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Supreme Court Hears Flood Case Arguments

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Supreme Court Hears Flood Case Arguments

WASHINGTON, D. C.—Curt Flood's case against organized baseball now is up for decision by the Supreme Court. The court listened to one hour of oral arguments March 20, then took the case under advisement. A decision is expected before the end of the court's current term in June.

Flood was represented by Arthur Goldberg, a former Supreme Court justice. Baseball's case was presented by Louis L. Hoynes, New York attorney who recently succeeded the late Louis Carroll as the chief counsel for the National League.

Baseball is facing a challenge to its basic structures in the Flood suit. He took legal action when traded by the Cardinals to the Phillies in 1970, claiming baseball's reserve system prevented him from bargaining with prospective employers for his services.

Goldberg told the justices that Flood had to give up his individual rights at the age of 15 when he first signed a baseball contract. Goldberg called the reserve clause, binding a player to one employer, "a hard-core violation of antitrust law. It is a boycott and a blacklist."

Hoynes charged that the Major League Players' Association, supporting Flood, is trying to subvert the collective bargaining process through litigation and "seize clout at the bargaining table."

Questioned by Justice Harry M. Blackmun, Hoynes said the free-agent draft baseball adopted in 1965 is "simply one more step to equalize competition."

Justice Byron White, a former pro football player, asked Goldberg whether Flood's case could be considered a labor negotiating matter instead of an antitrust issue.

The attorney representing Flood, who now lives in Europe, replied that Flood was "treated as a commodity to be bought and sold, not as labor."