

VILMA VANQUISHES GOODELL & NFL; SAINTS PLAYERS REINSTATED

There is some early Trash from the National Football League breaking within the last hour. The four New Orleans Saints players suspended in "Bounty Gate", led by Jonathan Vilma and Scott Fujita, dissatisfied with the league ruling handed down by Roger Goodell, first filed suit in the Eastern District of Louisiana and then appealed to a special appellate panel available under the relatively new collective bargaining agreement.

This afternoon, the special appellate panel unanimously ruled in favor of the players and ordered them reinstated:

The four players suspended by the NFL for their involvement in the New Orleans Saints' "bounty" program had their suspensions overturned by a collective bargaining agreement appeals panel Friday, NFL Players Association spokesman George Atallah said.

While the suspensions are vacated immediately, NFL Commissioner Roger Goodell can go back and suspend the players if he proves there was an intent to injure. NFL spokesman Greg Aiello said all players are eligible to play, starting with this weekend, until Goodell does so.

"Consistent with the panel's decision, Commissioner Goodell will, as directed, make an expedited determination of the discipline imposed for violating the league's pay-for-performance/bounty rule," Aiello said in a statement. "Until that determination is made, the four players are reinstated and eligible to play starting this weekend."

Here is a full copy of the written decision.

This is pretty significant news on a lot of fronts. First off, of course, the Saints get two key players back, including Vilma who is the quarterback of their defense and a critical team leader. Secondly, it is a slap in the face to Roger Goodell, and an equally big win for the NFL Players Association. Thirdly, this is an appeal process that the league agreed to and the first time it was taken out for a test spin, they got clobbered by it.

And a rebuke like this could not happen to a more deserving group of arrogant folks (see: refusal to make deal with referees) than the NFL and its owners.

That said, the ruling is not quite as huge a win as you might think at first blush, as it still leaves room for punitive action by Goodell against the players. Here is the key language from the ruling:

While we agree, then, that the Commissioner had jurisdiction to discipline the Players in this case, we are uncertain that the discipline handed down was attributable, in any part, to that aspect of the Program which lies within the exclusive jurisdiction of the System Arbitrator. While we could speculate, it is not clear from the record before us whether the Commissioner had the distinction we draw in mind at the time he disciplined the Players.

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In light of the serious nature of the penalties imposed, we believe caution is appropriate. Therefore we vacate the Players' discipline and remand the matter directly to the Commissioner for expeditious redetermination.

What this means is that Goodell can still take punitive action on these players via his

“redetermination”, but he is going to have to do it under a provision different than he originally relied on. According to Albert Breer at NFL.com, who did fantastic reporting this afternoon and first posted the written opinion, Goodell will now have to base any punitive action on “intent to injure”, and that is how I read it too. That is a significantly tougher evidentiary burden to prove up legally.

Now the question is will Vilma et. al cut a deal with Goodell or keep fighting? Jonathan Vilma is very bright, and a very proud, tough fellow. It will be interesting to see if he has any inclination to deal. With Judge Berrigan still proceeding in EDLA, and having indicated she would rule in favor of Vilma if she could, I would not bet on Vilma being willing to cut any deals with the Commissioner.