

**The American Labor Movement: Parallels and Relationships to Baseball**

**By  
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**“BASEBALL AND LABOR HISTORY”  
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**Thank you very much.**

**I would like to congratulate Jeff Arnett and Ithaca College for putting this wonderful program together.**

**Being here at the Hall of Fame reminds me of a story of two old baseball fans.**

**They had been best friends for years, and they both live to their early 90's, when one of them suddenly falls deathly ill. His friend comes to visit him on his deathbed, and they're reminiscing about their long friendship, when the dying man's friend asks, "Listen, when you die, do me a favor. I want to know if there's baseball in heaven."**

**The dying man said, "We've been friends for years, this I'll do for you." And then he dies.**

**A couple days later, his surviving friend is sleeping when he hears his friend's voice. The voice says, "I've got some good news and some bad news. The good news is that there's baseball in heaven."**

**"What's the bad news?"**

**"You're pitching on Wednesday."**

**There is a compelling need in this country to provide opportunities for more people, especially students, to learn about the history of the American labor movement and the contributions that workers and their unions have made to our nation's economic, political, cultural and social life.**

**Recent polling conducted by Peter Hart notes that, for the first time in history, a majority of Americans - 54% - say they know little or nothing about the labor movement and when asked where they learned it, they indicate from the media or friends. Interestingly, the question about learning about labor in the schools was not even mentioned.**

**That is why we created the American Labor Studies Center whose mission it is to create, collect and disseminate high quality curriculum materials on labor history and labor studies to K-12 teachers and beyond through our web site at [www.labor-](http://www.labor-)**

**studies.org and through workshops and symposiums such as this. I am especially proud of our joint venture with Jeff and the Hall of our “Hardball and Handshakes” standards-based unit.**

**So I applaud Ithaca College and the Hall of Fame for this unique partnership in sponsoring today’s program. Major League Baseball provides a wonderful case study to help people understand the fundamental principles of organizing and collective bargaining.**

**We have heard some outstanding presentations by some real experts on various aspects of the history of labor relations in baseball. I am not a baseball or labor historian but a student of each and will try to provide some insight into my assigned topic: “The American Labor Movement: Parallels and Relationships to Baseball.”**

**The history of labor relations in baseball provides some interesting comparisons and contrasts to the growth and development of unions in both the private and public sectors in our country.**

**One of the most fundamental questions is whether professional baseball players should even be considered “workers” or not.**

**Furman Bisher, a writer for the *Atlanta Constitution* said, “professional baseball players are going to have to decide if they are common laborers or professional men. If they are going to be dealt as laborers then they should accept all the conditions of the laborer. If they are going to be professional men who practice a special craft, they should travel on their individual merits... I cannot see a major league baseball player demeaning himself to the status of a unionized laborer.”**

**Another scribe, Jim Murray argued that baseball was not work. Major League Baseball Players Association members, in his words, were “highly paid parts of an activity which contributes nothing to the gross national product except popcorn sales, whose skills were not transferable to anything that mattered.”**

**George Wharton Pepper, the attorney for the major leagues in the famous 1922 Supreme Court Baltimore Federal League case argued that baseball games were a “spontaneous outburst of human activity” that was “not in its nature commerce.”**

**The argument is baseball is a sport and not a business.**

**Of course, whether major league ball players are considered workers or employees in the private sector is central to their relationship with the owners and whether they are covered by various labor laws, particularly the National Labor Relations Act – the Wagner Act – that grants private sector employees the right to organize and bargain collectively.**

**Despite the assertions that baseball players are not “workers” or “employees,” the fact that they are employed by team owners for compensation and have no supervisory role means that they are in fact “workers” – unlike many others perhaps, but workers nonetheless.**

**There are fundamental internationally accepted principles governing the rights of workers. Most important among them is the Universal Declaration of Human Rights.**

**Article 23 of the Declaration established an international standard: “Everyone has the right to form and to join trade unions for the protection of his interests.”**

**A 2004 report from the Director General of the International Labor Organization (ILO) states: “The fundamental principle of freedom of association and the right to collective bargaining is a reflection of human dignity. It guarantees the ability of workers and employees to join and act together to defend not only their economic interests but also civil liberties such as the right to life, security, integrity and personal and collective freedom. It guarantees protection against discrimination, interference and harassment.”**

**Modern day rights of major league players are found in the Wagner Act that defines a union as is “a continuous association of wage-earners for the purpose of maintaining or improving the conditions of their employment.”**

**It states: "It is declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection."**

**It provides the right to**

- **Self-organize, form, join, or assist labor organizations**
- **Bargain collectively through representatives of their own choosing**
- **Engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection**

**Under the law, an employer:**

- **May not interfere with rights of unions or union members**
- **May not dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it**
- **May not discriminate against or condition employment on membership in a labor organization**

- **May not discharge or otherwise discriminate against an employee because he or she has filed charges or given testimony under the NLRA**
- **May not refuse to bargain collectively with the elected representatives of his employees**

**I mention these because I believe it is important to lay the foundation for the formal legal rights and obligations for all private sector unions but, given the history of labor relations Major League Baseball, one finds activity and behavior that denies these basic rights.**

**Of course, prior to 1935, players did not enjoy these rights and their various attempts to organize were unsuccessful. Like many other workers in the private sector, they were victims of unrelenting employer opposition to unions. Management, whether in baseball or elsewhere, used a wide variety of tactics to resist workers in their attempt to form a union. The methods included firings, blacklisting, injunctions, “yellow-dog” contracts, captive audience sessions, strikebreaking, and formation of company or house unions among others.**

**Earlier, Roger Abrams outlined the antitrust and conspiracy doctrine issues that were also extremely important in baseball history.**

**So, in that sense, the history of unionization in baseball is not much different than in most other sectors.**

**I think it is important to pause and reflect on what is different in the United States as opposed to many other industrialized nations, especially those in Western Europe.**

**In Europe, there is a concept of “social partners,” a term completely foreign to American labor relations.**

**What it basically means is that business, labor and government view themselves as “social partners” whose goal is to work cooperatively serving the best interests of their country. The business community accepts the institution of organized labor as the legitimate voice of workers and, for the most part, does not engage in the union-busting tactics that permeate American industrial relations.**

**It does not mean that they do not advocate for their constituencies when it come to bargaining the terms and conditions of employment or lobbying for specific legislation.**

**They accept the institution of collective bargaining as a process for giving workers a voice at work and resolving differences as equal partners.**

**The history of baseball in the United States represents one of the worst cases of employer animus to unionization and collective bargaining.**

**There were a number of attempts by professional baseball players to create an organization that would represent them in their relations with the owners.**

**They include (among others):**

- a) National Association of Baseball Players (1858)**
- b) National Association of Professional Base Ball Players (1871)**
- c) Brotherhood of Professional Base Ball Players (1885)**
- d) Players' Protective Association (1900)**
- e) Fraternity of Professional Baseball Players of America (1912)**
- f) American Baseball Guild (1946)**
- g) Major League Baseball Players Association (1952)**

**As you know by now, it was not until the formation of the Major League Baseball Players Association that the players became a bona-fide trade union with the unity and power to effectively represent their members.**

**Even then, they faced continuing and hostile opposition from the owners who refused to accept the union as a partner in mutually resolving their differences in a respectful and rational way.**

**I would like to point another factor to help us understand the unique character of American industrial relations.**

**As we know, the National Labor Relations Act as amended by the Landrum-Griffin Act and the Taft-Hartley Act governs private sector employees.**

**Various state laws govern state and local government employees. A number of states, including New York, have laws providing public employees the right to organize and bargain collectively, albeit often with restrictions such as the right to strike. Other states, especially in the South, do not have such laws or have legislation forbidding collective bargaining.**

**Federal employees first obtained the right to engage in collective bargaining through labor organizations of their choice in 1962, when President Kennedy issued Executive Order 10988, which also authorized the use of limited advisory arbitration of grievances.**

**New York State is governed by the Public Employment Relations Act also known as the Taylor Law that reads, "...It is hereby declared to be the public policy of the state to encourage the practice and procedure of collective bargaining, and to protect employees in the exercise of full freedom of association, self-organization and designation of representatives of their own choosing for the purposes of collective bargaining, or other mutual aid and protection, free from the interference, restraint or coercion of their employers."**

**Interestingly, the Taylor Law is named for Professor George Taylor of the University of Pennsylvania's Wharton School who made the recommendation to Robin Roberts to suggest Marvin Miller to the screening committee for Executive Director of the MLBPA. Taylor was instrumental in the New York State law's passage that became effective in 1967 and had a major impact on my own career as a teacher and union leader.**

**The New York State Constitution also contains language that reads: "Employees shall have the right to organize and to bargain collectively through representative of their own choosing."**

**And particularly relevant to baseball's history, the following wording in Article I, Section 17: "Labor of human beings is not a commodity nor an article of commerce and shall never be so considered or construed."**

**It was Curt Flood who said, "I do not, however, consider myself to be a piece of property to be sold regardless of my desire."**

**Now contrast these citations with the comments of George Baer, Reading Railroad president, when he declared in 1902, "the rights of the laboring man will be protected, and cared for, not by the labor agitator but by the Christian men to whom God has given control of the property interests in this country."**

**Regrettably, this view was, and is, shared by too many corporate executives and certainly characterized the philosophy of at least some baseball owners.**

**I am spending time on this because I believe it is critically important to understand the philosophical and legal framework of American labor law and because it goes to the heart of the issues in the history of the efforts of baseball players to gain recognition of their right to have a real union with a contract including an enforceable grievance procedure which guarantees them a voice in establishing their terms and conditions of employment such as salaries, a pension, working conditions and some freedom for whom and where they work.**

**Let me now highlight a few things that strike me about some of similarities and differences between baseball players and other workers.**

**First, there are many professional workers who belong to unions including my own teachers' union. There are professional unions in the entertainment industry including musicians, screen actors, stage actors, television personalities and others.**

**Many of their issues are the same since they want a basic agreement covering such items as pensions and a minimum pay scale but also have the opportunity for individual contract above and beyond the basic agreement.**

**We have unions of doctors, engineers, nurses, writers (including sports writers), psychologists, technicians, and others.**

**There have been numerous attempts in American labor history to form both individual unions that have a relationship with a given employer, for example the UAW and General Motors, or multiple employers such as the various building trades (carpenters, etc.). The UAW would be considered an industrial union because they represent all workers in a given industry. Carpenters are considered a craft union because they represent carpenters who may work for a variety of different contractors.**

**There have also been efforts to create single large organizations such as the Industrial Workers of the World (Wobblies) the National Labor Union, the Knights of Labor and others.**

**All of those ultimately failed with the exception of the American Federation of Labor (AFL) founded in 1886 and the Congress of Industrial Organizations (CIO) founded in 1935. They merged in 1955 to create the existing AFL-CIO that is basically a union of unions and has state affiliates such as the New York State AFL-CIO and central labor councils in given geographical areas within states.**

**The National Football Players Association is the only union of professional athletes that is currently affiliated with the AFL-CIO.**

**Interestingly, in 1954, the AFL-CIO refused to affiliate the MLPBA arguing (wrongly it turned out) that the ballplayers were an insufficiently cohesive work force to ever be able to carry out the collective actions necessary of an affiliate. While in 1922, AFL President Samuel Gompers supported the establishment of the National Baseball Players Association of the United States.**

**I think there are some interesting parallels between the history of labor relations in baseball and that of my chosen profession – teaching.**

**The tradition of paternalism is very strong in both.**

**”For the good for the game” and “the best interests of baseball” are phrases often invoked by the owners, and sometimes by the press and fans, as a way to pressure players into accepting whatever was offered and to be thankful for it.**

**“For the good of the children” has also been frequently used as a way to admonish teachers to know their place and not ask for raises or other benefit increases.**

**Professionals should be responsible for their own relationship with an employer and being a union member is “unprofessional” some argue.**

**The historic role of the school superintendent is in the best tradition of some baseball commissioners who viewed their role as accountable and responsible to both the management and the employees and would do what is in the best interest of the institution.**

**As Bowie Kuhn once asserted, “It was never my job to side with players or the owners, but rather to bring the two together.”**

**Experience and history show that superintendents are responsible to the school board and the commissioners to the owner’s organization that is, to the people who hire and fire them. They can be counted on to do their bosses bidding, especially whenever there is a disagreement.**

**Both baseball players and teachers historically favored the term “association” instead of union with the exception of most affiliates of the AFT. This is often true of other organizations of professionals.**

**I want to take a minute to talk about two important figures in education and baseball history.**

**Marvin Miller was to baseball players what Albert Shanker was to teachers.**

**They were both from New York City, born of working class Jewish parents, grew up in the Depression, very intelligent, imbued with a strong sense of economic and social justice, an untypical awareness of the larger world, well educated and committed to the trade union movement and its role of improving the lives of professionals.**

**They were both brilliant strategists and tacticians.**

**Their politics were liberal Democratic.**

**Marvin Miller transformed a weak association into a powerful, united and effective advocate for its members by winning successive strikes.**

**Al Shanker transformed a multitude of small and weak teachers organizations in New York City into the powerful 100,000 member United Federation of Teachers by winning successive strikes.**

**He was a principle leader in the merger of the NEA and AFT affiliates in New York in 1972 that resulted in the creation of the New York State United Teachers – now 575,000 strong – and went on to serve as the effective president of the AFT and a vice president of the AFL-CIO.**

**They both clearly understood the importance of membership involvement and ownership of their union as a key union building strategy.**

**One difference was that Marvin Miller was a staff person hired by the Players Association and Al Shanker was an elected leader.**

**All workers owe them a debt of gratitude.**

**And by the way, I agree with Bob Costa, Jim Bunning, Tom Seaver, Henry Aaron, Brooks Robinson, some writers, and even apparently Buzie Bavasi and George Steinbrenner, who urge the Veterans Committee to admit Marvin Miller to the National Baseball Hall of Fame.**

**I would like to make one more point about the significance of Marvin Miller.**

**The fact that he came out of the labor movement, working for the Machinists and AFSCME, and then especially the United Steelworkers as chief union economist meant he had an understanding of labor law. In particular, he understood the importance of having a grievance procedure in a collective bargaining agreement that ended in an impartial and binding decision on both parties.**

**He was very familiar with the 1960 Supreme Court case known as the Steelworkers Trilogy. These three cases upheld the primacy of arbitration in settling contract disputes as opposed to the traditional appeal to the courts to settle differences.**

**The ruling states that, “courts will, in fact, stand back and let arbitrators do their job. The parties have bargained for arbitration as a way to resolve disputes, and the courts will not interfere with that.”**

**Curt Flood’s reserve clause case is well known to those familiar with baseball history, as well it should be as is Catfish Hunter’s and others.**

**But it was the case of Andy Messersmith and Dave McNally that ultimately resolved the issue in the player’s favor. Following a favorable decision by arbitrator Peter Seitz, Judge John Oliver upheld the arbitration ruling citing the Steelworkers Trilogy.**

**It is essential to understand the importance of a contract, or basic agreement, and the ability to enforce it. Without that, the final determinations are left to the unilateral decision by the employer. In baseball’s case, it is the commissioner, the Players Relations Committee or the owners’ organization.**

**Another interesting parallel between baseball and the broader labor movement is the relationship between the management organization and their professional negotiator.**

**Of course, in any collective bargaining situation, there are really two sets of negotiations going on. Both the management and labor sides have to come to agreement within their group on the initial demands and the strategies and tactics employed throughout the collective bargaining process. Then there is the bargaining process between the two teams.**

**Tension often arises when a management group hires a professional and does not give him or her real authority to bargain or hires someone whose reputation is to stonewall or break the union.**

**The contrast between John Gaherin and Ray Grebey illustrate this point.**

**Gaherin was a true professional who also knew baseball. He was an experienced and pragmatic negotiator who had worked for the railroad and newspaper industries – both multi-employer organizations.**

**He understood the law and realized that the owners had an obligation to negotiate in good faith with the Players Association that had the powers and responsibilities of a union. This was difficult for owners like the Dodgers' Buzie Bavasi and the Cardinals' Gussie Busch, among others, to accept and as a result created a very difficult bargaining climate.**

**Had the owners followed Gaherin's counsel, the history of labor relations in baseball would have been very different.**

**This often happens in both the public and private sector,**

**Ray Grebey succeeded Gaherin. He came from General Electric that was known for its bargaining approach known as "Boulwarism."**

**In negotiation, a Boulwarism is an offer or counter-offer that is not meant to be negotiated. This "take it or leave it" strategy is named after Lemuel Boulware, a former vice president of General Electric. When faced with a strike, Boulware is famous for telling the International Union of Electrical Workers (IUE) at the onset of negotiations that the company had already evaluated the workers' needs and was putting forth its "first, last and best offer" on the table.**

**Reflecting this approach was a statement made by Cardinals' owner Gussie Busch in 1972, "We're not going to give them another goddam cent. If they want to strike – let 'em."**

**Again, I would argue, this was a disastrous decision by the owners as events bear out.**

**What this did in baseball was to unify the players.**

**We know that collective bargaining – in either the public or private sector – works best when the employers accept the union as the legitimate voice of the workers and bargain in “good faith.” That does not mean giving away the store or surrendering to every union demand but it does mean respecting their positions and working to reach a mutually acceptable agreement.**

**Negotiating a pension plan was central to the Player’s Association. I would point out that this is true to all private sector unions and defined benefit pension plans are under a major assault today by those who want to replace them with defined contributions plans such as 401(k) plans. The number of private sector employees covered by defined benefit plans has dropped dramatically in the last number of years and pension plans have been decimated in the airline and other industries.**

**Pension plans for the public sector - and I know New York State best – are not subject to collective bargaining but are set by the State Legislature. And, according to the New York State Constitution, they cannot be eliminated or diminished for those enrolled in a system. Changes may be made for future employees, however.**

**The history of labor relations in Major League Baseball is a wonderful case study that provides a valuable insight into the fundamental principles why workers, professional as well as others, need a strong union and what can be achieved by unity.**

**Given the continuing attacks on the American labor movement today by some employers, politicians and the Right Wing, it is imperative that the contributions of unions to our country and the role that the labor movement plays in fighting for social and economic justice be taught to every elementary, secondary and college student in America.**

**That is the mission of the American Labor Studies Center and why I was pleased to be invited by Jeff Arnett today to discuss one chapter of that history with students. I urge each of you to learn more about this important story.**

**That great labor lawyer Clarence Darrow once said, “With all their faults, trade unions have done more for humanity than any other organization that ever existed. They have done more for decency, for honesty, for education, for the betterment of the race, for the developing of character of man, than any other association of men.”**

**Thank you all very much for your interest.**

