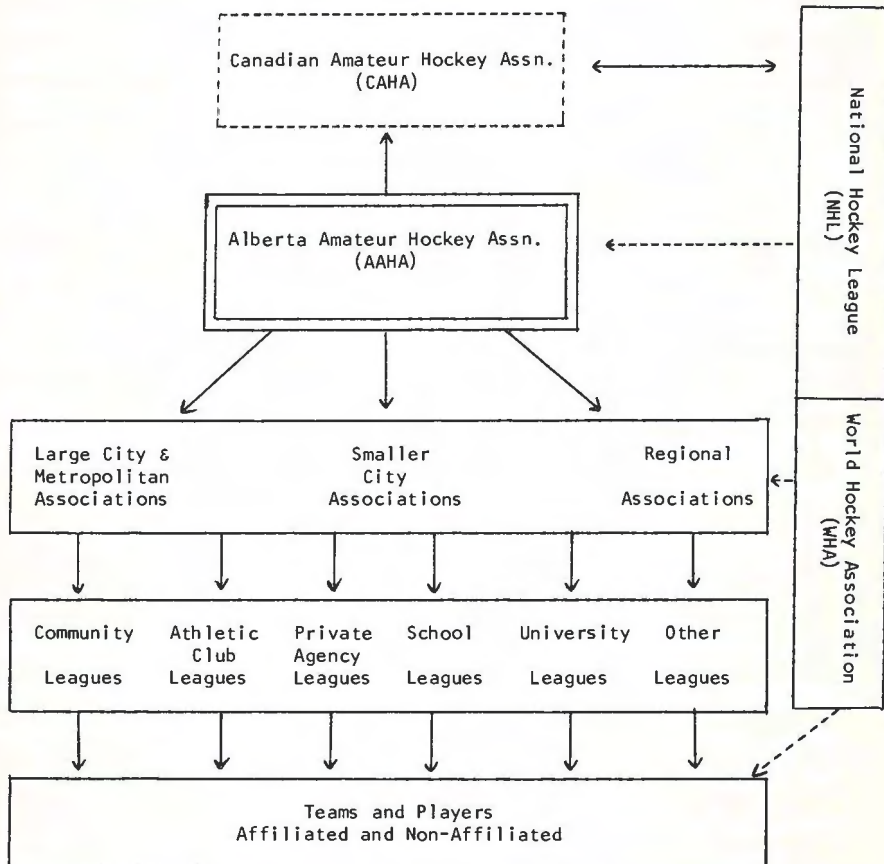
However, we thought it necessary to begin our analysis by providing a brief description of the over-all system and how it functions -- so that we might then use that description as a backdrop against which to examine the issues which were the real focus of the study.

STRUCTURE

Organizations are simply collections of individuals; they are the instruments that humans create to facilitate the achievement of commonly held goals. Systems are collections of organizations; they are the networks that are created to facilitate cooperation and coordination among organizations that share like goals.

Organized hockey in Alberta is part of a system -- a rather complex system. It is linked, in one direction, to a national parent organization, to an international organization, and to wealthy sponsoring organizations. In the other direction, it is linked to community sub-systems or leagues, to local organizations or teams, and to individual players.

The following chart is a crude depiction of this system and its major components.



THE PROFESSIONAL HOCKEY LEAGUES. Though professional hockey is not a formal part of the system under review here, we recognize that its ties to amateur hockey are such that it simply must be noted.

In brief, the situation is this: The amateur hockey system, by agreement, provides the pool of talent from which the professional teams draw.

In recognition of this service, the professionals contribute certain monies to the support of the Amateur Hockey Association and its branches. These contributions,* which are specified in the Pro-Am Agreement, take the form of: (1) flat grants to CAHA for its general operational costs and those of its branches; (2) direct grants to branches (such as the AAHA) for "player development"; and (3) draft monies to specific teams for draft choices.

These payments are significant in the minds of Amateur League officials -- though financial benefits accrue mainly to Major Junior A teams. Nevertheless, this arrangement does generate the thought that the NHL, which allegedly "pays the piper", must inevitably "call the tune".

Prior to 1967, NHL teams sponsored their own amateur teams. These were known as "farm clubs". The change to a universal draft system in 1967 was effected, among other reasons, to get rid of the farm club concept. But in operation, the effect of the change has been to move from individual and highly competitive farm club operations to a more universal and cooperative farm club system.

Rather than one amateur team serving as a farm club for a single NHL team, we now have one Association (the CAHA) serving as an "Association of Farm Clubs" for another Association (the NHL).

* Pro funds to CAHA and affiliates, according to the 1967 Pro-Am Agreement:

- i. "annual assessment" fee to CAHA - \$75,000;
- ii. \$9,000 to each branch as "player development funds";
- iii. draft monies paid to Alberta centres (member teams of AAHA) totalled \$15,850 since January 1, 1973.