

**Curt Flood v. Major League Baseball: The Intersection of Race and Labor in America**

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CURT FLOOD & ASSOC., INC.

CURT FLOOD STUDIOS

8007 Clayton Road  
St. Louis, Missouri 63117  
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December 24, 1969

Mr. Bowie K. Kuhn  
Commissioner of Baseball  
680 Fifth Avenue  
New York, New York 10019

Dear Mr. 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 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.

It is my desire to play baseball in 1970, and I am capable of playing. I have received a contract offer from the Philadelphia Club, but I believe I have the right to consider offers from other clubs before making any decisions. I, therefore, request that you make known to all the Major League Clubs my feelings in this matter, and advise them of my availability for the 1970 season.

Sincerely yours,

Curt Flood

CF/j

CC - Mr. Marvin J. Miller ✓

- Mr. John Quinn



## Introduction

On Christmas Eve of 1969, Curt Flood sent a now infamous letter to then Major League Baseball commissioner Bowie Kuhn where he rejected being traded from the St. Louis Cardinals to the Philadelphia Phillies. In this letter, Flood succinctly laid out his demands regarding his employment in Major League Baseball. In paragraph one, Flood explained his belief that the labor system in Major League Baseball violated his basic rights as an American citizen and was unlawful. In the second paragraph, Flood demanded that clubs be alerted of his availability so that he can hear contract offers besides the one he had received from the Philadelphia Phillies.<sup>1</sup> However, back in 1969 when this trade took place, Flood did not have a contract that allowed him to veto trade his trade to the Phillies or even negotiate for his salary. This letter sent a powerful message to the league that signified Curt Flood would not be bogged down by the league's outdated labor policies like hundreds of players before him. Instead, Flood was willing to fight against the injustices within baseball's labor system and push for autonomy.

The letter from Curt Flood to Bowie Kuhn kicked off a series of events that is one of the most important developments in sports labor history. At this point in Major League history, baseball had an anti-trust exemption from the Supreme Court, which was realized in the league's Reserve Clause. The anti-trust exemption allowed Major League Baseball to operate as a monopoly and not comply with the regulations under the Sherman Anti-Trust Act. The Reserve Clause was one of Major League Baseball's core labor laws up until the mid-1970s. The Reserve Clause held that a player on a team's reserved list was not able to negotiate with any other club,

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<sup>1</sup> Curt Flood to Bowie Kuhn, 24 December 1969, Freedom Papers: Black Assertions from the Archives, Sheridan Libraries, Johns Hopkins University, <https://exhibits.library.jhu.edu/exhibits/show/freedom-papers/curt-flood/letter-to-the-commissioner>

and the club had full autonomy over that player's employment.<sup>2</sup> As a result, players were given their salaries without negotiation. If a player disagreed with and refused the salary that the team deemed adequate, a player would have to sit out for a large portion of the season to be automatically taken off the reserve list to achieve free agency. Free Agency is when a player's contract expires with his team, and he is free to negotiate a new contract with any other team. While this strategy seemingly allowed players to earn their worth, it actually ended many careers. Once taken off the reserve list to achieve free agency, teams would blackball players to discourage others from utilizing the same strategy. The result of this system was that players would accept their salary each year without complaint and that players had no say in what team they played for once they got drafted. If a player got traded to another team, there was nothing that the player could do besides pack up their life and move to a new city. This course of action persisted for decades until Curt Flood challenged the system.

Curt Flood's life and story are often examined in two different lights. Among baseball circles, Curt Flood is seen as a labor pioneer who risked his career for the sake of player autonomy and what would eventually become known as free agency. This perspective typically paints Flood as someone who had been called upon to stand against the league and help future generations of players. On the other hand, many scholars study Curt Flood as an example of a black man who was inspired by the civil rights movements of the time to stand up for his rights as a human being. Additionally, there are many examples where Flood uses slave rhetoric in describing baseball players' status as an employee of the league, and where he was seemingly discussed differently because he was a black man.<sup>3</sup> However, I argue that these two points of

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<sup>2</sup> Morris, Peter. 2006. *A Game of Inches : The Stories Behind the Innovations That Shaped Baseball : The Game Behind the Scenes*. Chicago: Ivan R. Dee.

<sup>3</sup> Ogden, David C, and Joel Nathan Rosen, eds. 2008. *Reconstructing Fame : Sport, Race, and Evolving Reputations*. Jackson: University Press of Mississippi.

view are not mutually exclusive. The story of Curt Flood's stand against Major League Baseball and the Reserve Clause highlights greater themes of race in other American labor movements. Flood was a martyr who sacrificed his career for the sake of civil rights and to provide greater opportunities for the thousands of professional baseball players that followed him. Based on the evidence in the primary sources, it is clear that Curt Flood's career and legacy cannot be completely understood without an analysis of both race and labor economics.

This paper will examine key developments in Curt Flood's life to further examine who he is as a person and his beliefs. This examination is imperative to understanding why Flood was willing to challenge the Reserve Clause and risk his career. Next, an analysis of the trade, lawsuit, and rhetoric around these events is necessary to understand the sports labor implications of Flood's actions and examine the public perception of Flood from multiple perspectives. To accomplish this, Court Documents from the trial and newspaper coverage of the time will be explored. This paper will then evaluate the implications of Flood's lawsuit on sports labor and compare that to other labor movements in the United States. Lastly, Curt Flood's legacy will be discussed through both the lenses of race and labor.

## **Literature Review**

Existing literature regarding Curt Flood and his fight against Major League Baseball's Reserve Clause generally falls into two categories: racer and labor. The first category of existing literature examines the events of Curt Flood's life in a biographical sense. This often includes information from when he was a child and up until adulthood when the author reaches the lawsuit. Curt Flood's own Autobiography, titled *The Way It Is*, is referenced multiple times throughout this paper. Biographical methods are especially interesting because of the focus on

race as a key determinant in Curt Flood's development and decision-making process. This includes focusing on his upbringing as a poor black boy in Oakland, the segregation and racism he experienced as a ballplayer, and Flood's treatment by the sport as he fought the Reserve Clause. Flood's identity beyond that of a ballplayer is a key aspect of the biographical work done on Curt Flood. Notable biographical works of Curt Flood include *Curt Flood in the Media: Baseball, Race, and the Demise of the Activist* by Abraham Iqbal Khan, "The Curt Flood Story." by Spike Lee, and *A Well-Paid Slave: Curt Flood's Fight for Free Agency in Professional Sports* by Brad Snyder and Alan M. Dershowitz. These three sources, among others, aim to tell the story of Curt Flood through the lens of race.

The second category of existing literature examines the events surrounding Flood's opposition to the reserve clause from a strict labor issue point of view. These academic sources acknowledge Flood as the catalyst for a history of progress towards increased athlete autonomy and earning power. The goal of this type of literature is to understand the specifics regarding the trade, lawsuit, and implications on the baseball labor landscape. Often staying away from discussions of the human side of baseball and focuses on themes of economics and legal proceedings. This includes analysis of the trial and lawsuit by organizations like Oyez and the National Society for Baseball Research, which provide legal analysis and timeline of event regarding labor changes in Major League Baseball. Additional literature regarding the labor of Curt Flood's fight against the reserve clause include *Baseball and Antitrust: The Legislative History of the Curt Flood Act of 1998*. by Edmund P Edmonds and William H Manz, and *The Curt Flood Act of 1998 and Major League Baseball's Federal Antitrust Exemption* by John T. Wolohan. These sources focus on understanding the implications of the lawsuit from a legal and economic standpoint. However, these sources lack the racial perspective that other biographical

literature has. The aim of this paper is to examine both race and labor together to and paint a holistic picture of Curt Flood's life and actions to prove that race and labor are not mutually exclusive, and rather should be studied in conjunction.

### **Who is Curt Flood?**

Most baseball fans simply know Curt Flood as the man who kick-started free agency in sports. Non-baseball fans would likely say they never heard of Curt Flood at all. Both statements are in some ways true and in some ways false. While Curt Flood can be called a renegade, rebel, martyr, and labor figure, he is first and foremost a human. Before understanding Flood's willingness to take on the behemoth establishment that is Major League Baseball, one must understand the person himself. As with all humans, Flood was a complex individual whose outlook on life stemmed from his upbringing.

Curt Flood was born on January 18, 1938, in Houston, Texas as the youngest of six children.<sup>4</sup> Flood was born in the black section of Jefferson Davis Hospital.<sup>5</sup> When he was two years, Flood's family moved out west to Oakland, California, to find more work. Flood is honest in his explanation of his family's economic situation:

We were not poor, but we had nothing. That is, we ate at regular intervals, but not much.

We were not ragged. Both parents lived at home. In the conventionally squalid West

Oakland ghetto where I grew up, most other households seemed worse off.

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<sup>4</sup> Curt Flood and Richard Carter, *The Way It Is* (New York: Trident Press, 1971), 19.

<sup>5</sup> Brad Snyder and Alan M. Dershowitz, *A Well-Paid Slave: Curt Flood's Fight for Free Agency in Professional Sports* (The Notable Trials Library, 2016), 33.

To achieve these triumphs of stability, my parents held no fewer than four underpaid jobs at a time.<sup>6</sup>

Life in Oakland was not always easy for Curt Flood and his family, but he recognized that even though they had very little, they had more than most. This self-awareness proved to be a key characteristic throughout Flood's life as he developed into a talented young athlete and eventually a black baseball player navigating an industry run by rich white men.

As mentioned in Curt Flood's autobiography *The Way It Is*, Flood attributed much of his success and ambition to the influence of his family, specifically his parents. Flood rarely saw his father, Herman Flood, because he would spend his time resting when not at work. Initially, Herman found work in Oakland as a dockworker and at a military installation during World War II.<sup>7</sup> At the conclusion of World War II, His father worked as a menial hospital laborer during both the day and night shifts for sixty hours at a time.<sup>89</sup> Growing up, Flood learned from the work ethic he saw in his father, instilling that ambition and drive throughout his own life.

Curt Flood's mother, Laura Flood, was an equally hard-working woman that worked multiple jobs so she could feed her children and help them pursue their ambitions. Laura worked both in their home as a seamstress and opened a café called the 1430 Club that served Creole food inspired by her home state of Louisiana. Two specific stories highlight key values Laura passed on to her son. According to Brad Snyder in his biography *A Well-Paid Slave*, Laura "always left an open seat at the far end of the café's lunch counter. People too poor to afford a meal knew that they could sit in that empty seat, satisfy their hunger, and still preserve their

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<sup>6</sup> Flood, Curt, and Richard Carter. 19

<sup>7</sup> Brad Snyder and Alan M. Dershowitz. 33

<sup>8</sup> Flood, Curt, and Richard Carter. 19

<sup>9</sup> Brad Snyder and Alan M. Dershowitz. 33



dignity.”<sup>10</sup> Laura’s eagerness to assist the underprivileged showed a young Curt Flood the importance of philanthropic work. The willingness to put others’ needs before Flood’s own was a key trait that impacted his decision-making down the road. Another important value was Laura’s strength and willingness to push back against racism. Before Flood was born, Laura was living in Louisiana and married to a lumber mill supervisor named Ivory Ricks. One of the white women in town had a husband that Ricks supervised. The woman would often express her frustration to Laura that her husband had to report to a black man. According to Brad Snyder, one day the women took it too far with Laura:

“Laura,” the woman said, “I have been observing you, and you look like a clean [n-word]. I am going to let you wash my clothes.”

“I don’t know what you’re talking about,” Laura replied. “I wash my own clothes, but I wouldn’t touch yours.”

The woman slapped Laura. Laura beat her to a pulp. A black man might supervise white men in Louisiana in 1915, but no black person could lay a hand on a white and live to tell about it. Laura was going to be lynched.<sup>11</sup>

Laura left Louisiana out of fear for her life and moved to Oakland. Ultimately, Laura put her life on the line to push back against an oppressor and stand up for what she believed in. She fought back and paid the price but did not waiver from defending herself against racism. Albeit very different, Flood sacrificed his career to stand up and fight for what he felt to be right, an homage to his mother’s willingness to do the same.

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<sup>10</sup> Brad Snyder and Alan M. Dershowitz. 33

<sup>11</sup> Brad Snyder and Alan M. Dershowitz. 31

Hard work in the pursuit of achieving the American dream was one of the core values bestowed upon him by Flood's parents. This had a profound impact on Flood as he ascended into the adult world as a Major League Baseball Player. Flood's decision to sacrifice his career and sue Major League Baseball seems puzzling at times until one realizes that Flood was a person devout to his principles. Flood described how the American Dream ideals learned from his parents impacted his decision to sue Major League Baseball:

To find a deeper reason why I took this on, you'd have to go back to my mother. Despite all of what happened to her, she taught me to believe that America would live up its promise, it would live up to the dignity it was suppose to give you. If you worked hard, you could achieve that dream, that American dream.<sup>12</sup>

The lesson that hard work can enable you to achieve your dreams inspired Flood in multiple facets of his career. For one, his hard work ethic helped him to fulfill his dreams of becoming a Major League baseball player, which is an accomplishment that seems impossible for most people. Secondly, when Flood stood up against Major League Baseball and the Reserve Clause, he did it because he firmly believed it was the right thing to do and that he could overcome the obstacles with hard work and focus.

Curt Flood expressed an interest in the game of baseball from an early age. At just one and half years of age, Flood was found playing baseball at a local playground and batting with a baseball bat that was nearly as big as he was.<sup>13</sup> This early interest was subdued for some time as

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<sup>12</sup> Curt Flood quoted in "The Curt Flood Story," *Real Sports with Bryant Gumbel*, March 10, 1997.

<sup>13</sup> Brad Snyder and Alan M. Dershowitz. 33

his family moved to what Flood described as the “Squalid Ghetto” of Oakland, California.<sup>14</sup> Curt and his older brother Carl were incredibly close at a young age. The two would ride in the back of a paddy wagon to play baseball in their local Police Athletic Leagues.<sup>15</sup> However, as the two grew up in a community often riddled with crime, it was easy to be influenced by the actions of other kids and start getting in trouble. At the age of ten, Curt Flood committed his first major crime, aside from shoplifting fruit. Flood was walking around Oakland and noticed a parked truck at a factory. He climbed into the unlocked vehicle and started the motor. Not knowing the slightest about driving, Flood put the car into drive and let the car roll for two blocks before he lost control of the truck and it crashed into a parked car. The police took Flood to the juvenile detention home, where he soon discovered his brother Carl was also locked up for bicycle theft.<sup>16</sup> This experience and scolding later received from his parents deterred Curt from committing crime in the future. However, it did not deter Carl in the same way. In his autobiography, Curt described why Carl reacted in such an opposite way:

Carl was a cat of a different stripe. Police and locked rooms offended him and parental whipping humiliated him, but those discomforts only intensified the hurt that drove him. His athlete's body, his huge intelligence, and his exuberantly articulate charm were not enough for him. He treated his gifts as if they were a curse. He took awful chances and paid awful prices.<sup>17</sup>

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<sup>14</sup> Flood, Curt, and Richard Carter. 26

<sup>15</sup> Brad Snyder and Alan M. Dershowitz. 34

<sup>16</sup> Flood, Curt, and Richard Carter. 22

<sup>17</sup> Flood, Curt, and Richard Carter. 23

Curt Flood attributed his continued ability to avoid trouble and crime to one of his biggest mentors and influences growing up: a middle-aged white man named George Powles, who was a former Pacific League outfielder for the San Francisco Seals. Although Powles worked three jobs at a brewery, oil refinery, and crematorium, he also found time to coach youth baseball.<sup>18</sup> Powles was the volunteer coach for Curt and Carl's midget league team. Flood explained that Powles later became moderately famous for his ability to develop outstanding young black athletes from disadvantaged communities in the greater Oakland area. Outside of Curt Flood, some of the most accomplished athletes that Powles coached included Frank Robinson, Joe Morgan, Billy Martin, and Bill Russell, not to mention around a dozen total major league baseball players and a few professional basketball and football stars.<sup>19</sup> Flood's experiences under Powles' tutelage were rather transformative for the young boy, especially in forming his view of white people. Flood describes this best in his autobiography:

If I now see whites as human beings of variable worth rather than stereotypes, it is because of a process that began with George Powles. To be sure, black experience teaches that the American white is guilty until he proves himself innocent. No present reason exists to modify this axiom. Our country's prospects might improve if the guilty were less abundant. In time, more blacks might be able to recognize and accept good when it showed itself. A multitude of George Powles would accelerate this process.<sup>20</sup>

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<sup>18</sup> Brad Snyder and Alan M. Dershowitz. 34

<sup>19</sup> Flood, Curt, and Richard Carter. 26

<sup>20</sup> Flood, Curt, and Richard Carter. 26

According to Flood, Powles was as genuine a person as anyone. The young athletes never felt as if they had to “adulterate [their] blackness to win his confidence and approval.”<sup>21</sup> Furthermore, Powles would take the whole team to his home to hang out, eat and watch games, a high point of Flood’s childhood as he recalls. Flood came to the realization over time that Powles had no motives outside of spreading the joy of baseball and enabling it to benefit others. He was not looking to save disadvantaged black kids using baseball, but simply loved the game and bringing joy to others.<sup>22</sup> Flood’s relationship with Powles shaped his ability to recognize and appreciate authentic people, even if they were white.

Curt Flood began his professional baseball career after being signed for \$4,000 by the Cincinnati Reds out of Oakland Technical High School in 1955.<sup>23</sup> Flood began his playing career at the Reds training camp the following February in Tampa where he was thrust into the Jim Crow South completely unprepared. Major League Baseball had become desegregated just eight seasons prior (1947) when Jackie Robinson made his debut for the Brooklyn Dodgers.<sup>24</sup> Flood had unknowingly entered a world that had, sadly, not yet accepted black ballplayers. Flood arrived at the Floridian hotel where the Reds players were staying. Immediately, Flood was told he needed to be escorted to a boarding house called Ma Felder’s, which was five miles away from the hotel where the rest of the ball club was staying. All of the club’s black ballplayers were staying out there, including the legendary Frank Robinson.<sup>25</sup> After training camp, Flood was placed on the Reds’ Class B affiliate in High Point, North Carolina.<sup>26</sup> Much of Flood’s minor

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<sup>21</sup> Flood, Curt, and Richard Carter. 26

<sup>22</sup> Flood, Curt, and Richard Carter. 27

<sup>23</sup> Flood, Curt, and Richard Carter. 32

<sup>24</sup> “The History of Baseball and Civil Rights in America,” Baseball Hall of Fame, accessed November 15, 2022, <https://baseballhall.org/civilrights>.

<sup>25</sup> Flood, Curt, and Richard Carter. 35

<sup>26</sup> Brad Snyder and Alan M. Dershowitz. 43

league career was spent dealing with racism in the heart of the Jim Crow South. Flood wrote in his biography, “Wherever we played in that league, at home or away, the stadiums resounded with “[n-word],’ ‘eight-ball,’ ‘jigaboo,’ and other pleasantries.”<sup>27</sup> The horrible reality for a black ballplayer was that dealing with racism from fans, peers, and executives was just going to become a part of life. Although he was a young and unproven ballplayer, Flood found the strength at times to push back against racism, especially when it was directed at others. For instance, Flood described a time he chastised a teammate for using racial slurs against a young boy:

Toward the midseason, when I had established myself as a star, I attended to another matter of importance. During the pregame practice one evening, a little black kid jumped onto the field, grabbed a loose ball, and climbed back into the stands. One of our lint-head pitchers screamed, “Hey you black [n-word], come back with that ball!” Then he jumped into the stands, took the ball from the child, and returned to the field, flushed with triumph. I was waiting for him.

“Don’t use that word around me,” I said. “You owe me more respect than that. White kids steal baseballs all the time without interference, you wool-hat son-of-a-bitch. If you ever come near me again you’ll be sorry”<sup>28</sup>

Just as his mother did years ago in Louisiana, Flood showed signs early on in his playing career that he was not going to be bullied or abused by anybody, even if that meant risking his standing

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<sup>27</sup> Flood, Curt, and Richard Carter. 37

<sup>28</sup> Flood, Curt, and Richard Carter. 40

with the team or his career. This willingness to speak back to power proved to be a necessary ability later in his career when he refused the trade from St. Louis to Philadelphia.

In 1957 when Curt Flood was looking to break into the Major Leagues, he was traded from the Cincinnati Reds to the St. Louis Cardinals.<sup>29</sup> Unsurprisingly, the unestablished young ballplayer did not even think to push back on this matter. He simply packed his bags and moved to St. Louis. Although Flood did not consider suing the Reds for trading him, it was his experiences dealing with Reds management that first exposed Flood to the infringement of rights within the Major League Baseball labor system. Each year he was in the minor leagues with the Reds, Flood would be moved up to harder competition and thrive. However, due to the lack of an arbitration system at the time and the reserve clause giving teams complete control over the players, the front office essentially told the player what their salary would be for the upcoming season. If the player did not agree with the salary, there was nothing he could do about it without jeopardizing his career. When it came time to establish Flood's new salary each season, Reds general manager Gabe Paul would cherry-pick some arbitrary statistics to force Flood to accept his terms.<sup>30</sup> Simply put, Flood had zero control over his salary, career trajectory, or treatment. The ballplayer was at the complete mercy to the ballclub and there was nothing else to be done besides play well and hope that a spot opens at the Major League level.

In St. Louis, Flood played for twelve accolade filled seasons where he won seven gold glove awards, made three all-star teams, and won two World Series trophies.<sup>31</sup> Outside of these accolades, statistically Flood was a very good ballplayer. He ended his Cardinals career with a

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<sup>29</sup> Flood, Curt, and Richard Carter. 47

<sup>30</sup> Flood, Curt, and Richard Carter. 42

<sup>31</sup> David C. Ogden and Joel Nathan Rosen, *Reconstructing Fame: Sport, Race, and Evolving Reputations* (Jackson, Miss: Univ. Press of Mississippi, 2011), 32.

.293 batting average, having finished a season batting over .300 six times.<sup>32</sup> While never the star player on his team, Flood was an above-league-average hitter who played Gold Glove-caliber center field defense and was an asset to the great Cardinals teams of the 1960s. During his long St. Louis tenure, Flood found a home in a city that embraced him.

Off the field, Flood became very involved in the community as both a philanthropist and entrepreneur. As a philanthropist, Flood was the president of The Aunts and Uncles, Inc., which was an organization dedicated to providing shoes to poor children in St. Louis. Additionally, Flood was involved with organizations like the NAACP to help protect the rights of black people in St. Louis.<sup>33</sup> As an entrepreneur, Flood owned Curt Flood Photo Studios and sold portraits that he painted.<sup>34</sup> Each of these were passions of his outside of playing baseball and specific to his passion for St. Louis. Flood and his family became entrenched in the social and political spheres of St. Louis.

The next step of Flood's journey is his most famous and puzzling for some, but understanding his life up to that point is key to understanding the decisions he made. Flood further elaborates on his nature below:

I'm a child of the sixties; I'm a man of the sixties. During that period of time this country was coming apart at the seams. We were in Southeast Asia. . . . Good men were dying for America and for the Constitution. In the southern part of the United States, we were marching for civil rights and Dr. King had been assassinated, and we lost the Kennedys. And to think that merely because I was a professional baseball player, I could ignore what was

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<sup>32</sup> "Curt Flood Stats, Height, Weight, Position, Rookie Status & More," Baseball, accessed October 26, 2022, <https://www.baseball-reference.com/players/f/floodcu01.shtml>.

<sup>33</sup> Brad Snyder and Alan M. Dershowitz. 60

<sup>34</sup> Flood, Curt, and Richard Carter. 14-15



going on outside the walls of Busch Stadium. . . . All of those rights that these great Americans were dying for, I didn't have in my own profession.<sup>35</sup>

Given that Flood was a child of the 1960s, Flood experienced a lifetime of people fighting for the rights he lacked in his own career. This, combined with his new willingness to stand up to those in power, led Flood to embark on the next phase of his life to reject his trade from the Cardinals and fight for his personal rights, despite the hate, pressure, and risk that came with it.

### **Curt Flood's Trade and Lawsuit**

The October 8<sup>th</sup>, 1969 headline of the *St. Louis Post-Dispatch's* sports section read, "Cards get Allen; McCarver and Flood Go."<sup>36</sup> In the days leading up to October 8<sup>th</sup>, the Cardinals had negotiated a deal to acquire former rookie of the year and three-time all-star Dick Allen for aging veterans Curt Flood and Tim McCarver. This was seen generally as a strong trade on the part of the Cardinals, as Allen was in the prime of his career and one of the best players in the game. St. Louis was Flood's home, and he had given the Cardinals his all for over a decade, helping secure two World Series trophies in the process. Additionally, Flood was the president of a philanthropic organization, involved in local politics and race movements, and he owned a local business. From this alone, it is easy to see why Flood would be so opposed to moving to Philadelphia.

Dick Allen was a player who was not necessarily most known for his playing ability, although he was an outstanding baseball player. He was mostly known for getting in trouble and

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<sup>35</sup> Curt Flood quoted in David C. Ogden and Joel Nathan Rosen, *Reconstructing Fame: Sport, Race, and Evolving Reputations* (Jackson, Miss: Univ. Press of Mississippi, 2011), 33.

<sup>36</sup> Bob Posen, "Cards Get Allen; McCarver and Flood Go.," *St. Louis Post-Dispatch*, October 8, 1969.

being framed in a very negative light by the Philadelphia press. The fans disliked him for his supposed drinking habits, and he was constantly in arguments with management.<sup>37</sup> However, especially in the baseball world, Philadelphia was seen as a racist city that was tough on black ballplayers, even those like Allen who was one of the best at the time.<sup>38</sup>

With these considerations in mind, Flood sent this life-changing letter to the commissioner of Major League Bowie Kuhn. The letter read:

After twelve 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 human rights as a citizen and is inconsistent with the laws of the United States and of the several states

It is my desire to play baseball in 1970, and I am capable of playing. I have received a contract offer from the Philadelphia club, but I believe I have the right to consider offers from other clubs before making any decisions. I, therefore, request that you make known to all Major League clubs my feeling on this matter, and advise them of my availability for the 1970 season.<sup>39</sup>

This life-changing decision by Flood placed him on a warpath against Major League baseball. Flood was challenging decades of baseball precedent by asking for a waiver of the reserve clause

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<sup>37</sup> Bob Posen, October 8, 1969.

<sup>38</sup> David C. Ogden and Joel Nathan Rosen, 32.

<sup>39</sup> Flood Letter - Letter to the Commissioner, October 26, 2022

and to ignore baseball's anti-trust exemption.<sup>40</sup> Owners argued that the sport would fall apart without the protection of baseball's anti-trust exemption, we now know this to be untrue.

Commissioner Bowie Kuhn responded to Flood's request by simply refuting his claim that the system was unjust. In a written letter, Kuhn writes, "I certainly agree with you that you, as a human being, are not a piece of property to be bought and sold. That is fundamental in our society, and I think obvious. However, I cannot see its applicability to the situation at hand."<sup>41</sup> Kuhn agrees with Flood on the matter of humans not being property but believes that the sentiment does not apply to Flood in this instance. However, Flood was sold to the Phillies without him agreeing to the sale. Kuhn continued to explain that Flood had agreed to the provisions in his contract, which allowed the Cardinals to essentially sell him to the Phillies. What Kuhn failed to understand was the principal issue at hand. Had Flood not accepted the provisions in his initial contract with the Cincinnati Reds, he would not have been given the opportunity to play professional baseball. The system in place at the time forced players to abide by a rule that allowed them to be bought and sold as if they were property or else face losing the opportunity to play in the Major League. In response to this refusal, Flood sued Major League Baseball.

To analyze the inner workings of the lawsuit, one must understand the extent of control the owners and teams had over players. Major League Baseball received an exemption from the American Sherman Anti-Trust Act<sup>42</sup> based on a Supreme Court ruling made in 1922. Anti-Trust exemption stemmed from the legal case *Federal Baseball Club of Baltimore, Inc. v. National*

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<sup>40</sup> David C. Ogden and Joel Nathan Rosen, 31.

<sup>41</sup> "Kuhn Letter," Flood v. Kuhn: The Right To Free Agency In Major League Baseball, accessed November 15, 2022, <http://80357872.weebly.com/kuhn-letter.html>.

<sup>42</sup> From the Premerger Notification Office Staff and DPIP and CTO Staff, "The Antitrust Laws," Federal Trade Commission, March 4, 2022, <https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/antitrust-laws>, "The Sherman Act outlaws "every contract, combination, or conspiracy in restraint of trade," and any "monopolization, attempted monopolization, or conspiracy or combination to monopolize."

*League of Professional Baseball Clubs*. The Federal Baseball Club of Baltimore, known as the Baltimore Terrapins, was a member club of a competing professional baseball league that existed from 1914 to 1915. When the league was bought out by Major League Baseball, most of the owners were provided the opportunity to be compensated for their losses. Baltimore owner Ned Hanlon had not been compensated when his team folded, so he decided to sue the National League on the basis that the buyout of the Federal League was in violation of the Sherman Anti-Trust Act.<sup>43</sup> Ultimately, the lawsuit proved futile, and the supreme court handed down a unanimous decision in favor of the National League. According to Oyez this highly criticized ruling was written by Justice Oliver Wendall Holmes Jr., who explained that baseball does not constitute as interstate commerce because it is not trade or commerce as it is commonly understood by those terms. Therefore, the National League and, by extension, all of Major League Baseball did not have to abide by the Sherman Act.<sup>44</sup>

The legality of baseball's Reserve Clause was further etched in stone by this ruling. The reserve system had existed in baseball since the game's inception, but in 1969 Major League Teams were allowed to reserve forty players who could not sign with another club.<sup>45</sup> It became standard practice for these forty players to be completely controlled by the team that held their rights. When the players and general managers went to negotiate their new salaries each year, the player was essentially powerless. The most the player could do was refuse to play until either the team folded, or he was removed from the list of forty players. However, the player would not get paid during this time which was a big deterrent. While most players accepted their fate when sold to another organization against their will, Flood challenged the reserve clause. Because

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<sup>43</sup> Grow, Nathaniel. 2014. *Baseball on Trial : The Origin of Baseball's Antitrust Exemption*. Baltimore: University of Illinois Press. Accessed October 26, 2022. ProQuest Ebook Central.

<sup>44</sup> "Federal Baseball Club of Baltimore, Inc. v. National League of Professional Baseball Clubs et al."

<sup>45</sup> Brad Snyder and Alan M. Dershowitz. 3

Flood was a veteran ballplayer who had been one of the highest-paid Cardinals for a few years to that point, he felt like he could levy some of that into being granted free agency.

Flood was wrong in this assumption, and the league turned on him almost instantly. Kuhn and Major League Baseball immediately told Flood that he would not be granted the opportunity to sign with another club, and he would have to negotiate a contract with Philadelphia if he wanted to play that season. Flood felt forced to sue Major League Baseball on the basis of the reserve clause and labor system infringing on his constitutional rights as an American.

The oral arguments from the Supreme Court case made by former United States Secretary of Labor and Associate Justice of the Supreme Court, Arthur J. Goldberg, provide important insight into the case Flood and his team had against Major League Baseball. In the oral argument before the supreme court on March 20<sup>th</sup>, 1972, for *Flood v. Kuhn*, Goldberg explained why they viewed the reserve clause as legally unconstitutional. Goldberg cites three violations when he says, “First, it violates the Antitrust laws of the United States, second that it violates the Antitrust laws and Commonwealth law of several states, and third that it violates the thirteenth Amendment of the Constitution, of the United States prescribing that indentured service as well as slavery should not be permitted.”<sup>46</sup> Given the unconstitutional nature of the reserve clause as explained by Goldberg, Flood felt the Major League violated his thirteenth amendment rights and antitrust laws when he was traded to the Cardinal’s without his permission.

To expand upon this, the legality of Major League Baseball’s labor system could be challenged using the Clayton Anti-Trust Act by specifying that labor should not be an article of commerce or treated as a commodity. Later in his Oral Arguments, Goldberg explained that the “Clayton Act says [labor] should not be a commodity... he has been treated as a commodity, as

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<sup>46</sup> “*Flood v. Kuhn*,” Oyez.

everybody is under the reserve rule. He has not been treated as labor as we traditionally understand labor people to be treated, free American workers determining their own destiny.”<sup>47</sup> Flood and his team questioned why Major League Baseball players were forced to abide by different labor laws and expectations than the rest of the American populous, which drove much of their legal defense.

### **Public Perception of Curt Flood’s Trade and Lawsuit**

During the time of Curt Flood’s lawsuit against Major League Baseball, newspapers were the most important information medium. Examining this information medium of Flood’s case gives insight into the way race played a role in public perception. Specifically, examining newspapers based in St. Louis would most accurately reflect public perception since, although Flood’s case was national news, he was most well-known in the St. Louis area because of his role on the Cardinals and his presence in the community. Two prominent newspapers at the time of Flood’s trade refusal and lawsuit were *The St. Louis Post-Dispatch* and *The St. Louis American*. *The St. Louis Post-Dispatch* was (and still is) the newspaper in the city with the highest readership. In 1969, this meant that the newspaper catered primarily towards and was written/edited by white people. On the other hand, the smaller *St. Louis American* catered towards St. Louis’ black community. To understand how race played a factor in Flood’s perception and blackballing, comparing these two sources’ coverage of Flood can show if there were any differences related to race. This primary source analysis will also consult a few additional sources from outside the St. Louis area that are both mainstream white newspapers

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<sup>47</sup> “Flood v. Kuhn,” Oyez.

and black newspapers, including *The New York Times*, *The National Leader*, *The Racine Courier*, *The Wichita Times*, *The Chicago Metro News* and *The Black Panther*.

One of the main distinctions regarding news coverage of the Curt Flood case involves news outlets' coverage of Flood's motivation behind the lawsuit and the specific word choice they used to describe the situation. Newspapers like the *St. Louis Post-Dispatch* and the *New York Times* often used word choice that promoted the understanding that Flood was the villain of the story. One such example from the *St. Louis Post-Dispatch* was an article titled "Reserve Clause [Tested,] Threatened by Curt Flood" from December 30, 1969. Written after Flood announced his pending lawsuit, it reads "Organized baseball faced the threat today of a federal court suit against its controversial reserve clause by outfielder Curt Flood, who will have former Supreme Court Justice Arthur Goldberg at his council. The court will have the support of the Major League Players Association."<sup>48</sup> The key word in this excerpt is the word threat, which implies that Major League Baseball is under attack by Flood. However, Flood had no intention of destroying baseball; he simply wanted to protect player's rights against a rule he felt to be unjust and unconstitutional. It is also worth noting that the verb threat in the first sentence of the quote was directed at baseball, not the Reserve Clause. From the word choice and framing of the report, it can be understood that the author and editor viewed Flood as the villain who wanted to destroy baseball when all he wanted to do was protect his constitutional rights. The word threat has some racial undertones, as they insist that a black man must be threatening the Reserve Clause.

Another interesting use of word choice by the *St. Louis Post Dispatch* on October 9, 1969 was in reference to Flood's baseball career trajectory if he decided to challenge the reserve

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<sup>48</sup> Bob Broeg, ed., "Reserve Clause [Tested] Threatened by Curt Flood," *St. Louis Post-Dispatch*, December 30, 1969.

clause. The article stated, “This is not intended to butter up Flood into reporting to Philadelphia. He knows that men mumble and money talks. There’s no doubt, either, in this judgment, that the deal will stand, perhaps with adjustments, if Curt does quit.”<sup>49</sup> This is one instance where the word choice indicates that Curt Flood was simply fighting baseball because he did not want to go to Philadelphia. This was not the case, as Flood would be pursuing other careers had he decided to retire, and he had already expressed his desire to play baseball the following year just under his own terms. This seemed to be a deliberate effort on behalf of the *Post-Dispatch* to paint Flood in a poor light.

Black newspapers seemed to better acknowledge what Flood said to explain his actual reasons behind suing the league, rather than chalking it up to a Flood being a threat. Black newspapers generally pointed out that Flood is opposed to or fighting against the specific unjust rules or practices within the sports labor system, rather than writing that he is fighting baseball or Major League Baseball as mentioned in the prior *St. Louis Post-Dispatch* quote. The *St. Louis American* writes on February 19, 1970, that “Flood has taken his problems to the court. He is challenging baseball’s controversial reserve clause and that could be of earth-shaking consequences to the national pastime.”<sup>50</sup> Furthermore, Black newspapers were much more willing to quote Flood directly. On October 23<sup>rd</sup>, 1976 the black-owned *Racine Courier* published an article about Flood where they quoted him explaining the relevancy of his actions. This article read:

“What I did then,” says Flood, “is relative today only because it happens that other people have benefited by it and that’s cool. These guys are making more money and

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<sup>49</sup> Bob Broeg, ed., “Phils’ Bosses Praise Allen,” *St. Louis Post-Dispatch*, October 9, 1969.

<sup>50</sup> Morris Henderson, ed., “The Sports Line,” *St. Louis American*, February 19, 1970



deservedly so... What happened five years ago is significant in only one respect, that it gave the ballplayer a chance to think, "What am I worth... Do I have to spend the rest of my life in servitude to this one person?"<sup>51</sup>

The inclusion of this quotation specifically from Curt Flood is an excellent example of how black newspapers tended to provide adequate attention to the story to provide readers with a complete picture. Rather than having small, incomplete articles which rarely quoted Flood, the article in the *Racine Courier* provided a quote directly from Flood to enable readers to see why Flood challenged baseball's reserve clause rather than him just attacking baseball. The black newspaper honestly explained Flood's stance by using his direct quotations, whereas white newspapers misrepresented Flood since he was a black man and villainizing a black man potentially increased readership.

In addition to reports on Flood's lawsuit and baseball career, news outlets often reported on Flood's secondary career as an oil painter. Some of the excerpts from the *St. Louis Post-Dispatch* seemed to almost mock Curt Flood's painting and photography careers as if those professions are lesser than being a baseball player. The *St. Louis Post-Dispatch* mentioned multiple times that the reason for him retiring from baseball is to pursue art, even though this is not the case. There are numerous examples of Flood's art career being mocked, including by *St. Louis Post-Dispatch* sports editor Bob Broeg who on October 9<sup>th</sup>, 1969 wrote:

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<sup>51</sup> "The First to Challenge the Reserve Clause, Flood looks for a Job," *Racine Courier* October 23, 1976.

“But he knows from previous conversations, I believe the gifted center fielder could become a Hall of Fame player if he could put together two or three more of the six .300-plus seasons be achieved for the Cardinals.

Barely 32 when a new season would begin, Flood is too young to hang it up even if he’s doing so well with his oil portraits and photographic studio that he can afford to chuck the king-sized salary he could command.”<sup>52</sup>

This excerpt from a *Post-Dispatch* article assumes that Flood’s art career can in no way be as lucrative as his Major League Baseball contract. Additionally, this quotation, along with others, assumes that Curt Flood is making decisions regarding money. The assumption that Flood is motivated by money and not by his morals or other passions was a dangerous oversimplification for the traditionally white newspaper. Flood had prefaced his lawsuit by saying he was fighting for his rights as an American, and in no way said anything about looking to make more money. Another example of this is from October 11<sup>th</sup>, 1969, when the *St. Louis Post-Dispatch* chose to quote former Cardinals’ general manager Frank Lane’s thoughts on the situation. The *Post-Dispatch* writes:

“Frank Lane, former general manager of the Cardinals, says he has no doubt that Curt Flood will report to the Philadelphia Phillies “unless he’s better than Rembrandt.”

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<sup>52</sup> Bob Broeg, ed., “Phils’ Bosses Praise Allen,” *St. Louis Post-Dispatch*, October 9, 1969.

Lane, now a super scout for the Baltimore Orioles, was referring to Flood's announced retirement from baseball, because of his plans to franchise photography studios and devote more time to making oil portraits."<sup>53</sup>

When Frank Lane mentioned that he believes Flood will report to the Phillies "unless he's better than Rembrandt", he is clearly mocking the narrative surrounding Flood's art career. Obviously, Flood as an artist is not as famous as Rembrandt, but this does not mean his passion and career do not carry any value or that his career as a baseball player is more prestigious. The inclusion of this quotation by the *Post-Dispatch* reads like a deliberate attempt to make Flood sound like a fool who is choosing to abandon his baseball career because he like his art career better. Both of the aforementioned quotes attempt to steer the narrative away from Flood's actual reasoning behind the lawsuit and mock his secondary career as an artist. This is not good-faith reporting of the events transpiring, but rather twisting events for the sake of headlines and to paint Curt Flood in a specifically poor light.

On the other hand, traditionally black newspapers like the *St. Louis American* tended to better represent Flood's endeavors outside of baseball. Unlike the *Post-Dispatch*, who mocked Flood's artistic career, the *American* acknowledged Flood's skill on October 16<sup>th</sup>, 1969 by writing, "Though he is a gifted artist, you have to peddle a lot of pictures to net that kind of bread."<sup>54</sup> Although the author fell into the trope of assuming the lawsuit is about money, they at least acknowledge that Flood is gifted as an artist and his painting career is worthy of praise and merit. The previously mentioned articles from traditionally white newspapers assume that Flood's art career is worthless or that he is simply an amateur artist rather than an individual who

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<sup>53</sup> Bob Broeg, ed., "Lane looks to Flood to Report to Phillies," *St. Louis Post-Dispatch*, October 11, 1969.

<sup>54</sup> Morris Henderson, ed., "The Sports Line," *St. Louis American*, October 16, 1969

has multiple talents. Another example of reporting by the *St. Louis American* took place on November 27<sup>th</sup>, 1969, where the author explained the extent of Flood's career outside of baseball by adequately expressing the true value of his work with the Aunts and Uncles Organization and his art business. It reads:

“Flood is president of the local Aunts and Uncles Organization, a group geared toward direct help for the underprivileged founded by our friend, black businessman Lawrence Albert. He has repeated his intentions to some of those assembled at the most recent meeting of this august body.

The indication is that the portrait painting business, of which the gifted centerfielder is equally adept, is quite lucrative.”<sup>55</sup>

The major difference between this strategy of reporting by the *St. Louis American* and the *St. Louis Post-Dispatch*'s strategy mentioned above is the level of respect the paper gives Flood's philanthropic and entrepreneurial endeavors. The *Post-Dispatch* and other white news outlets tend to illustrate Flood's career outside of baseball as amateurish and lesser than his work as a ballplayer. However, traditionally black newspapers like the *St. Louis American* respects Flood's other work by fully explaining the extent and importance of his philanthropy and by not mocking his art. This distinction is at the heart of discourse surrounding Curt Flood since the narrative driven by mainstream white newspapers perpetuated the idea that Flood was a villainous fool looking to fight baseball for the sake of money, but we know this is not the case.

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<sup>55</sup> Morris Henderson, ed., “The Sports Line,” *St. Louis American*, November 27, 1969

This distinction in reporting is further evidenced in newspapers covering the lawsuit from outside of St. Louis. One puzzling example comes from the *New York Times* in April of 1973, which reported that “‘The problem with the reserve clause,’ Flood said from the Mediterranean island of Majorca off of the Spanish coast, where he tends bar, ‘is that it ties a man to one owner for the rest of his life. There is no other profession in the history of mankind, except slavery, in which one man was tied to another for life.’”<sup>56</sup> This article from the *New York Times* makes the peculiar effort to emphasize Flood’s status as a bartender in the Mediterranean in his post-playing days in both the titles of the article and body. By mentioning specifically that Flood is now a bartender on a Mediterranean island, the article author could be emphasizing that Curt Flood is now living the island life far away from St. Louis to discredit Flood and show that he is wealthy, and his lawsuit was a greedy act. Another interpretation of the emphasis placed on Flood being a bartender is to show that he has been diminished to bartending because of his blackballing from Major League Baseball. This seems unlikely, however, as it has been previously established that Curt Flood was making a similar amount of money to his salary as a baseball player, so it does not reason that he would be forced to become a bartender. It is more logical that the *NYT* emphasizes Flood’s new job as a way for them to say that he is living a newly lavish lifestyle and they are aiming to make Flood look greedy.

Another notable article from the *New York Times* paints Flood as the villain in the lawsuit in their article titled “Baseball Will Survive Lawsuit”. Just from the title alone, it is evident that the newspaper was completely overstating Flood’s intention with the lawsuit, thus making it

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<sup>56</sup> *Flood, Now Bartender, says Fight was Useful*. 1973. *New York Times* (1923-), Apr 02, 1973. <https://www.proquest.com/historical-newspapers/flood-now-bartender-says-fight-was-useful/docview/119648653/se-2> (accessed December 5, 2022)

seem like he was aiming to destroy the institution. This is an example of yellow journalism<sup>57</sup> since the *New York Times* had no basis for stating that baseball as an institution was under threat of being destroyed. The headline is designed to evoke emotion and panic to promote readership. The article continues by saying:

“With the ‘fate of baseball,’ according to its club owners and officials, in the hands of Judge Irving Ben Cooper now that the trial in Curt Flood’s antitrust suit is complete, some down-to-earth nostalgic observations are in order....

Three catchwords used repeatedly throughout the trial, have obscured much underlying simplicity and misled people.

One was “slavery,” employed by Flood’s side. It is strictly an emotion word, an unnecessary exaggeration. The baseball arrangements are one-sided enough, and the player’s lack of choice is clear enough, without dragging it in a deliberately inflammatory term.”<sup>58</sup>

The author accused Flood and his legal team of exaggerating the extent to which players lack autonomy through their use of the word “slavery”. However, this is ironic given the title of the article is an exaggeration and an “inflammatory term”. This hypocrisy speaks to the villainization

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<sup>57</sup> Yellow Journalism is “sensationalistic or biased stories that newspapers present as objective truth.” according to Cleveland Ferguson III, “Yellow Journalism,” Yellow Journalism, accessed December 8, 2022, <https://www.mtsu.edu/first-amendment/article/1253/yellow-journalism#:~:text=Yellow%20journalism%20usually%20refers%20to,unconventional%20techniques%20of%20the%20rivals.>

<sup>58</sup> *Baseball will Survive Lawsuit Useful*. 1970. *New York Times* (1923-), June 14, 1973. (accessed December 5, 2022)

of Flood by traditionally white newspapers. Despite acknowledging that players lack autonomy, they still sought to discredit Flood instead of recognizing his stand against these injustices as brave.

Black newspapers outside of St. Louis contributed to the reporting styles distinct from white newspapers. *The Wichita Times*, a black newspaper based in Wichita, Kansas, reported on the new collective bargaining agreement between the owners and players which was ratified after Flood lost in a lawsuit. The newspaper reported:

“If credit for the recent players-owners agreement is to go to one man, it should go to Curt Flood. Flood, who sacrificed a nine-year career to take baseball’s reserve clause to the supreme court and lose, can now see his efforts reaping some results. The provision of the agreements that permits a player with 10 years of major league service, the last five years with the same club, to reject a trade is part of what Flood was seeking in his suit. And now that a crack has been made in the wall other sports may help expand it, so that Flood’s reserve clause may be a thing of the past.”<sup>59</sup>

This is an insightful example of the way reports of Curt Flood were considerably different between white and black newspapers. There was little to no evidence of Curt Flood mentioned by white newspapers in reports of the new collective bargaining agreement. On the contrary, the *Wichita Times* described Flood’s role as the catalyst to this increase in player autonomy and states that this addition to players’ contractual rights is exactly what Flood was fighting for. The

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<sup>59</sup> "Sports Capsule." *Wichita Times* (Wichita, Kansas), March 15, 1973: 6. *Readex: African American Newspapers*. <https://infowebnewsbank.com.eu1.proxy.openathens.net/apps/readex/doc?p=EANAAA&docref=image/v2%3A12E5A428B4E64838%40EANAAA-12E5F8B7E20A08F8%402441757-12E5EE034BDBE768%405-12EFDBBB1787A2C8%40Sports%2BCapsule>.

*Wichita Times* also used the term “sacrifice” to describe Flood’s career and mentioned that his effort was finally coming to fruition.

Another piece of evidence of black newspapers describing Curt Flood in a more positive light comes from *The Black Panther* newspaper, which published an article that explained how Curt Flood’s role in fighting baseball’s rights violations mirrored other oppressive situations. The author of the Black Panther article explains that:

“Curt Flood, the former All-Star outfielder, who has been challenging the constitutionality of baseball’s contractual system in the federal courts, points out that many of the oppressive characteristics of baseball are “of a piece” with similar oppressiveness in American society generally.

In his book, *The Way It Is*, he says “the hypocrisies of the baseball industry could not possibly have been sustained unless they were symptoms of a wider affliction. Wherever I turned, I found fresh evidence that this was so.

He points out that when he challenged the right of his team, the St. Louis Cardinals, to trade him like a piece of livestock, the team’s owner, beer baron August A. Busch, Jr., “advised reporters that he could not fathom what was happening in our country. He declared that my recalcitrance was somehow related to the unrest on American campuses.”<sup>60</sup>

This quotation from Flood regarding his action reflecting greater societal trends was included in this article from *The Black Panther* to adequately express Flood’s motivations for challenging

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<sup>60</sup>1974. *The Black Panther*, June 22, 1974. (accessed November 14, 2022)



the Reserve Clause. This is but another example of Black newspapers being willing to quote Curt Flood in order to properly explain his positions on the issues at hand. The direct quoting of Flood was a major discrepancy between black and white newspapers covering Flood during that time.

The above evidence strongly suggests that Flood's refusal to be traded to the Phillies and his lawsuit against Major League Baseball was covered differently by mainstream white news outlets versus black newspapers. *The St. Louis American* perhaps best exemplified this difference. During the 1970 season as Curt Flood was pursuing his lawsuit of Major League Baseball, the newspaper published an article that included, "The forgotten man in baseball this season is Curt Flood! The diminutive outfielder balked at being traded to Philadelphia and challenged baseball's right to make such transactions in litigation that is still pending... As so often in cases like this, the man who struck the golden blow for freedom may never gain the opportunity to drink its' sweet nectar"<sup>61</sup> This quotation summarizes the distinction between black and white news sources. Due to the recency of the American Civil Rights movement, it can be inferred that this difference in coverage likely had to do with Curt Flood being black. While the mainstream media villainized Flood for trying to destroy America's (white) national pastime, Black newspapers were sympathetic to someone who was fighting against an institution he felt subjected him to a form of indentured servitude. During this time period, black people across America were dealing with racism and trying to regain personal freedoms during the Civil rights movement, so black news outlets were more understanding and aware of Flood's situation than the traditionally white newspapers. Flood experienced racism through the way he was portrayed in the media, since he was unfairly villainized by white news outlets. Because of this,

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<sup>61</sup> Morris Henderson, ed., "The Sports Line," *St. Louis American*, May 21, 1970

understanding Flood's treatment in the media and his blackballing from the league requires scholars to study his story through the lens of race.

### **Flood's Decision and the Greater American Labor Movement**

On the seventeenth of May 1980, the *Chicago Metro News* published a piece on the millions of dollars that Major League Baseball players began to make and included a portion about Curt Flood's contribution to that salary increase. The article explained that Flood had made massive contributions to better labor conditions for both white and black players. *The Metro News* article stated, "An all-American game blended with the black lifestyle in the person of one Curt Flood, beat at the door of the million-dollar salaries for both white and black ballplayers. Prior to Mr. Flood finding fault with baseball's reserve clause in 1969, both black and white players were bought and sold like slaves. Black Americans, in general, are not only sensitive to but opposed to slavery in or out of baseball."<sup>62</sup> This quotation from a decade after Flood sued Major League Baseball reminds us of the importance of slave rhetoric in Curt Flood's fight against Major League Baseball's Reserve Clause. Even a decade later, the *Chicago Metro News* felt it necessary to mention the influential slave rhetoric that was a driving force in the movement for player autonomy. Flood may or may not have known about the use of Slave Rhetoric in Labor movements of the past, but the connection speaks to how baseball's labor movement mirrors overarching labor movements in America.

The use of slave rhetoric in Curt Flood's stand against the Reserve Clause is notable since it connects the labor movement in Major League Baseball started by Flood with greater American labor movements. When referring to an oppressive employer-employee relationship, it

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<sup>62</sup> 1980. *Chicago Metro News*, May 17, 1980. (accessed November 14., 2022)

has been common for workers to compare working conditions to slavery or to being slave-like in nature. This has been going on for decades, and Curt Flood's citing of it is yet another example in a decade-long history of it being used. Notable labor historian Melvyn Dubofsky cites multiple accounts of slave rhetoric being used in the book *Labor in America: A History*. Dubofsky specifically refers to a quote from poet Williams Cullen Bryant, who uses the term slavery to describe the low wages being assigned to workers. He states:

““They were condemned,” William Cullen Bryant wrote in vehement defense of the tailors in the New York Evening Post , “because they had determined not to work for the wages offered them! Can anything be imagined more abhorrent....If this is not Slavery, we have forgotten its definition. Strike the right of associating for the sale of labor from the privileges of a freeman, and you may as well at once bind him to a master or ascribe him to the soil.””<sup>63</sup>

This quotation closely mirrors the rhetoric used by Flood during his fight for autonomy. Bryant explains that the tailors made the choice not to work for the wages that had been offered to them since they felt it was inadequate. The tailors were then condemned, but Bryant feels like the treatment the tailors were subjected to was that of slavery. Like Flood, the tailors were condemned for fighting for their autonomy and a fair wage.

Another commonly used term when citing Slave Rhetoric in labor movements is “Wage Slavery.” Labor historians use this term frequently to describe wages that are so unfair that they are likened to slavery. Dubofsky uses this term when he says, “promised to eliminate capitalism

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<sup>63</sup> Dubofsky, Melvyn. *Labor in America : A History*, John Wiley & Sons, Incorporated, 2017. ProQuest Ebook Central, <http://ebookcentral.proquest.com/lib/depauw-ebooks/detail.action?docID=7104314>.

and abolish wage slavery through the One Big Union and a general strike.”<sup>64</sup> This refers to unions and strikes as a method to abolish slave wages, similar to how the Major League Baseball Players Association also fought for better rights for players following Curt Flood’s lawsuit. Rebecca E. Zietlow also refers to the term. “slave wages” in the *Seattle University Law Review* in her piece titled “A Positive Right to Free Labor”. Referring to labor unrest by northern activists, Zietlow writes that, “Northern labor activists voiced their opposition to “wage slavery”: work under conditions and wages so unfavorable that it was tantamount to slavery”<sup>65</sup> The way Zietlow describes how slave-like wages were being received by workers throughout the history of American Labor illustrates how a potentially unfair relationship between an employee and their superior can result in poor working conditions that restrict human autonomy.

Curt Flood sufficiently connected the themes of poor labor conditions with the use of slave rhetoric when he is asked a question about his salary. The exchange between Flood and the reporter referenced by John Florio in his book *One Nation Under Baseball: How the 1960s Collided with the National Pastime* goes as such, “It’s been written, Curt, that you’re a man who makes \$90,000 a year, which isn’t exactly slave wages,” he said. “What is your retort to that?” “A well-paid slave,” Flood said without a moment’s hesitation, “is nonetheless a slave.”<sup>66</sup> In this exchange, Flood expressed the way an employer’s control over its employees can resemble slavery, even if a specific aspect of the working conditions are not exactly as poor as slavery. In the case of Flood, he used slave rhetoric to explain his lack of autonomy under the current labor system in baseball. Like other American labor movements, the use of slave rhetoric is common

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<sup>64</sup> Dubofsky, Melvyn. *Labor in America : A History*, John Wiley & Sons, Incorporated, 2017. ProQuest Ebook Central, <http://ebookcentral.proquest.com/lib/depauw-ebooks/detail.action?docID=7104314>.

<sup>65</sup> Zietlow, Rebecca E. “A Positive Right to Free Labor.” *Seattle University Law Review* 39, no. 859 (n.d.): 859–99.

<sup>66</sup> John Florio, and Ouisie Shapiro. 2017. *One Nation Under Baseball : How the 1960s Collided with the National Pastime*. Lincoln: University of Nebraska Press.

<https://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,sso&db=nlebk&AN=1471515&site=ehost-live&scope=site>.

to express the oppressiveness of an employee-employer relationship resulting in an insufficient wage or over-controlling of employee choice.

### **Curt Flood's Legacy**

As a result of Curt Flood's decision to sue Major League Baseball for infringing on his constitutional rights, Player's autonomy and Player's earning potential have increased drastically over the last five decades. After Flood was blackballed from the league and lost his lawsuit, the MLB Players Association negotiated for the players to have increased rights to choose where they want to play and to negotiate contracts. Additionally, these developments lead to the first MLB free agent, which is a player whose contract has expired, and they are free to negotiate a new deal with all other baseball clubs. These developments culminated in the passing of the Curt Flood Act of 1998, which writes into law that Major League Baseball's dealings with regard to its players' compensation are subject to the anti-trust act.<sup>67</sup> This bill diminished some of the power that Major League Baseball had accrued over the years to restrict players' freedoms and maximize returns for owners. Since this act has been passed, players have experienced more freedom than ever before. This includes contracts opt-outs, no-trade clauses, options and bonuses.

On the afternoon of December 9<sup>th</sup>, 2020, the defending world series champion Washington Nationals re-signed their World Series MVP and 2009 first overall draft pick, Stephen Strasburg, to a seven-year contract extension worth a total of \$245 million<sup>68</sup>. This contract would pay the starting pitcher an average annual value of \$35 million. However, this

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<sup>67</sup> John T. Wolohan, The Curt Flood Act of 1998 and Major League Baseball's Federal Antitrust Exemption, 9 Marq. Sports L. J. 347 (1999)

<sup>68</sup> Jeff Todd, "Nationals Agree to Re-Sign Stephen Strasburg," MLB Trade Rumors, December 9, 2019, <https://www.mlbtraderumors.com/2019/12/nationals-agree-to-re-sign-stephen-strasburg.html>.

contract came with notable risk as Strasburg had a stark injury history and had only managed 30 starts in three out of his nine seasons up to that point. Additionally, super-agent Scott Boras, who is notorious for negotiating the biggest possible contracts for his clients, negotiated this contract. Since Strasburg signed this massive contract, he has only made eight major league appearances over the course of three years due to multiple significant injuries. This means that in the first three years of Strasburg's extension, the Nationals have paid him \$105 million to pitch on 8 days.<sup>69</sup> This astronomical earning power and personal autonomy for Major League Baseball players have increased exponentially over the last 50-plus years thanks to Curt Flood, the person who stood up to Major League Baseball.

While Stephen Strasburg completed his age-31 season with a brand-new contract, a full no-trade clause, and nerve damage in his right arm, former Major League baseball player Curt Flood was traded away from his long-time club at the same age.<sup>70</sup> However, back in 1969 when this trade took place, Flood did not have a contract that allowed him to veto a trade or even negotiate for his salary. In 1969, his last year with the Cardinals, Curt Flood was paid \$90,000 for his services, which was the highest on the Cardinals at the time.<sup>71</sup> To put this into perspective, the highest-paid player on the St. Louis Cardinals in 2022 was third-basemen Nolan Arenado, who made \$35 million, a whopping 389 times that of Flood's salary in 1969.<sup>72</sup> In today's dollars Arenado's contract would be 47.89 times that of Flood's 1969 salary of \$90,000,

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<sup>69</sup> "Stephen Strasburg Stats, Height, Weight, Position, Rookie Status & More." Baseball. Accessed October 31, 2022. <https://www.baseball-reference.com/players/s/strasst01.shtml>.

<sup>70</sup> Byrne, Connor. "Stephen Strasburg to Make 2020 Debut Sunday." MLB Trade Rumors, August 7, 2020. <https://www.mlptraderumors.com/2020/08/stephen-strasburg-to-make-2020-debut-sunday.html>.

<sup>71</sup> "Curt Flood Stats, Height, Weight, Position, Rookie Status & More," Baseball, accessed October 26, 2022, <https://www.baseball-reference.com/players/f/floodcu01.shtml>.

<sup>72</sup> "St. Louis Cardinals Salaries and Contracts," Baseball, accessed November 2, 2022, <https://www.baseball-reference.com/teams/STL/st-louis-cardinals-salaries-and-contracts.shtml>.

which would be worth \$730,819.62 in 2022 thanks to 712% inflation over the years.<sup>73</sup> After twelve seasons in St. Louis in which he earned seven gold gloves, made three all-star teams, won two world series titles, and was voted co-captain of his team by his teammates<sup>74</sup>, Flood was unceremoniously shipped out of town and expected to leave his home, businesses, and friends in the process. According to Brad Snyder, “The 31-year-old Flood sacrificed his own career to change the system and to benefit future generations of professional athletes.”<sup>75</sup>

Since December 24, 1969, the day that Curt Flood sent a letter to commissioner Bowie Kuhn announcing his refusal to be traded from St. Louis, Major League Baseball’s average salary has increased from \$24,909 to \$4,100,000, a rate of 164.6 times.<sup>76</sup> In 1969, Major League Baseball had a minimum contract of \$10,000<sup>77</sup> and the highest salary being \$135,000.<sup>78</sup> In 2019, total earnings amongst major league baseball players is a staggering \$4,043,286,774.<sup>79</sup> Additionally, the league minimum salary sits at \$700,000<sup>80</sup> thanks to negotiations by the players union, and the highest salary in league history is \$43,333,333.<sup>81</sup> There have been 317 players to receive a major league contract worth at least \$50 million, with a large portion of those being players of color and players born outside of the United States.<sup>82</sup> Currently, baseball is more

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<sup>73</sup> US Inflation Calculator Staff, “Inflation Calculator: Find US Dollar's Value from 1913-2022,” US Inflation Calculator |, November 10, 2022, <https://www.usinflationcalculator.com/>.

<sup>74</sup> “Flood v. Kuhn,” Oyez, accessed November 15, 2022, <https://www.oyez.org/cases/1971/71-32>.

<sup>75</sup> Brad Snyder and Alan M. Dershowitz. 2

<sup>76</sup> Christina Gough, “MLB Minimum Salary 2022,” Statista, July 27, 2022, <https://www.statista.com/statistics/256187/minimum-salary-of-players-in-major-league-baseball/#:~:text=Money%20to%20be%20made%20in%20the%20MLB&text=The%20average%20player%20salary%20in,boom%20of%20money%20in%20>

<sup>77</sup> Inc. Baseball Almanac, “Major League Baseball Minimum Wage,” Baseball Almanac, accessed December 6, 2022, [https://www.baseball-almanac.com/charts/salary/major\\_league\\_salaries.shtml](https://www.baseball-almanac.com/charts/salary/major_league_salaries.shtml).

<sup>78</sup> Admin, “Admin,” Society for American Baseball Research (admin/wp-content/uploads/2020/02/sabr\_logo.png, June 19, 2020), <https://sabr.org/research/article/mlbs-annual-salary-leaders-since-1874/>.

<sup>79</sup> “Baseball Prospectus: Compensation: Baseball Prospectus,” Baseball Prospectus | Compensation | Baseball Prospectus, accessed December 6, 2022, <https://legacy.baseballprospectus.com/compensation/>.

<sup>80</sup> Inc. Baseball Almanac, “Major League Baseball Minimum Wage,”

<sup>81</sup> Admin, “Admin,” Society for American Baseball Research

<sup>82</sup> “MLB Active Player Contracts,” Spotrac.com, accessed December 6, 2022, <https://www.spotrac.com/mlb/contracts/sort-value/all-time/limit-2000/>.

diverse than ever thanks to the earning potential that Flood has provided to young players of color so they can provide for their family's future generations.

## **Conclusion**

Although former Cardinals' center fielder Curt Flood lost his lawsuit against Major League Baseball, his actions drove the Major League Players' Association to negotiate for increased players' rights and autonomy, which eventually led to modern free agency. Flood was the spark that ignited Major League Baseball's eventual rejection of the reserve clause and granted players increased negotiating power. Curt Flood is not only one of the most influential baseball players of all time, but one of the preeminent figures in sports labor history. This development has resulted in exponentially greater salaries for players regardless of if they are average players or superstars. As he is remembered in baseball history, Flood is a martyr who sacrificed his career so that future generations of ballplayers could make a better salary for their skills.

Outside of being a pioneer in sports labor, Flood was also an influential figure in race movements of the time as well. Flood was a black man willing to stand up to a historically racist institution for his rights as an American and human being. Throughout his fight against Major League Baseball, Flood consistently used slave rhetoric and compared the status of a ballplayer to that of a slave who does not have control over their own being. Furthermore, Flood dealt with racism throughout the trial, which can be seen in his different depictions by historically white and black newspapers. Additionally, the slave rhetoric surrounding Flood and his rights being violated by his employer are very similar to other American labor movements in history.



Given Flood's involvement in both race and labor movements, one cannot exclusively view him from one perspective or another as existing literature has. Instead, one must study Curt Flood as both a figure in sports labor history and a figure in the American civil rights movement to fully grasp his accomplishments and impact. Additionally, the American Civil Rights movements and American Labor movements are similar in many ways, since they are both about individuals taking a stand against a greater power and rejecting the establishment. Because of this, Curt Flood's story is an insightful look into this intersection and how it can impact an entire industry.

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