

**The Enduring Legacy of Curtis Charles Flood:
His Courageous Legal Struggle for Personal Dignity
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On December 24, 1969, Curtis Charles Flood, a thirty-one year old African-American baseball player, signed a five sentence letter and sent it to Baseball Commissioner Bowie Kuhn.¹ Two months earlier, Flood and six other major league players had endured what countless other players had accepted for nearly one hundred years as simply the business of the game; they had been traded.² Curt Flood, however, was enraged, and he refused to accept it. As he stated in the first paragraph of his letter to Kuhn:

After twelve years in the major leagues, I do not feel that I am a piece of property to be bought and sold irrespective 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.³

By signing and mailing his letter, Flood began a three year odyssey that would eventually offer the United States Supreme Court its third opportunity to consider baseball's reserve clause.⁴ Flood's lawsuit against baseball's labor system would basically cost him the remainder of his career,⁵ and the Supreme Court would not grant him his simple request to decide for himself what employer he would work for. Nearly six years to the day after Flood signed and mailed his letter to Kuhn, arbitrator Peter Seitz forced Major League Baseball to acknowledge the free agent status of two white baseball players, Andy Messersmith and Dave McNally. The center fielder for three World Series teams for the St. Louis Cardinals and the owner of a .293 career batting average paved the way for changes in baseball's labor history, and players today owe a great debt to this graceful player and man who struck a simple blow for human dignity.

Early Years in Oakland

Curt Flood was born in Houston, Texas, on January 18, 1938,⁶ while his mother Laura was en route by train to her mother's home in Quincy, Louisiana.⁷ Soon, young Curt would join his five siblings⁸ in West Oakland, California, where his father Herman worked as a "hospital menial."⁹ Herman Flood typically worked a 72-hour week because a "living wage" was not available. One thing that Herman Flood did provide for all of his children was sketch pads, and Curt soon developed the same flair for drawing that his brothers and sisters exhibited. His artistic talent would provide him a life-long passion and a career outside of baseball.¹⁰ In Flood's autobiography, *The Way It Is*, he noted that his parents "harbored a version of the American Dream," but the future baseball star angrily derided whites who complained about feeling guilty for the activities of their forefathers.¹¹ Flood wanted white Americans to accept the distinct difference between

the arrival in the United States of his grandfather and those of European white immigrants.

At the age of nine, Curt joined his older brother Carl on a police-sponsored team, Junior's Sweet Shop. Carl and Curt formed a battery with the younger Flood playing catcher. Their coach would become a legendary Oakland sports figure and a major force in the lives of many future professional athletes including Curt. George Powles coached multiple sports teams at both McClymonds and Skyline high school, as well as championship American Legion teams, and other Oakland playground teams. His coaching influenced baseball players Frank Robinson, Vada Pinson, Billy Martin, Joe Morgan, J.W. Porter, Jesse Gonder, Joe Gaines, and Chris Cannizzaro, as well as track star Charles Beamon, basketball legend Bill Russell, and gridiron greats Ollie Matson, and John Brodie. Flood played baseball with Frank Robinson and Vada Pinson and basketball with Bill Russell at McClymonds. Flood would also spend part of his high school years at Oakland Technical when he moved in with his sister Barbara.

Robinson and Russell enjoyed Hall of Fame careers, but, perhaps, more importantly, they were both influential in breaking barriers for African-Americans. Robinson became Major League Baseball's first African-American manager when the Cleveland Indians named him player-manager for the 1975 season, and Russell led the Boston Celtics to 11 NBA championships in 13 years and, when he succeeded Red Auerbach as coach of the Celtics in 1966, Russell became the first African-American head coach in mainline white-dominated American major league team sports history. Furthermore, Flood shared the same streets of Oakland with the founders of the Black Panther Movement in the United States.

Frank Robinson played on Oakland's 1950 Captain Bill Erwin Post 337 American Legion team for Powles. Over one-half of Powles's players on that team played professional baseball. The team's big star was J. W. Porter, a future Chicago White Sox bonus baby, who signed for \$65,000 after being named American Legion Player of the Year.¹² Powles's 1949 and 1950 American Legion team were back-to-back national champions.¹³ Robinson did not easily adjust to leaving the Oakland Bay area for games outside of California. Frank experienced intense stomach pains in Winslow, Arizona, and similar problems in Hastings, Nebraska. Both Robinson and Flood led somewhat sheltered lives in West Oakland. They would both soon experience Jim Crow treatment as minor league players in the Cincinnati farm system.

George Powles laid out the difficult path in front of the youthful Flood. At 5' 7" and 140 pounds, Flood would be a target for fans hostile to African-American players less than a decade after Jackie Robinson broke the color barrier. Flood noted that Powles "was telling me the facts of life. It was characteristic of his friendship. He was neither maudlin nor indignant."¹⁴

Robinson's signing had created a relationship between Powles and Cincinnati Redlegs scout Bobby Mattick.¹⁵ Mattick inked Flood to a non-bonus deal for \$4,000 for

the 1956 season with the added incentive that Flood could rejoin Robinson at the Redlegs' Tampa spring training site. Vada Pinson soon followed the two into the Cincinnati farm system.

Spring Training - 1956

Flood's first airplane ride carried him from Oakland to Tampa. At the airport, he encountered his first sign of the Jim Crow South, separate drinking fountains. He described this experience in his autobiography "like a door slammed in my face."¹⁶ After arriving at the Floridian Hotel, the Redlegs' Florida home, Flood approached the desk clerk to check in. Instead, an African-American porter was summoned to assist Flood. The porter marched Flood through the lobby to a side door where a cabdriver was told simply to take Flood to "Ma Felder's."¹⁷ At the boarding house, Flood met Robinson and other Redlegs players Joe Black, George Crowe, Chuck Harmon, Brooks Lawrence, Pat Scantlebury, and Bob Thurman. Flood was confident that he would move quickly through the minor leagues to the big club.¹⁸

Curt was dispatched to the Redlegs' minor league camp in Douglas, Georgia. Accommodations at the former Army air base for more than 400 hopefuls were military barracks. Flood was assigned to a segregated building. Cincinnati was particularly impressed by Flood's defensive capability and pushed him slightly up the ladder to Class B High Point-Thomasville in the Carolina League. The twin cities are located 20 miles southwest of Greensboro and a similar distance southeast of Winston-Salem in central North Carolina. In Michael Lomax's excellent article on Flood and his importance in breaking down racial barriers, Lomax noted that the two cities were the furniture capital of the South: "High Point rivaled Chicago and Grand Rapids, Michigan, in furniture production at the end of the Second World War."¹⁹ Undoubtedly, the two cities were typical of Southern views on race.

Minor League Career

Flood was quickly introduced to life as an African-American in the 1950's South. Racial epithets became normative, and Flood suffered the indignity of not being able to join teammates inside a restaurant or even use the bathrooms during bus rides during the eight-game per week schedule. Mistreatment by fans was coupled with indifference from his manager Bert Haas and his teammates. Flood would often cry after he reached his room. Indicative of the treatment accorded to Flood and minority teammates Orlando Pena and Johnny Ivory Smith was the failure of any local businesses to invite one of the three players to participate in "Meet the Hi-Toms Day."²⁰ These events held by local businesses were used to promote sponsors and encourage fan interest. However, Flood's on-the-field play was outstanding. He led the Carolina League with a .340 batting average, 128 runs scored, and 190 hits. He also slammed 29 home runs breaking the Hi-Toms record.²¹ The fans even rewarded Flood's play by voting him the "Most Popular Hi-Tom of 1956" award.

But the racial tension was ever present. Flood related one particular incident in his autobiography when a white pitcher yelled a racial phrase at a young African-American child who ran onto the field to snatch a baseball.²² Flood confronted the player, thus exhibiting his growing intolerance for racist treatment. Flood's playing performance was rewarded late in the season with a promotion to the Major Leagues. In New York, he stayed at the Biltmore with his teammates, and reveled in the life of a big league player in the north.²³

Flood's hopes for a winter back home in Oakland to recuperate from the long season were quickly dashed. The Redlegs front office dispatched him to the Dominican Republic for further seasoning. However, Flood played so poorly that he was released after a few weeks.

In 1957, Cincinnati sent Flood to Savannah, Georgia, in the Class A South Atlantic League, with instructions to play Curt at third base. Tension between the races was high. Georgia Governor Marvin Griffin was openly opposing federal attempts to enforce school desegregation, and the Georgia legislature was considering an anti-mixing statute similar to one passed in Louisiana that would have prevented African-Americans from playing baseball with whites. State senator Leon Butts was successful in his chamber in receiving a 31-0 vote in favor of his bill.²⁴ Butts believed that interracial athletics would produce a feeling of equality between the races. Atlanta Crackers president Earl Mann was opposed to the statute, and he lobbied Governor Griffin to defeat the legislation. Baltimore, Cincinnati, Milwaukee, and St. Louis all operated spring training facilities in the state, and they worked in concert with Baseball Commissioner Ford Frick and minor-league commissioner George Trautman in efforts to persuade Georgia officials that the legislation would cause the Major Leagues to leave the state while also threatening the end of the South Atlantic League. The governor was unmoved, but parliamentary maneuvering late in the legislative session defeated the bill in the Georgia House.²⁵

The anti-mixing law in Louisiana prompted a boycott by once-loyal African-American fans aimed at the Southern Association's New Orleans Pelicans and the Texas League's Shreveport Sports. Eventually, the decline in attendance caused both franchises to fold.²⁶

Interracial locker rooms, however, were banned.²⁷ Flood and his new teammate Leo Cardenas were provided rooms in a dormitory at Savannah State College.²⁸ One white teammate, Buddy Gilbert, had the courage to bring food to Flood, Johnny Ivory Smith, and Cardenas on the bus and express his displeasure about the treatment mandated by Jim Crow customs. Between doubleheaders, they could not even change uniforms like their white teammates. Flood was named to the All-Star team and finished the season with a .299 batting average and 170 hits while trying to adjust to playing third base at Cincinnati management's insistence. Flood was called up again at the end of the season. His first major league hit was a home run off of Chicago Cubs pitcher Moe Drabowsky.²⁹

Because Don Hoak enjoyed a successful season at third base for the Redlegs and Flood committed 41 errors at the hot corner, General Manager Gabe Paul decided that they wanted to groom Flood to replace veteran Johnny Temple at second base.³⁰ Temple and shortstop Roy McMillan were a formidable defensive double-play combination for Cincinnati. Temple accompanied Flood to Maracaibo, Venezuela, where Flood was quickly struck with dysentery. While Temple was patient and pleasant with Flood, it soon became apparent that Curt was not destined for the middle infield.³¹ Temple was one of the few players, coaches, or managers who attempted to provide any advice to Flood on how to improve his game. Flood credits Redlegs and Cardinals teammate George Crowe with correcting some flaws in his swing.³² Crowe, who toiled in the Negro Leagues with the New York Black Yankees from 1947-1949, was, ironically a native of Whiteland, Indiana, who arrived in the big leagues in 1952 with the Boston Braves. While in high school, Crowe integrated the basketball team at Franklin High School. He was so talented on the hardwood that he was named Indiana's first "Mr. Basketball" in 1939.³³ Crowe became the first African-American to live on the campus of Indiana Central College (now the University of Indianapolis).³⁴ From 1943-1946, Crowe served in the military. Crowe was a .345 hitter in his minor league career with a batting crown in the Eastern League in 1950 and RBI titles in the American Association in 1951 and 1954 and the New England League in 1949.³⁵ Crowe played nine years in the Major Leagues predominately as a part-time player. However, with an opportunity to start for the Redlegs in 1957, Crowe hit 31 home runs with 92 RBIs. Crowe's brother Ray coached the 1954-55 Crispus Attucks basketball team to the Indiana state basketball championship. That championship was the first for an all-African-American school in an open state tournament in the nation's history. The team's star - Hall-of-Famer Oscar Robertson.³⁶ Crowe's pioneering efforts to defeat racial barriers might also have influenced the young Flood.

The First Trade

Vada Pinson's success in the minors in 1957 prompted the Redlegs to consider Flood's future in Cincinnati. Now satisfied that third base was covered and unwilling to consider an all African-American, all West Oakland outfield of Flood, Pinson, and Robinson, the Redlegs traded Flood to the St. Louis Cardinals.³⁷ Reflecting on the trade in his autobiography, Flood noted that the idea of suing the Reds "did not even occur to me. If it had, I would not have dared to act on it."³⁸ At least the Cardinals were willing to raise his salary to \$5,000.

Flood sputtered at the plate during spring training in 1958 although Cardinals' manager Fred Hutchinson was impressed by the young athlete.³⁹ Along with hard-throwing farmhand Bob Gibson, Flood was sent to the Cards top farm team in Gibson's native Omaha. The Omaha manager was Johnny Keane. Flood found his hitting touch. After 15 games, Flood had a .340 average and the Cardinals needed help in center field. Curt played in 121 games for Hutchinson batting .261 and leading the Cardinals in strikeouts. Still trying to hit for power, Flood smacked 10 home runs and hit 17 doubles.⁴⁰ Unfortunately for Flood, however, the Cardinals struggled to a fifth-place

finish, 10 games under .500. Hutchinson was fired and replaced by player-manager Solly Hemus.

Hemus had spent 7 1/2 years playing for the Cardinals, but he did not have any managerial experience. Hemus lacked confidence in Flood and played him sparingly. The new manager also seemed unsure about Bob Gibson. The final break, however, came in a game against the Pittsburgh Pirates. The Bucs' African-American hurler Bennie Daniels brushed Hemus back, sending him sprawling. On the next pitch, Hemus swung and released his bat towards the hurler on the mound. Daniels responded by nailing Hemus in the back with the next pitch. Hemus yelled at Daniels as he headed towards first base.

The following day, Hemus called a clubhouse meeting to tell his team that he called Daniels "a black son-of-a-bitch."⁴¹ As Hemus concluded the meeting, he left Crowe, Flood, Gibson, and White in jaw-dropping silence. The four Cardinals had wondered about Hemus's managerial decisions. Now they were certain that their manager was a racist.⁴² In Flood's autobiography he noted that 13 of the 18 Major League hitters in 1969 with .300 or better averages were African-Americans. Flood observed:

Baseball's racism is showing. Outstanding blacks get jobs. Lesser blacks are shunted aside in favor of whites, sometimes to the detriment of a team. The mistake of Solly Hemus was not that he misused and mistreated blacks but that he overdid it.⁴³

Conditions During Spring Training

By the late 1950s and early 1960s, Henry Aaron, Bill Bruton, Roberto Clemente, Wes Covington, Elston Howard, Vada Pinson, Bill White, and other African-American players were chaffing at the continued segregated living conditions during spring training. Local St. Petersburg NAACP leaders Ralph Wimbish and Robert J. Swain had successfully completed an effort to desegregate local lunch counters at variety and department stores when they considered their own accommodation of the prevailing situation.⁴⁴ St. Petersburg had long served as a resort city for vacationing Whites and retirees. However, it was thoroughly segregated.⁴⁵ Wimbish, the local chapter president and a physician, profited handsomely from renting rooms to African-American players during the spring, but he decided to no longer assist the Yankees, his major source of athletes. Wimbish approached both the Yankees and Cardinals about forcing their respective hotels, the Vinoy Park and the Soreno to stop their segregated practices. Management at the two hotels quickly responded that they had no intention in changing their practices.⁴⁶ Reporters for *The New York Times* and the *Pittsburgh Courier* pushed the issue on the national stage and other cities and teams.⁴⁷

The contrast between accommodations for white and African-American players was striking.⁴⁸ The hotels were lavish resorts with room and maid service and a restaurant with a full menu. African-Americans stayed at boardinghouses in the poorest parts of

town and ate whatever meals were offered to them. Frank Robinson's lodging in Tampa provided only a bathtub and no showers for three players.⁴⁹ Sleeping conditions were often crowded. Furthermore, local public facilities were segregated or unavailable to African-Americans forcing the players to stay at their boardinghouses rather than join their white teammates at the beaches, swimming pools, movie theaters, or golf courses.

Flood joined the chorus in 1961 when Cardinals' General Manager Bing Devine met with Curt to discuss the Florida living conditions.⁵⁰ The situation escalated in March when the St. Petersburg Chamber of Commerce held their annual "Salute to Baseball" breakfast honoring the Cardinals and Yankees. The Chamber left Bill White, Flood, and the other minority players off of the invitation list. White enlisted the assistance of Associated Press writer Joe Reichler, who wrote an article for an African-American newspaper advocating a boycott of Anheuser-Busch.⁵¹ The article got team owner Gussie Busch's attention. The owner responded by threatening to move the team. The Cardinals ultimately resolved the problem by purchasing their own hotel to house their team.⁵²

The 1960's Cardinals

By mid-1961, Busch fired Hemus and replaced him with Gibson and Flood's former Omaha manager Johnny Keane. The Cardinals finished fifth in 1961 and 1962, but in 1963 they won 93 and finished in second place behind the Los Angeles Dodgers. In 1964, the Cardinals overtook the fading Philadelphia Phillies and captured the National League pennant and defeated the Yankees in the World Series. Unfortunately, for Flood and Gibson, bitter relations between Keane and the front office prompted the manager to move to the defeated Yankees for the 1965 season. The Cardinals dropped to seventh place in 1965 under new manager Red Schoendienst and climbed only one place the following season. However, Schoendienst's charges won 101 games in 1967 outpacing the second place San Francisco Giants by 10 1/2 games while Flood hit .335 to finish fourth in batting average in the National League. After defeating the Red Sox in the World Series, the Cardinals repeated the following year as National League champions by again finishing ahead of the Giants. A remarkable performance by Detroit Tigers pitcher Mickey Lolich deprived the Cardinals of their third World Series triumph of the decade.

Racial harmony was a hallmark of these championship Cardinals teams. Flood noted that the team was "as close to being free of racist poison as a diverse group of twentieth-century Americans could possibly be."⁵³ Flood was particularly proud that "the spirit came from black members of the team. Especially Bob Gibson."⁵⁴ Flood summarized the human parts that produced the great teams of 1967 and 1968:

And so there we were, including the volatile Cepeda, the impossible Maris and the impenetrable Gibson – three celebrated non-candidates for togetherness. There we were Latins, blacks, liberal whites and redeemed perckerwoods, the best team in the game and the most exultant. A beautiful little foretaste of what life will be like when Americans finally unshackle themselves.⁵⁵

Off the field, however, racism was alive and thriving. Flood was refused service at Stan Musial & Biggie's Restaurant, an establishment co-owned by teammate and Cardinals icon Stan Musial.⁵⁶ Flood returned a few years later when racism was less blatant, and he was embarrassed by the star treatment.

In 1964, Flood and his first wife Beverly and their children had the audacity to move into a White suburb of Oakland. The couple was trying to reconcile their marriage after a separation prompted by the lifestyle of an accomplished ballplayer. George Finn, the boyfriend of the homeowner, became outraged about sale of the house to an African-American couple. Finn let it be known that he would be waiting with a shotgun if the Floods tried to move in. Close personal friend Marion Jorgensen helped Flood file suit in Contra Costa County Superior Court seeking a restraining order and \$10,000 in damages. Jorgensen was rewarded with severed telephone lines. Superior Judge Richard Arnason granted the order, and United States Marshals joined Marion and the family as they moved into the house. Police had to help them break down the front door because the locks had been changed. A nervous Beverly and Curt were photographed sitting on the diving board of the pool in the back yard.

The family was not accepted. Three white teenagers once stripped Flood's daughter Shelly because they wanted to see if she was "the same color all over." Daughter Debbie pulled an autographed Whitey Ford bat from the display wall and found the three boys and started swinging seeking revenge. She fractured the arm of one boy and dispensed a black eye and busted lip to another. The third ran off. Beverly and Curt, however, were not able to reconcile their marriage.⁵⁷

Trial in Southern District Court of New York

Against this backdrop of Flood's personal experience with race in the United States and the Civil Rights Movement of the 1960's, the news of his trade to the Phillies hit Flood like a thunderbolt. He resolved to fight his transfer to Philadelphia, and he approached the Players Association for assistance. Marvin Miller, the association's executive director, cautioned Flood about the difficulty of his fight against the baseball established, but Flood would not back down. After careful consideration of the impact on his career, Flood mailed his letter to Commissioner Bowie Kuhn.⁵⁸

Miller asked Flood to address the executive board of the association. After a critical examination of Flood's resolve, the Players Association agreed to back Flood's fight. Miller enlisted the support of former Associate Justice Arthur Goldberg to assist Flood's own attorney Allan Zerman.⁵⁹ Flood filed his suit, and his attorneys requested an expedited review.

In February 1970, preliminary arguments were presented before Judge Irving Ben Cooper in the Southern District of New York.⁶⁰ Prior to trial, Monte Irvin, an assistant with Commissioner Bowie Kuhn, notified Flood that the Commissioner was

willing to allow Flood to arrange a deal with a National League club without prejudice to the litigation.⁶¹ The Second Basic Agreement was reached shortly before the trial was to begin.⁶²

Neil F. Flynn, an attorney in Springfield, Illinois, recently published an exhaustive analysis of a largely overlooked aspect of Flood's litigation, his trial in the Southern District of New York.⁶³ Flynn's book is a thorough and well-reasoned discussion of the over 2,000 pages of transcripts from the trial. Flynn carefully considered each examination and cross-examination, and points out the strengths and weaknesses of each side's approach. In particular, Flynn offers a compelling argument that the trial strategy involved little to support Flood's specific claims, but a major effort to advance the cause of the Players Association. Flynn's analysis also highlights the mistreatment of Flood by Judge Irving Ben Cooper who also went out of his way to praise all of the attorneys and many of the witnesses who appeared before him. Jackie Robinson, Jim Brosnan, Hank Greenberg, and Bill Veeck testified on behalf of Flood.⁶⁴ Cooper rendered his decision on August 12, 1970, siding with Major League Baseball.

Flood's case moved quickly through the United States Court of Appeals for the Second Circuit and on to the United States Supreme Court. Justice Harry Blackmun wrote the opinion for the Court arguing that Congress should address the issue not the Court. Flood was a broken man during and after the litigation. The press provided some support for Flood as he noted in his autobiography but many observers simply did not understand Flood's position.⁶⁵ Furthermore, no current players attended the trial as either witnesses or observers.

The Press and Flood

One month prior to Flood's trial long-time *Washington Post* columnist Shirley Povich described Flood as an anarchist and "an agitator, a boat rocker and some kind of nut."⁶⁶ The dean of baseball writers also noted that Flood was "a committed man ... battling for a principle" while observing that "[t]here has been an upgrading of human rights as against property rights in the nation's courts since baseball benefited from earlier decisions exempting club owners from antitrust laws." Povich observed that Baseball could probably survive the loss of the reserve clause and pointed out that owners had found a way to improve resources to provide the players with greater pensions and higher salaries. He ended his article by noting Flood's willingness to sacrifice his \$90,000 salary - "He makes it sound like a rebel with a cause."

Nearly two years later after Blackmun's opinion was announced, Povich again invoked the image of Flood as a boat rocker.⁶⁷ In deriding the Supreme Court's decision to pass the controversy to Congress to address baseball's status, Povich noted that the Court did not apply the same analysis in 1954 in overturning *Plessy v. Ferguson*. He closed his column by pointing out that "the club owners, at this point are doing a victory dance that will make Hitler's famous jig at Compeigne after the surrender of France look positively reluctant."

Los Angeles Times writer Jim Murray approached Flood's case differently. Murray penned a column on January 21, 1970, titled "The Curt Flood Case: Lift That Bat, Chop That Ball ..." ⁶⁸ Murray argued that the "reserve clause ... is just a fancy name for slavery." Murray's other illusions to slavery including flogging, the underground railroad, humming spirituals, wearing a bandana, the plantation, slaveowners, and overseers. Murray offered a "simple solution" - agree that no player can be traded without his permission.

In "A Flood Warning" in February 1971, Murray offered a review of Flood's autobiography: "In some ways, it is a book that makes Jim Bouton's book like a bunt." ⁶⁹ Murray noted that the book often read like a "suicide note" and again raised the image of slavery. The columnist's solution was an agreement that a player should not be traded without his permission nor should a player be sold without the player participating in the payday.

Writing from Vero Beach, Florida, in March 1971, Murray once again invoked the image of slavery while observing:

He (Flood) took Baseball to court. The game reacted as if he were throwing at its head, or coming in with spikes high. But Flood was challenging the traditional concept of a ballplayer as chattel. Or, as cattle. Meanwhile Flood had written his book, the best thing said about which in the locker rooms was that it was 'bitter.' It's bitter in the sense a grand jury murder indictment is. 'Enraged' would be a better word. ⁷⁰

Charles Maher also contributed articles to the *Los Angeles Times* exploring the ramifications of Flood's lawsuit. In "Baseball Doomed?" Maher reasoned that both sides overstated their position at trial, but he asserted that Flood's position was stronger than the one advanced by Baseball. ⁷¹ Maher could not accept Flood's claim that the reserve clause left him in "peonage" because of his \$90,000 salary. But he was also unwilling to accept Baseball claim of ruination. After comparing the plight of baseball players to entertainers (should NBC be able to trade Johnny Carson to ABC?) and quoting Leonard Koppett's *New York Times* article urging some accommodation to the players' association, Maher stated "[s]etting aside the legal issues and considering only the question of fairness, it would seem that some modification is in order."

Jonathan B. Segal, a member of the *New York Times* staff, reviewed Carter and Flood's book for the May 16, 1971, book review section of the *Times*. ⁷² Segal argued that baseball refused to change its historical anti-player practices unless coerced. Segal felt that Flood's autobiography contained "[s]purts of beautiful prose," and concluded that the Cardinals' star had "written an insightful book to explain his position."

Four years after Flood's case was decided by the Supreme Court, Murray Chass wrote a piece for *The New York Times* ⁷³ noting that neither Lou Pinella, Mickey Rivers,

nor Elrod Hendricks recognized Flood in the lobby of the Edgewater Hyatt House. Billy Martin, a product of the same Oakland streets, did not recognize Flood. Chass noted that Flood is “now ... back in the city where he grew up, and he is forgotten,” while arguing that “Curt Flood boldly and at great sacrifice to his own career and future, pioneered an effort to gain some freedom for himself and his fellow players, an effort that has reached fruition.” The *Times* writer quoted Flood: “It was just the shabby way that these executives have of handling men. We had contributed so much to St. Louis and to get a kick in the butt like that. I don’t think I deserved it that way.” The angry Flood noted that no players came to see what was happening during his six week trial in New York. Organized Baseball had effectively intimidated the players. Flood wanted back into baseball but not as a first base coach.

Years later, Chass stated in his “On Baseball” column when Flood died -

He didn’t gain a victory 25 years ago, and in his career he didn’t achieve statistics that were good enough for the Hall of Fame. But when Flood’s name first appeared on the Hall of Fame ballot, this voter marked an ‘X’ next to it in a symbolic gesture. No one was ever more worthy of such recognition.⁷⁴

Famed writer Red Smith was a long time opponent of the reserve clause.⁷⁵ When Philadelphia Athletics outfielder Wally Moses held out in 1938, Smith had difficulty accepting Organized Baseball’s position. Smith wrote a column in 1957 titled “The Slave Trade” and in 1966 he commented on the special legal status of baseball owners. Smith biographer Ira Berkow argued, however, that Red was not a strong opponent during the early years of his writing. However, after Flood filed suit, Smith became more outspoken. In a column entitled “Curt Flood’s Thirteenth Amendment,” Smith wrote “Curtis Charles Flood is a man of character and self-respect. Being black, he is more sensitive than most white players about the institution of slavery as it exists in professional baseball. ... He told them (Players Association Executive Board) it was high time somebody in baseball made a stand for human freedom.”⁷⁶ In reviewing the Court’s decision, Smith wrote harshly stating “[i]t is a disappointment because this Court appears to set greater store by property rights than by human rights.” Smith saved some of his harshest comments for Bowie Kuhn.⁷⁷

Flood’s Legacy - 1990-2006

When Pulitzer Prize author George Will decided to publish a collection of articles in 1998, he honored Curt Flood with the lead notation in the subtitle of his book *Bunts*.⁷⁸ Flood, whom Will recognized for his “nobility” was favorably compared to Dred Scott.⁷⁹ Flood played across the street from the courthouse where Scott’s case was tried. Both men’s cases reached the land’s highest Court, and Will adroitly pointed out that “[i]t was not the last time that the Supreme Court would blunder when asked whether a man can be treated like someone’s property.”⁸⁰ The noted columnist and ardent baseball fan argued that not only baseball but the nation was better because of Flood’s stance that

precipitated the demise of the reserve clause “because it has learned one more lesson about the foolishness of fearing freedom.”⁸¹

Mark Stang has published five volumes of carefully chosen photographic collections covering the Cardinals, Cubs, Indians, Reds, and the various Washington teams. His Cardinals volume contains three photos of Flood.⁸² The first entry shows Flood coiled to leap forward from a defense stance, and his eyes reveal the intensity of Flood’s play. The second photo shows Flood with teammates Bobby Shantz, Bill White, and Ken Boyer receiving their respective 1963 Gold Glove Awards in 1964 at Sportsman’s Park. The final photo is a 1970 portrait taken in New York during Flood’s trial. In stark contrast to the other pictures, here Flood is pensive and beleaguered but resplendent in a double-breasted suit apparently sporting two of his championship rings.⁸³ In the caption to the photo, Stang notes that “[t]he explosion in player salaries over the next three decades is a direct result of Flood’s courageous stand. But all the legal wrangling never benefited (*sic*) Flood.”⁸⁴

Flood’s legacy today is often misunderstood. As Neil Flynn notes in the foreword to his book on Flood’s trial, his friends could not remember whether or not Flood won or lost his case, whether or not the case was settled, or its specific relationship to the creation of free agency. Flood’s suit did not destroy the reserve clause or establish free agency. That would come three years after the United States Supreme Court denied Flood’s request to end the reserve clause. However, Flood’s courageous decision to fight against a trade that he felt abused his basic dignity as a human being did raise awareness amongst players, owner, and sportswriters about the true nature of the reserve clause and the system that rested upon it. It helped to make the efforts of the Players Association legitimate, but it did signal the end to free agency. That would be done by James “Catfish” Hunter in his arbitration action against Oakland owner Charles O. Finley in 1974 and by pitchers Andy Messersmith and Dave McNally during the following year. The foundation for those two decisions was the result of tough negotiations between the players and the owners that created the 1970 collective bargaining agreement. That agreement also must acknowledge the legacy of salary arbitration inspired by the Don Drysdale-Sandy Koufax holdout of 1966.

Notes

¹ Curt Flood with Richard Carter, *The Way It Is* (New York: Trident Press, 1971), 194-195.

² *Ibid.*, 185.

³ *Ibid.*, 194.

⁴ *Federal Baseball Club v. National League*, 259 U.S. 200 (1922), *Toolson v. New York Yankees*, 346 U.S. 356 (1953), *Flood v. Kuhn*, 407 U.S. 258 (1972).

⁵ Flood played 13 games for the Washington Senators in 1971 and collected 7 hits in 35 official at-bats producing a batting average that was nearly 100 points below his career average.

⁶ Flood, *The Way It Is*, 19.

⁷ Alex Belth, *Stepping Up: The Story of Curt Flood and His Fight for Baseball Players' Rights* (New York: Persea Books, 2006), 7.

⁸ Herman Jr., Barbara, Rickie, Alvin, and Carl. Flood, *The Way It Is*, 20.

⁹ Flood, *The Way It Is*, 19.

¹⁰ *Ibid.*, 21.

¹¹ *Ibid.*, 24.

¹² Al Hirshberg, *Frank Robinson: Born Leader* (New York: G. P. Putnam's Sons, 1973), 25.

¹³ Post 337 won the championship in 1949 and 1950 in Omaha, Nebraska. Post 337 also captured the 1966 championship in Orangeburg, South Carolina.
http://www.baseball.legion.org/forms/national_champions_1926_to_present.pdf.

¹⁴ Flood, *The Way It Is*, 32.

¹⁵ Flood, *The Way It Is*, 32. Belth, *Stepping Up*, 24. Flood's fellow Oakland native Joe Morgan noted the discrepancy in bonus money in his own autobiography. Morgan's good friend Rudy May was signed for a mere \$8,000 while another Oakland area left-handed pitcher Frank Battania received a \$100,000 check. Joe Morgan with David Falkner, *Joe Morgan: A Life in Baseball* (New York: W.W. Norton & Sons, 1993), 43.

¹⁶ Flood, *The Way It Is*, 34.

¹⁷ Ibid., 35.

¹⁸ Ibid., 36.

¹⁹ Michael E. Lomax, “Curt Flood Stood Up for Us’: The Quest To Break Down Racial Barriers and Structural Inequality in Major League Baseball,” *Culture, Sports, Society* 47.

²⁰ Ibid., 48.

²¹ Flood, *The Way It Is*, 39. Lomax, “Curt Flood Stood Up for Us,” 48.

²² Flood, *The Way It Is*, 40.

²³ Ibid.

²⁴ Bruce Adelson, *Brushing Back Jim Crow: The Integration of Minor-League Baseball in the American South* (Charlottesville: University Press of Virginia, 1999), 205.

²⁵ Ibid., 205-206.

²⁶ Ibid., 208 & 238.

²⁷ Lomax, “Curt Flood Stood Up for Us,” 49.

²⁸ Flood, *The Way It Is*, 42.

²⁹ Ibid., 44.

³⁰ Belth, *Stepping Up*, 40, Lomax, “Curt Flood Stood Up for Us,” 50.

³¹ Flood, *The Way It Is*, 45.

³² Ibid, 63.

³³ Belth, *Stepping Up*, 53.

³⁴ Belth, *Stepping Up*, 53. See also description of George Crowe on the Indiana Baseball Hall of Fame website. (<http://www.indbaseballhalloffame.org/inductees/gcrowe.html>).

³⁵ David Pietrusza, Matthew Silverman and Michael Gershman, *Baseball: The Biographical Encyclopedia* (Toronto: Sport Classic Books, 2003), 252. Minor league career batting average available on 1957 Topps baseball card.

³⁶ Tracy Dodds, "Champions for Change," *Indianapolis Star*, 27 Feb. 2005., <http://www2.indystar.com/articles/3/225528-3083-092.html>.

³⁷ Flood, *The Way It Is*, 47.

³⁸ *Ibid.*, 47.

³⁹ Belth, *Stepping Up*, 47-49.

⁴⁰ *Ibid.*, 50.

⁴¹ Flood, *The Way It Is*, 70.

⁴² *Ibid.*

⁴³ *Ibid.*, 71.

⁴⁴ Lomax, "'Curt Flood Stood Up for Us,'" 51, citing *The New York Times*, 1 Feb. 1961. J. E. Davis, "Baseball's Reluctant Challenge: Desegregating Major League Spring Training Sites, 1961-1964," *Journal of Sport History* (Summer 1992), 148.

⁴⁵ Davis, "Baseball's Reluctant Challenge, 149-150.

⁴⁶ *Ibid.*, 158-159.

⁴⁷ *Ibid.*, 153.

⁴⁸ *Ibid.*, 154-155.

⁴⁹ *Ibid.*, citing Jackie Robinson, *Baseball Has Done It* (New York: Lippincott, 1964), 154.

⁵⁰ Lomax, "'Curt Flood Stood Up for Us,'" 53. Flood, *The Way It Is*, 78-79.

⁵¹ Lomax, "'Curt Flood Stood Up for Us,'" 53.

⁵² *Ibid.*, 54.

⁵³ Flood, *The Way It Is*, 86.

⁵⁴ *Ibid.*, 87.

⁵⁵ *Ibid.*, 90.

⁵⁶ *Ibid.*, 76-77.

⁵⁷ Belth, *Stepping Up*, 91-94.

⁵⁸ Flood, *The Way It Is*, 187-197.

⁵⁹ Ibid.

⁶⁰ Lee Lowenfish, *The Imperfect Diamond: A History of Baseball's Labor Wars* 210 (Revised Edition 1991). Lowenfish provides a strong discussion of Flood's litigation as well as other aspects of baseball's labor history.

⁶¹ Ibid. at 210.

⁶² Ibid. at 211.

⁶³ Neil F. Flynn, *Baseball's Reserve System: The Case and Trial of Curt Flood v. Major League Baseball* (Springfield, Illinois: Walnut Park Group, Inc., 2006).

⁶⁴ Ibid. at 212. Flynn offers a complete analysis of the testimony of these four individuals in chapter nine of his book. Flynn, *Baseball's Reserve System*, 95-106.

⁶⁵ Flood, *The Way It Is*, 197-198.

⁶⁶ Shirley Povich, "This Morning ..." *Washington Post*, 26 Jan. 1970, D1. The article is reprinted in Shirley Povich, *All Those Mornings ... At the Post: The Twentieth Century in Sports from Famed Washington Post Columnist* (New York: PublicAffairs, 2005), 250-252.

⁶⁷ Shirley Povich, "This Morning ..." *Washington Post*, 20 Jan. 1972, D1.

⁶⁸ Jim Murray, "The Curt Flood Case: Lift That Bat, Chop That Ball ..." *Los Angeles Times*, 21 Jan. 1970, C1.

⁶⁹ Jim Murray, "A Flood Warning," *Los Angeles Times*, 23 Feb. 1971, G1.

⁷⁰ Jim Murray, "\$110,000 'Slavery'", *Los Angeles Times*, 26 Mar. 1971, C1.

⁷¹ Charles Maher, "Baseball Doomed?" *Los Angeles Times*, 21 Jan. 1970, C2.

⁷² Jonathan B. Segal, "A Salvation and a Battlefield," *The New York Times*, 16 May 1971, BR 45.

⁷³ Murray Chass, "Curt Flood: Forgotten Man in Baseball Freedom Fight, Lives in Self-Imposed Exile," *The New York Times*, 9 Sep. 1976, 51.

⁷⁴ Murray Chass, "Flood Was a Man for Every Season," *The New York Times*, 21 Jan. 1997, 10.

⁷⁵ Ira Berkow, *Red: A Biography of Red Smith* (New York: Times Books, 1986), 203-206.

⁷⁶ "Curt Flood's Thirteenth Amendment," *The Red Smith Reader*, edited by Dave Anderson (New York: Random House, 1982), 127.

⁷⁷ Ira Berkow, *Red: A Biography of Red Smith* (New York: Times Books, 1986), 203-206.

⁷⁸ George F. Will, *Bunts: Curt Flood, Camden Yards, Pete Rose and Other Reflections on Baseball* (New York: Scribner, 1998).

⁷⁹ *Ibid.*, 18. Will's November 21, 1993, column was titled "Dred Scott in Spikes." *Ibid.*, 276-279.

⁸⁰ *Ibid.*, 278.

⁸¹ *Ibid.*

⁸² Mark Stang, *Cardinals Collection: One Hundred Years of St. Louis Cardinals Images* (Wilmington, Ohio: Orange Frazer Press, 2002), 117, 129, 143.

⁸³ *Ibid.*, 143.

⁸⁴ *Ibid.*