

BARGAINING WITH BASEBALL

Labor Relations in an Age of Prosperous Turmoil



William B. Gould IV

Bargaining with Baseball

*Labor Relations in an Age
of Prosperous Turmoil*

William B. Gould IV



McFarland & Company, Inc., Publishers
Jefferson, North Carolina, and London

LIBRARY OF CONGRESS CATALOGUING-IN-PUBLICATION DATA

Gould, William B.
Bargaining with baseball : labor relations in an age
of prosperous turmoil / William B. Gould IV.
p. cm.
Includes bibliographical references and index.

ISBN 978-0-7864-6515-6

softcover : 50# alkaline paper ∞

1. Baseball—Economic aspects—United States. 2. Discrimination in sports—United States—History. 3. Baseball players—Salaries, etc.—United States.
 4. Free agents (Sports)—United States. 5. Professional sports contracts—United States. 6. Professional sports—Law and legislation—United States.
 7. Collective bargaining—Sports—United States. I. Title.
- GV880.G68 2011 796.357'64—dc23 2011018158

BRITISH LIBRARY CATALOGUING DATA ARE AVAILABLE

© 2011 William B. Gould IV. All rights reserved

*No part of this book may be reproduced or transmitted in any form
or by any means, electronic or mechanical, including photocopying
or recording, or by any information storage and retrieval system,
without permission in writing from the publisher.*

Cover images © 2011 Shutterstock
Front cover design by David Landis (Shake It Loose Graphics)

Manufactured in the United States of America

*McFarland & Company, Inc., Publishers
Box 611, Jefferson, North Carolina 28640
www.mcfarlandpub.com*

**Bargaining
with Baseball**

Looking to the past, to the Station Field Gang —
the late Harry Bowie, Joe Asch, Richie Haunton, Bill Green,
and so many others who were part
of that scene long ago in the 1940s.
I developed my love for the game
playing with them on a daily basis.

Looking to the future, to Timothy Jr., Joey,
Alina, and William Benjamin VI —
baseball players and fans, all.

“Van Lingle Mungo”

Words and music by Dave Frishberg

Heenie Majeski, Johnny Gee
Eddie Joost, Johnny Pesky, Thornton Lee
Danny Gardella
Van Lingle Mungo

Whitey Kurowski, Max Lanier
Eddie Waitkus and Johnny Vandermeer
Bob Estalella
Van Lingle Mungo

Augie Bergamo, Sigmund Jakucki
Big Johnny Mize and Barney McCosky
Hal Trosky

Augie Galan and Pinky May
Stan Hack and Frenchy Bordagaray
Phil Cavaretta, George McQuinn
Howie Pollett and Early Wynn
Art Passarella
Van Lingle Mungo

John Antonelli, Ferris Fain
Frankie Crosetti, Johnny Sain
Harry Brecheen and Lou Boudreau
Frankie Gustine and Claude Passeau
Eddie Basinski
Ernie Lombardi
Hughie Mulcahy
Van Lingle ... Van Lingle Mungo

© 1969 (renewed) **F Seven Music**
Used by permission. All rights reserved.

Table of Contents

<i>Preface</i>	1
1 • The State of the Game	7
2 • The Post–World War II Era: Remembrances of Baseball Past	25
3 • The Early Years: The Game and the Law	53
4 • The 1994–95 Baseball Strike and the NLRB	97
5 • The Financial Aftermath of the Mother of All Strikes	113
6 • On-the-Field Changes: The Players Speak	155
7 • Cheating, Drugs and Other Forms of Problem Behavior	194
8 • The Growing Problem of Race in Baseball	235
9 • Globalization and Baseball	254
<i>Conclusion</i>	277
<i>Chapter Notes</i>	285
<i>Bibliography</i>	303
<i>Index</i>	309

Preface

I came into the world of baseball at what is now roughly the halfway mark of professional competition. My involvement began in 1946,¹ a little more than three-quarters of a century after the first openly professional team, the Cincinnati Red Stockings, appeared on the scene. Now, another 65 years have gone by since the days of sandlot baseball and my eternally passionate support of the Boston Red Sox in Long Branch, New Jersey.

Around 1948, in the midst of one of those well-heated pennant races down the stretch, John Brockriede (who later became an outstanding center with the Long Branch football team) threw me a fastball over the middle of the plate with which I somehow connected and tagged it over the creek in center field — the home-run boundary up against which outfielders were afraid to retreat for fear that they would fall in — onto Third Avenue. (In truth, I think that the distance was much shorter than the Memorial Day 2010 homer hit by one of my grandsons, Joey Gould, in Southern California.) I could scarcely believe what had happened as I hurriedly circled the bases, ever fearful that it was somehow all a mistake — Brockriede with his great velocity having supplied most of the power.

Then, a couple of years later at the age of 14, when I had hoped to play first base or second, I had my big chance. Subsequent to what seemed to be a solid batting practice session prior to a high school baseball scrimmage in my sophomore year, I had come to the plate and worked the count of three and two on a left-handed pitcher who had a sharp slider with some bite to it. He had caught the outside corner twice with pitches that I thought were off the plate outside — but the umpire had called them strikes, and I was convinced that the pitcher thought that I did not know the strike zone. On the next pitch, the “payoff pitch,” as it is called, I thought that I would swing, expecting another pitch on that same outside corner in an area which had confounded me. But instead the pitch came in as a fastball almost entirely over my head, and I swung and missed wildly, looking very bad in the process. Coach John Hubley (who had seen me earlier in football) cut me from the team almost immediately and thus, except for shagging fly balls with my Stanford law students and my sons in the ’70s and ’80s, that was the end of my on-the-field baseball career.

But now my involvement with baseball and sports took on a different dimension. My former colleague at Wayne State Law School in Detroit, Professor Bob Berry, and I began to collaborate on and converse about the subject in the late ’60s and ’70s and to write scholarly articles on emerging baseball labor-management relations of the ’80s. After each of us departed Detroit, we shuttled between San Francisco and Boston, producing a lengthy law review article² — a piece which was relied upon by some of the courts, particularly the Court of Appeals for the Eighth Circuit in the football cases³ — and an article in the *New York Times*.⁴ Ultimately a co-authored book on professional sports and labor was forthcoming.

Then in the late 1980s I began to teach a Sports Law seminar at Stanford Law School with the late Leonard Koppett, the renowned baseball journalist, and Alvin Attles, the former player, coach and general manager of the NBA's Golden State Warriors in Oakland.

With Leonard's encouragement and advice, I began to write newspaper articles for daily papers like the *Boston Globe*, *San Francisco Chronicle*, *San Jose Mercury News* and others in the late '80s and '90s. This work brought me firsthand contact with major league players and officials. The late Larry Whiteside, a *Boston Globe* writer whom I met in the Red Sox dugout in Anaheim in 1986, opened a lot of doors for me, with the Red Sox and elsewhere. A series of interviews was undertaken, principally with former players in the late 1980s, and the interviews continued throughout this past decade. I served as a baseball salary arbitrator and then embarked upon what was in retrospect my most important baseball experience — my service as chairman of the National Labor Relations Board (NLRB) in the '90s.

When I was first approached about the NLRB position in November and December of 1992, I had no idea that I would become deeply ensnarled in the labor law of the baseball world. But that happened soon, in less than a year after my arrival at the NLRB's Washington, D.C., headquarters. As chairman of the NLRB, I and the other board members were at the center of the storm — the mother of all strikes, in 1994-95. Ultimately, we decided, by a 3-2 vote, to petition then-Judge Sonia Sotomayor (President Clinton was later to promote her to the Court of Appeals for the Second Circuit, and President Obama named her to the United States Supreme Court in 2009) for an injunction. In ringing language, she endorsed our judgment that there was reasonable cause to believe that the owners had engaged in unfair labor practice conduct. Because she granted our injunction, the players returned to the field and the owners accepted them, and as I describe in Chapter 4,



Joey Gould, crossing home plate at age 8 on his first homer — and the first homer hit by his team, the Torrance Tarheels, Memorial Day, 2010 (courtesy the Diederich Family and Timothy Gould, Sr. Photograph editing by Jason Watson, Chief Technology Officer, Stanford Law School).

a comprehensive collective bargaining agreement was ultimately negotiated the following year. In the wake of both our injunction and the new contract, baseball labor and management have peaceably resolved their differences ever since. In some respects, this work in the baseball strike was an hour of trial in which the public could see that our labor law system, albeit flawed and imperfect, could under some circumstances work for labor and management.

Thus, my limited involvement in the game on the field, my reading of baseball newspaper articles and box scores and books, my subsequent academic work in the form of teaching and writing and my role as a government official appointed by President Clinton all contributed to this book about baseball on and off the field. In Chapter 1, "The State of the Game," I have attempted to outline an overview of the major issues and themes which permeate the book, against the backdrop of my passion for the game itself. Make no mistake about it: it is a love of the game, as well as for labor law and my abiding interest in the business of the game itself, which has prompted me to write this book.

The love of the game — shared by so many in this country and throughout the world — is set forth in Chapters 1 and 2. Chapter 2 describes my involvement as a child and how we played, read about and observed the game. But the backdrop that became ever so important for me in my professional life was the business of the game, which receives more detailed attention beginning in Chapter 3. This chapter opens with a discussion of baseball as a business and then considers the numerous baseball labor-management conflicts, which focused principally on the issue of free agency.

Chapter 4 is about the NLRB's involvement in the 1994-95 strike itself. Here I have emphasized the problems of NLRB governance and the response of the owners during the last of a series of disputes before the parties were able to peaceably resolve their differences at the bargaining table in 2002 and 2006.

Chapter 5 examines the business of the game as it has evolved during these past 16 years subsequent to the conclusion of the strike in 1995. It focuses upon finance and labor issues relating principally to player mobility and bargaining power.

In Chapter 6, I present the comments of many of the former players themselves, exploring how they have seen the game evolve in its business as labor has become more important. Here the principal focus is on the way in which the game has evolved in the post-World War II era, as experienced by players who were active between the 1940s and 1970s. The remaining chapters focus on some of the major challenges confronting baseball today. First, the scourge of drugs which has plagued baseball throughout much of these past 40 years, for the last two decades in the form of performance-enhancing drugs, is examined. In Chapter 8, I have addressed the problem of race manifested through the absence of blacks and other minorities in baseball's higher echelon of positions as well as on the field itself. The reasons for this are numerous, and in the case of the absence of black players from the field itself, complex.

Chapter 9 deals with one of the other problems and opportunities of our time, the globalization of baseball, as the sport becomes more international and players and even owners (see the experience of the Seattle Mariners) now cross national frontiers.

This book, like much of my work, attempts to bring together the law and the academically theoretical as well as demonstrate the practical impact of these factors on the lives of those who are deeply involved in the game. The conclusion attempts to sum much of this up and to speculate about the future of the game and what it all means for collective bargaining in 2011 and beyond as baseball renegotiates its collective bargaining agreement now and in the years to come.

The present work has been a long time in the making. I was able to develop my thinking through a series of lectures and presentations. One of the first was at the University of Iowa in April 1992, when I was invited to talk on this subject by two of my former students, Adrien Wing and Peter Blanck. Soon thereafter Dean Eric Schmertz of Hofstra Law School invited me to speak at a conference at that university commemorating the 100th anniversary of Babe Ruth's birth, and titled "Baseball and The 'Sultan of Swat.'" The following year another former student, Bob Percival, invited me as inaugural speaker to give the Annual Hughie Jennings Memorial Lecture at the University of Maryland Law School in April 1996. Subsequently I participated in a conference held at the Indiana University School of Law, Bloomington, Indiana, where I delivered a paper on baseball and globalization on February 25, 2000. That conference was titled "Baseball in the Global Era: Economic, Legal and Cultural Perspectives."

A few years later, I was honored to throw out the ceremonial first pitch at Fenway Park on April 15, 2006, when the Red Sox celebrated both Jackie Robinson and simultaneously honored my great-grandfather, William B. Gould. Shortly afterward, I was privileged to deliver another lecture in San Francisco on May 25 under the auspices of the Performing Arts/Theatre Interest Group. That speech was titled "The Drama of Baseball: Almost Off the Precipice a Decade Ago — Where Will It Go in 2007 and Beyond?" All of these speeches, lectures and presentations were important building blocks in assembling this book.

There are many individuals who have provided considerable help along the way. Stanford Law Library has been a particularly vital resource, with Erika Wayne at its nerve center, along with librarian Paul Lomio, as well as George Wilson and Alba Holgado. They have always responded to my many requests with alacrity and enthusiasm. The same is true of Kate Wilko, who has now departed for the United States Supreme Court Library. I am of the view that the Stanford Law Library is the best in the United States, and most probably in the world.

Robert J. Kheel of Willkie Farr & Gallagher LLP in New York city provided me with a substantial number of court documents and pleadings relating to the Mexican League litigation. Andrew Kramer of Jones, Day in Washington, D.C., provided me with memoranda and stimulated my thinking on the relationship between leagues and clubs.

Marty Lurie, Steve Treder, and David Koppett read earlier drafts of this book and I am grateful to them for their comments. In particular, Steve Treder's thorough fact-checking and spell-checking was invaluable.

Many students acting as research assistants were of critical importance. The ever-resourceful and extremely able William Adams (Stanford Law School 2004) was at the forefront. Others who provided particularly valuable service to me were David Zizmor (Golden Gate Law School 2007), as well as Mike Scanlon (Stanford Law School 2010), Zac Cox (Stanford Law School 2011) and Erik Christensen (Stanford Law School 2008). Messrs. Scanlon and Cox proposed and devised a number of important charts and graphs. I am also grateful to Daniel Muto (Stanford Law School 2009), Adriana Maestas (Stanford Law School 2005), Ashley Conrad Walter (Stanford Law School 2009), Ashlie Jensen Walter (Cornell Industrial and Labor Relations School, 2006), and Glen Truitt (Stanford Law School 2005). Down the stretch at the book's conclusion, Ben Roxborough (Stanford Law School 2010, LL.M.) provided valuable assistance as well.

I am particularly grateful to Stanford undergraduates like Alexandra Fox (Stanford University BA '09) and Carey Schwartz (Stanford University BA '12), who transcribed many of the interviews. Ms. Fox put in long hours on many of the interviews over a number of

years. Suzanne Peterson and Shirley Cistrunk typed the manuscript, a very formidable assignment, and I am most grateful for their fine work. Patricia Adan assisted me on many tasks in connection with this and she and Linda Wilson helped me put the photographs together.

Similarly, the computer support people, particularly David Conand, Jeff Wilcox and Sandra Schuil, were cheerful and able in their willingness to help. Jason Watson and Joe Neto provided great help with the photographs. I am grateful to all of these able and extremely smart people who worked with me.

Of greatest importance, numerous people in baseball cooperated with me and with my work, and many of them participated in long interviews, in person and by telephone. There are so many of them that I have catalogued their names on a separate page.

I benefited from conversations with Larry Whiteside and Nick Cafardo of the *Boston Globe*, as well as Joe Castiglione, "Voice of the Red Sox." There are many others who were helpful as well, and the most prominent are Dick Bresciani, Debbie Matson, John Blake, Dave O'Brien, Pam Ganley, and Leah Tobin, all of the Red Sox. Bob Rose, who served both with the Giants and the Oakland A's during the period involved in writing this book, as well as Debbie Gallas of the A's and Maria Jacinto of the Giants, helped me with arrangements at their ballparks.

I also benefited from the participation of many in my Stanford Sports Law seminar. Larry Whiteside was one of them when he was a Knight Fellow at Stanford University in 1987. Gene Orza and David Prouty of the Major League Baseball Players Association; Chuck Armstrong, CEO of the Seattle Mariners; Jack Baer, general counsel of the San Francisco Giants; and Mike Port of Major League Baseball were helpful as well. Numerous discussions with Sparky Anderson of the Detroit Tigers, Walt Jocketty, now of the Cincinnati Reds, and Roy Eisenhardt when he was President of the Oakland A's, improved my understanding. I shall never forget the frequent after-the-game clubhouse discussions with Dusty Baker when he was the manager of the San Francisco Giants and the insightful comments that he provided to both Leonard Koppett and me during our many post-mortems after the reporters had departed.

I want to acknowledge the friendship and valuable perspectives that I have been able to obtain from Stanford baseball — particularly from discussions, interviews and contact with coach Mark Marquess, third base coach Dean Stotz and former pitching coach Tom Dunton — all of them great teachers as well as athletes and leaders. I also benefited from interviews and conversations with a trio who have cemented the Stanford-Red Sox connection — "Gentleman" Jim Lonborg, Dave McCarty and Jed Lowrie — and also another non-Red Sox Stanford alumnus, Bob Boone. Jim Beattie and Jim Kaat gave me two of my most detailed and comprehensive interviews and I am grateful to them for their patience.

Part of my Stanford baseball experience is bound up with Stanford baseball broadcasts that I was able to do in the late 1980s at the invitation of my former student, John Platz, Stanford Law School (1989). I am grateful to John for his invitation to be on the air during that period of time.

Finally, I wish to acknowledge permission to use portions of some of my previously published articles and books: "Globalization in Collective Bargaining, Baseball and Matsuzaka: Labor and Antitrust Law on the Diamond," 28 *Comparative Labor Law & Policy Journal* 283 (Winter 2007); "Labor Issues in Professional Sports: Reflections on Baseball, Labor and Antitrust Law Sports and the Law," 15 *Stanford Law and Policy Review* 61-98 (2004); "A Long Deep Drive to Collective Bargaining: Of Players, Owners, Brawls, and

Strikes,” 31 *Case Western Law Review* 685–813 (1981); “Baseball and Globalization: The Game Played and Heard and Watched 'Round the World (With Apologies to Soccer and Bobby Thompson),” 8 *Indiana Journal of Global Legal Studies* 85 (2000); “The 1994–'95 Baseball Strike and National Labor Relations Board: To the Precipice and Back Again” 110 *West Virginia Law Review* 983 (2008) and in André Douglas Pond Cummings and Anne Marie Lofaso, editors, *Reversing Field: Examining Commercialization, Labor, Gender, and Race in 21st Century Sports Law*, West Virginia University Press, 2010; “Always Forever, a Red Sox Devotee,” published in *Red Sox Nation*, June 1, 2008; *Labored Relations: Law, Politics and the NLRB—A Memoir*, Cambridge: MIT Press, 2000.

My 65 years of involvement in baseball in one form or another have given me a great opportunity to see enormous changes in the business of the game and the way the game itself is played, notwithstanding the fact that the rules governing what happens on the field are, in essence, the same as they were when I first learned the game in the 1940s.

Interviews Conducted by the Author with Players and Baseball Officials (1986–2010)

- | | |
|---|--|
| Alou, Felipe — September 1, 2004 | Kaat, Jim — September 25, 2004 |
| Anderson, Sparky — 1992 | Lachemann, Marcel — July 18, 2003 |
| Armstrong, Chuck — September 10, 2004 | Lampe, Chris — August 10, 2004 |
| Baker, Dusty — June 1, 2003 | LaRussa, Tony — October 9, 1988 |
| Bavasi, Bill — September 10, 2004 | Leyland, Jim — August 1, 2007 |
| Baylor, Don — May 1986 and May 1, 2005 | Lonborg, Jim — October 25 and November 3, 2009 |
| Beattie, Jim — August 25, 2004 | Macha, Ken — June 29, 2005 |
| Black, Bud — June 20, 2006 | Magowan, Peter — circa 2002 |
| Blyleven, Bert — May 8, 2004 | Marquess, Mark — December 7, 2004 |
| Boone, Bob — June 2002 | McCarty, Dave — August 13, 2003 |
| Brown, Bobby — December 15, 1988 | Melgretty, Ray — September 25, 2003 |
| Burks, Ellis — March 1987 and September 8, 2004 | Miller, Jon — August 3, 2004 |
| Campanis, Al — May 1986 | Mussina, Mike — June 1992 |
| Cepero, Carlos — March 18, 2006 | Nelson, Dave — April 23, 2005 |
| Chambliss, Chris — September 28, 2004 | Palmer, Jim — June 1992 |
| Coleman, Jerry — September 7, 2003 | Pesky, Johnny — September 2, 1988 |
| Cox, Bobby — April 2010 | Pinson, Vada — 1987 and 1988 |
| DiMaggio, Dom — 2005 | Port, Mike — December 24, 2009 |
| Doby, Larry — June 1986 | Price, Jim — May 18, 2004 |
| Doerr, Bobby — October 14, 2009 | Remy, Jerry — September 8, 2004 |
| Evans, Darrell — 1986 | Rigney, Bill — May 19, 1989 |
| Evans, Dwight — 1988 and 1989 | Robinson, Eddie — circa 2005 |
| Gorman, Lou — May 19, 1989 | Santo, Ron — May 30, 2003 |
| Gallego, Mike — August 9, 2009 | Silvera, Charlie — August 21, 2003 |
| Hale, De Marlo — June 3, 2009 | Scott, Dale — June 24, 2005 |
| Henderson, Dave — May 1, 2005 | Stotz, Dean — December 8, 2009 |
| Hendricks, Elrod — circa July 1989 | Suppan, Jeff — 2003 |
| Hobson, Butch — June 13, 1992 | Virgil, Ozzie — 1987 |
| Hooton, Burt — May 30, 2003 | Wagner, Charlie — March 23, 2004 |
| Hurdle, Clint — September 1, 2004 | Wakefield, Tim — June 4, 2003 |
| Jackson, Ron — September 10, 2004 | Williams, Billy — May 30, 2003 |
| Jones, Lynn — September 10–11, 2004 | Wilson, Earl — January 27, 1989 |

CHAPTER 1

The State of the Game

Opening Day 1975 at Fenway Park in Boston. More than even the autumn classic, the World Series itself, it is a day filled with anticipation and hope, whatever the year and circumstance. The bullpen gate swings open, and my father and I are on our feet as Luis Tiant, “El Maestro,” the man of many deceptive deliveries, makes his majestic entrance. We join the capacity crowd’s roar in appreciation of El Tiant’s work done in the previous three seasons (57 victories *in toto*)—and again a few hours later, as he induces the great Hank Aaron to pop up with two men on and thus hold the Red Sox lead on this special day.

Filled with pageantry, grace, grit and drama, it is the quintessentially beautiful game. It is a beautiful game both to see and to play. Some call it God’s game, in an attempt to sum up a contest which combines both the ballerina-like athleticism displayed so frequently in the field and that which is cerebral in its test of both strategy and intellectual complexity. Beyond the American League substitution of the designated hitter for the pitcher in the batting order, its basic rules have not changed for more than a century—the distances between the bases and pitcher’s mound to home plate, as well as the number of innings and outs, are enduring and remain in perfect harmony.

There is nothing like the sound of the wooden bat striking the ball, the crack of the bat ... Red Sox left fielder Mike Greenwell lines a clothesline single to right field at the Texas Rangers’ Port Arthur spring training facility in March 1993, and the ball carries authoritatively as it cuts through the humid Florida air. Nothing can be so authentic for the auditory sense.... And there is nothing which compares to the feel that the batter has as the ball hits that special sweet spot of the bat as the stitched horsehide takes off in a high blur of whiteness.

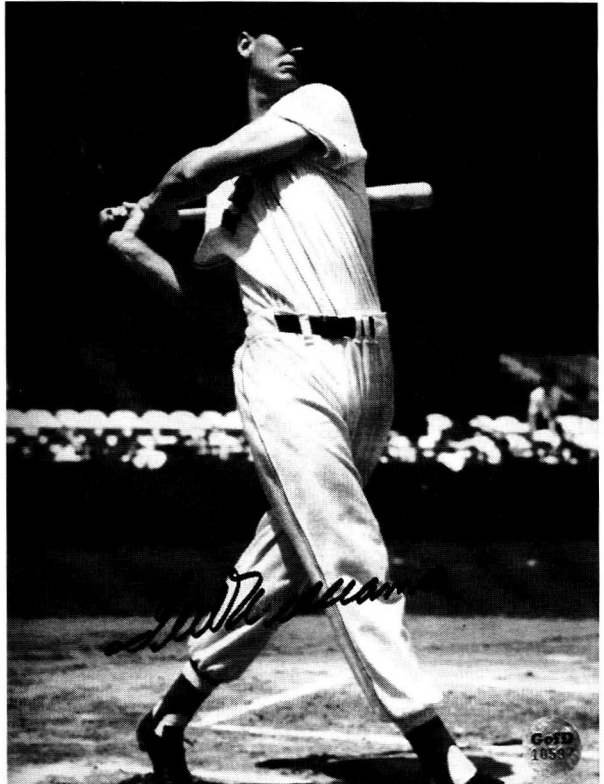
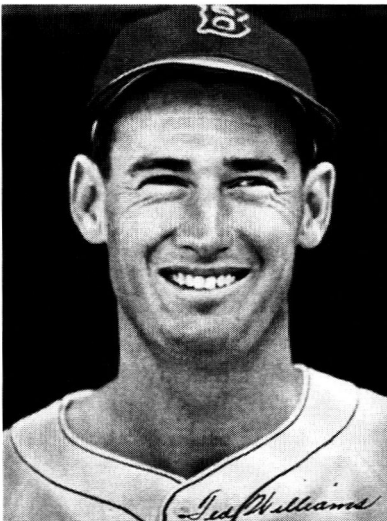
Though most frequently played at night now at the professional and college level, there is something very special about this game in a sun-drenched stadium afternoon, whether the ball is cracking in the catcher’s mitt in a way which gives the outside observer a sense of the fastball’s velocity (long before stadium speed gun announcement signs) the confusing mixture of the off speed with hard fastballs emanating from El Tiant or, alternately, the slow, tantalizing breaking pitches that lefty John Tudor served up in the Oakland Coliseum one lovely sun-filled afternoon in the early ’80s before his departure to the St. Louis Cardinals.

Baseball, like other sports, is a team game, calling upon some batters to “sacrifice” themselves through the bunt so that a runner can advance and more easily score. Over the past half century the batter is given credit for a “sacrifice fly” when a runner from third may advance homeward after the ball is caught, even though, paradoxically, the batter may not

have intended to give himself up for another with such a “sacrifice.” And in contrast to the fast-paced up-and-down-the-court game of basketball, or football, which contains at least three or four games simultaneously within each game, baseball is relatively easy to observe.

The game’s nuances make any observation a multi-layered one. The ball and strike count on a particular batter may determine the kind of pitch that is delivered, and that, along with the comparative strength of hitter and pitcher, will have a great deal to do with where the players position themselves in the field. The game’s situation may dictate whether fielders look for a sacrifice bunt as opposed to anticipating that the batter will be swinging for a hit. So also will the fielders likely anticipate that a batter will try to hit the ball to the right side of the infield with a man on second base and less than two outs (the rules paradoxically provide for no sacrifice there, even though the batter intends to sacrifice himself). The configuration of the ballpark may influence a decision made by an outfielder to play deep or shallow. The hitter, like a knowledgeable fan, is always involved in a guessing game with the pitcher about the type of pitch which will be thrown and where it will go.

The seemingly transparent aspect of the game is that which puts great stress, however, upon individuality — particularly the individual confrontation between batter and pitcher, where competition of both ability and intelligence is raw and in the open. My recollections of the great Ted Williams when I first saw him in 1947 and ’50 were those of a player who stood in left field shagging fly balls before the game’s start and occasionally turning towards the catcalls of the Yankee Stadium crowd, contemptuously spitting in the direction of the stands with his hands on his hips. It is hard to imagine a game which is more conducive to the John Wayne-type characteristics that Williams and others like him have displayed, rais-



Two-time triple crown winner Ted Williams of the Boston Red Sox, the last man to hit .400. In the author’s estimation, he was baseball’s greatest player during the past 65 years of the author’s involvement with the game (courtesy Boston Red Sox).

ing the anticipation of the *High Noon* drama which is about to unfold. As he digs in at home plate amidst the cacophony of boos and cheers, a great cloud of dust ascends around the skinny "Splendid Splinter."

The game's beauty and drama make it difficult for some to see players as employees. Indeed, baseball's owners insisted that the players were not employees within the meaning of the National Labor Relations Act, the principal labor relations statute in the United States, which has been at the center of so many controversies between the players and owners since the 1960s. Hitting, running, the long run that is necessary to corral a long fly or line drive — these are all joyful experiences, the memories of which are enhanced with each passing year. But the relevant quasi-judicial administrative agency, the National Labor Relations Board, nonetheless concluded that players in all the major sports, as well as umpires, were employees affected by issues of compensation and working conditions at the dawn of a wide variety of sports-related labor disputes.

This was the first of many of legal interventions which established rights for players, made the business of the game more transparent for the public, and put both sides in the position of courting public opinion over issues that had been previously suppressed. These decisions ushered in a New World, where arbitrators, administrative agencies and courts were involved far more frequently than in the past. But the issues and problems were always there. As we shall see, they were in the forefront when our Station Field gang first took the field in 1946. Employees then and now addressed working conditions; notwithstanding compensation and club facilities available to players, the game is intrinsically difficult and physically punishing to play — particularly in an era of coast-to-coast jet travel with changing time zones. The extraordinarily talented St. Louis Cardinal center fielder Curt Flood threw underhanded from center field in the 1968 World Series rather than concede to injuries, a demonstration of perseverance not normally seen — particularly in an age of frequently swollen disabled lists when owners are sometimes cautious in the protection of their investments. And it was Flood, one of the early black American players when the informal quota system restricting blacks was particularly rampant, who spoke of himself as a slave, albeit a well-paid slave.¹

Flood tried, but could not break down the barriers of the reserve clause, which held a player to one team for life at the team's own option, already at that time almost a century old. But his litigation against it, which culminated in a 1972 Supreme Court ruling against him, inspired others to file grievances protesting their status. James "Catfish" Hunter of the Oakland A's was one of the first to challenge owner control in the wake of the *Flood* decision, and out of that event came the guaranteed contract negotiated with the New York Yankees, ensuring payment even if the player was unable to play. In sharp contrast to football, the guaranteed contract became a baseball industry model — so much so that Red Sox lefty Hideki Okajima's 2010 non-guaranteed status attracted raised-eyebrow attention. Even more dramatic and against the contemporary grain was the attempt by the New York Mets to convert the contract of Francisco Rodriguez, one of the game's top closers, from a guaranteed to a non-guaranteed pact on the grounds that he had failed to maintain first-class condition by injuring his thumb in a fight with his girlfriend's father.²

The Hunter controversy resulted in his arbitral victory, leading to a sweeping arbitration award in 1975. In its wake came a series of strikes and lockouts as the owners attempted to recapture the player gains of the 1970s. But since that decade a number of collective bargaining agreements have preserved some form of free agency.

Though baseball's on-the-field rules remain constant and most runners (save the Seattle

Mariners' Ichiro) are out by one or two steps or more on every ground ball, the game has never been the same. New stadiums replaced the ugly concrete "cookie cutter" kind that were built in the '60s and '70s, beginning with the innovative and attractive 1992 Baltimore Orioles Park at Camden Yards. Rich and escalating television and cable contracts were negotiated. The Internet became a marketing force — and so did the licensing of baseball products and gear like caps and shirts, both in the United States and abroad. One can visit Turkey or Indonesia, for instance, as I did a few years ago, and see people of all ages wearing Yankee baseball caps,³ even though the game is played there so infrequently as to be unknown to almost all who adopt such attire.

Baseball, though relatively tardy in comparison to National Basketball Association Commissioner David Stern's initiatives on behalf of basketball, has taken considerable advantage of the globalization phenomenon. The last few decades have seen a whole host of Latin American and Asian stars, and the game is spreading to and being advertised in other countries as well.

Meanwhile, the sense of the sublime has affected baseball in many ways. In 2007 superstar third baseman Alex Rodriguez, after socking 54 homers which kept his New York Yankees in the pennant race, opted out of his quarter-billion-dollar contract, prompting *The New Yorker* to characterize his *über* agent, Scott Boras, as "the extortionist."⁴ One cannot begrudge baseball's millionaires in their attempt to become billionaires like the owners. Indeed, by the standards of other entertainers, or the obscene income provided to American CEOs present and past, such demands are quite modest and reasonable and, on balance, their performance more praiseworthy than the latter group.⁵ Yet with no limit on salaries or an obligation on the part of the low-revenue teams to spend money on payroll, let alone any aspect of baseball itself, there is a sense of uncertainty and unease about where this process will go. As a dissatisfied Chicago Cubs fan said to me when I pointed out to him that Carlos Zambrano was tired because he had thrown more than 100 pitches in the midst of the sixth inning in a game in San Francisco: "He doesn't need to be tired. He's making zillions of dollars not to be tired!"

Perhaps equally unsettling to some is the way in which the game of baseball's appeal to the public has undercut the basic integrity of the system. Interleague competition long dreamed of by the players like Williams, who strode across the great stage of baseball history in the 1940s and '50s when there was none, affects the fairness of competition. This is so because all of the teams do not play the same teams and some teams must play in another team's park more frequently than they play them in their own facilities. And baseball, which is often thought to be the mirror image of a lifelong struggle with adversity by virtue of its lengthy schedule, including the exhausting "dog days" of August, has exacerbated the problem of championships won by chance through short series with the ever-more-profitable expanded postseason play. Integrity of competition — the watchword of any of any sport — is subordinated by these and other innovations as the award of the World Series' home field advantage depends upon whose league has prevailed in the summer All-Star game, uniformly regarded by the players as an exhibition contest! Because of this arbitrary rule, for instance, 2009 World Series MVP Hideki Matsui was able to be listed as the Yankee designated hitter in the fall classic more frequently than not because the Yankees could play more games in their park based on the American League triumph in the All-Star game.

And then there is the matter of race. Black Americans were excluded from the game altogether for almost half of the twentieth century, and subsequently were victimized by informal or *de facto* quotas in the age of Giants great Willie Mays and Yankee catcher Elston