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# Twenty Years Later: A Look at the Curt Flood Case

By CHUCK KORR

ST. LOUIS—Christmas Eve, 1989, marked the 20th anniversary of a landmark day in baseball history. That was when former St. Louis Cardinals outfielder Curt Flood mailed a letter to commissioner Bowie Kuhn that greased the skids for free agency as we know it today. Within that letter, Flood announced that he would not honor a trade that had sent his rights to Philadelphia.

Flood is certainly the most important player who never played for the Phillies. His Christmas present to Kuhn and baseball set off a chain of events that resulted in his premature retirement from the game, a Supreme Court decision that upheld baseball's traditional antitrust exemption but recognized it as an "aberration" and an involvement by the Major League Baseball Players Association that emboldened later players to mount attacks on the reserve system.

When pitchers Andy Messersmith and Dave McNally successfully challenged and defeated the reserve system through an arbitration procedure (upheld by a Federal Court decision) in 1975 and 1976, free agency had arrived. Flood benefited not at all, but his place in history was undeniable.

Many of the latter-day players who can thank free agency for their enormous contracts have no idea who Flood was. (Perhaps that is commentary on how little regard most of us have for history.) Any discussion of the events that he started in 1969 runs the risk of dramatizing his efforts to revolutionize baseball and minimizing the fact that this was an intensely personal issue for Flood. As much as he objected to the way in which baseball operated as an industry, his struggle was brought on by the way he was treated personally.

In October, 1969, Flood received a two-sentence letter from Bing Devine, then general manager of the Cardinals. The letter read, "Enclosed herewith is Player Report Notice No. 614 covering the OUTRIGHT assignment of your contract to the Philadelphia Club of the National League, October 8, 1969. Best of luck."

The letter was but a formality sent to inform Flood of an action that had been completed already, as required by regulations governing baseball trades.

There was no personal animosity involved, to all appearances. Nor, in fact, was there any other suggestion of emotion. The only acknowledgment of the long relationship between Flood and the Cardinals that appeared in the letter was the salutation "Dear Curt" rather than "Curtis," to whom the letter was addressed. The letter sparkled with warmth and feeling in comparison to the enclosed form entitled "NOTICE TO PLAYER OF RELEASE OR TRADE." That form resembled a shipping invoice.

By standard operating procedures of the day, the player was a commodity and the general manager was the master of his fate. The deleted lines in the form showed Flood that he was not being "unconditionally released" or being assigned "with right of recall". If he intended to play base-

ball for a living, he would do so in Philadelphia.

But the form made no mention of a trade; the whole operation was nothing more than the transfer of a piece of paper.

Bing Devine is one of those rare men in baseball about whom almost no one says an unkind word.

He is a gentleman in every sense, but he was also an experienced part of baseball's system. The letter and the form he sent to Flood were business as usual in the major leagues. Few people would have paid much attention to the transaction, had Flood not decided to challenge the system.

To Flood, this was not just a paper transaction. There was a person involved. If the clubs involved were playing by the rules, then there must be something wrong with the rules.

Few people remember Flood as a Gold Glove center fielder, an all-star and an important part of three

pennant-winning Cardinals teams. More often, he is referred to as the "man who challenged baseball."

Flood's decision not to accept his trade to the Phillies and to try to play major league baseball for a team of his choice was fraught with obstacles. It flew in the face of (Continued on Page 40, Column 3)

# FLOOD

(Continued From Page 37)

article 6 (a) of the contract he had signed seven months earlier: "The player agrees that this contract may be assigned by the Club (or reassigned by any assignee Club) to any other Club in accordance with Major League Rules and the Professional Baseball Rules." He was fighting a decades-old practice and a system that had survived all the legal efforts to change it.

Players had grown up with a simple mindset—you should feel lucky for getting paid to play a game. Players believed they owed something to "the game" which, in turn, could not survive without the reserve clause.

To its credit, the membership of the union (acting through the executive committee) later voted to support Flood's actions and his lawsuit. But he certainly could not count on that support when he was making his decision in the autumn of 1969. He could expect little sympathy from the fans, many of whom believed that *they* would be willing to play the game for nothing. Most of all, Flood could expect to be pilloried in the press, portrayed as a money-hungry, spoiled child with no sense of gratitude.

But Curt Flood was a principled sort who believed that there were some compromises within the system that were unacceptable to his sense of self-dignity. After searching for his own answers to the problems posed by the trade, he consulted Marvin Miller, the executive director of the players' association about his various options. Finally, Flood decided to challenge the legal framework of a system that made it possible for a club to retain his services for life or until it chose to move him to another club.

In his Christmas Eve letter to Bowie Kuhn, Flood summarized the situation as he saw it: "After 12 years in the major leagues, I do not feel that I am a piece of property to be bought and sold irrespective of my wishes. I believe that any system which produces that result violates my basic rights as a citizen and is inconsistent with the laws of the United States and of the several States."

Further, Flood wrote: "I feel my services have financially benefited my employers far in excess of the salaries I have earned." He said that he had decided 12 years earlier, after his first trade (from Cincinnati to St. Louis), that he would participate directly in any future decisions that affected his life that dramatically.

"I am a man, I live in a democratic society, and I believe that I am entitled to participate in our free enterprise system," he wrote. Those sentiments should have appealed to the entrepreneurs who ran baseball and the writers who described the game as representing the best of America's values. But Flood was calling into question something that was more important to them than the value ideals of American free enterprise; he was questioning baseball's right to exist in a world of its own.

Twenty years later, his ideas don't seem so far out of line.

(Chuck Korr is writing a book on the history of the Major League Baseball Players Association, to be published by University of Illinois Press.)