

Judge Cooper

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CURTIS C. FLOOD,

Plaintiff,

vs.

BOWIE K. KUHN, individually and
Commissioner of Baseball, et al.

Defendants.

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:
: Before:
: HON. IRVING BEN COOPER,
: District Judge
:
:
: 70 Civ. 202

New York, June 2, 1970

STENOGRAPHER'S MINUTES

SOUTHERN DISTRICT COURT REPORTERS
UNITED STATES COURT HOUSE
FOLEY SQUARE 7, NEW YORK
—
TELEPHONE: CORTLANDT 7-4580

THE COURT: Yes, sir.

(Pause.)

Q Now, would you say that the same problem would arise if an executive of a ball club moved from one club to another?

A No, I don't think so.

Q How about a coach?

A No, I don't believe so.

Q Well, surely a manager?

A I don't think so. Not in the same connotation.

Q What is it that distinguishes a manager from a player?

A Well, a player obviously is appearing on the field in a game. He can make a physical error.

Q Yes?

A The manager does not appear on the field except in a managerial sense.

Q Well, he moves the players around, doesn't he?

A Yes, he does.

Q He decides which player is going to play.

A That's correct.

Q He decides which pitcher is going to pitch?

A That's correct.

Q And if somebody wanted to throw a ball game the best

person in the world is the manager, isn't that right?

A Not necessarily, no. I think that the players could win a ball game without a manager.

Q I imagine a lot of players would share that sentiment, but wouldn't you say also that if a manager wanted to throw a ball game by sending in the wrong pitcher he could have a real good chance of doing so?

A He could have an effect on the game, that is true.

Q And yet it has happened, hasn't it, that a manager of an extremely successful ball club has moved to that club's world series rival in the ensuing season?

A Not as a manager, I don't believe. None that I know of.

Q Is the name John Keane familiar to you?

A Yes.

Q Are you familiar with Mr. Keane's history?

A Yes. You are correct. He went from the Cardinals to the Yankees, I believe.

Q He was manager of the St. Louis Cardinals in 196 -- what was the year they won the pennant with him as manager?

A '64? Is that correct?

Q I'm not sure. I figured you would know and didn't bother to check.

A Well, let's say '64.

Q All right. There was a year when the Cardinals won the pennant with Mr. Keane at their helm, as some inept sports-writer would put it.

A I don't know any inept sportswriters, but that is true.

Q All right. And in the world series they played the New York Yankees, isn't that right?

A That's correct.

Q The series went to seven games, is that right?

A That is true.

Q The Yankees won the seventh and deciding game?

A Now you got me. I thought the Cardinals won.

Q You are absolutely right. The Cardinals won.
The Cardinals won.

A Yes.

Q And the Yankees then hired him.

A Not before he was released by the Cardinals.

Q He was released by the Cardinals and the Yankees then hired him.

A That's true.

Q To your knowledge was there any public outcry challenging the integrity of the game by reason of Mr. Keane's having made this move?

A I don't see how there could have been since the

Cardinals won the series.

Q Since the Cardinals won the series?

A Yes.

Q Has it occurred to you that possibly the Cardinals could have won the series in fewer than seven games if Mr. Keane had really been trying?

A I am sure, to start with, Mr. Keane was really trying, and it has not occurred to me, no, sir.

Q Well, what is it, Mr. Feeney, that makes you think that nobody would ever think that a manager was not trying, but they might think that a ballplayer wasn't? Are managers of higher integrity than ballplayers?

A Not necessarily. I didn't mean to imply that the ballplayer would not be trying. I feel that if this occurred there would be the doubt in the public's mind that he was trying, which is the same thing.

Q Do you think that there was doubt in the public's mind when Mr. Keane let the series go to seven games?

A Now, Mr. Topkis, Mr. Keane did not let the series go to seven games.

Q I agree with you wholeheartedly, but I agree with you wholeheartedly also when you say that ballplayers are no less and no more honest than managers.

A I agree with that.

Q And would you think that the same rules might apply without loss of public confidence to ballplayers that apply to managers?

A Well, the same rules do apply. The tampering rule applies to managers as well as ballplayers, Mr. Topkis.

Q And it is only when a manager is given his unconditional release, fired, if you will, that another club can negotiate with him?

A That is true.

Q Now, suppose a ballplayer were free to move at the end of a given season by reason of having played out his option. Would there be any particular reason why the public would doubt that he had given his best during that year?

A Just the reasons I have given, that the public would know that he was able to move of his own volition and there would be, I believe, a suspicion in the public's mind if some incident occurred that cost his team an important game and he appeared, as I said, the next year on the other ball club.

Q You believe that baseball's standing in the public confidence is so flimsy that it has to be concerned about something like that?

A I don't believe baseball's standing in the public confidence is flimsy at all, but I do think that baseball

should be concerned about something like that, yes.

Q You think that baseball should be concerned more than professional football is?

A Well, I assume that professional football is concerned also.

Q Well, you know that professional football has a rule whereby a player is permitted to play out his option, don't you?

A Yes, and I think they probably are concerned in some cases about players playing out their option.

Q Have you heard of any public outcry or any public suggestion that some football player threw a game or gave less than his best because he was playing out his option and wanted to move to another team which he would favor by his poor efforts?

A No, but I have read articles --

Q I think you have answered my question. But now, if you want to go further, I have no objection.

A I have read articles in papers saying that this option rule left the players open for tampering by other clubs.

Q Left the players open for tampering by other clubs so that if another club wanted to attempt to deal with a player during his option playing season, that would be a bad thing?

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2 A I think so, yes.

3 Q But suppose the clubs were barred from tampering
4 with the player or approaching the player during his option
5 playing season, but were free to approach him only after the
6 season ended; then there couldn't be any problem, could
7 there?

8 A How do you prevent that, Mr. Topkis?

9 Q Well, perhaps by assuming that club owners are as
10 honest as you say players and managers are.

11 A Well, if that is the case, then you could prevent
12 it.

13 Q You are not suggesting to me that club owners are
14 less honest than players and managers, are you?

15 A I certainly am not.

16 Q I am glad to hear you say that. So that assuming
17 there were a rule that permitted a player to play out his
18 option in baseball and be approached by a new club only upon
19 the termination of the season, then there really couldn't
20 be any problem, could there, of integrity?

21 A I still think it is fraught with danger. If the
22 rule were obeyed, you are correct.

23 Q Danger that the club might breach the rule?

24 A True.

25 Q Now, tell me this, if you will: Would you, as

1 a manager, general manager, during your years in that capac-
2 ity, would you ever want to hire a player about whom you had
3 the suspicion that in any game he gave to the slightest de-
4 gree less than his best?
5

6 A Absolutely not.

7 Q And you don't think any other general manager would
8 wish to do so either, do you?

9 A No, I do not.

10 Q It would be the surest folly to deal with the player
11 who was suspect, isn't that right?

12 A That is true.

13 Q Now, you say that you are concerned about modification
14 or elimination of the reserve clause in order to prevent the
15 richer clubs from buying up all the talent.

16 A That's correct.

17 Q And your concern there is that the richer clubs would
18 come to dominate the sport, isn't that right?

19 A Yes, that is true.

20 Q Well now, the Giants during this century have not
21 made it a practice to try to buy up all the available talent,
22 have they?

23 A We certainly have tried to get the best available
24 talent: that we could by trades or by signing free agents,
25 yes, sir.

1
2 Q Right, but you haven't tried to do it by going into
3 the market place with a fat checkbook and trying to buy up
4 everything in sight, have you?

5 A It is not something that you can do, unfortunately.
6 We would have liked at times to have been able to purchase
7 the contract of a player, but ballplayers are the life blood
8 of other clubs, too, and it is very difficult or almost impos-
9 sible to buy the contract of a star player. If we could have
10 done it, we would have liked to.
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2 Q Yet the Giants in the last 50 years have won
3 a disproportionate share of pennants, have they not?

4 A Not as many as they would have liked to have
5 won. By "disproportionate" you mean more --

6 Q By disproportionate I mean more than the average
7 number of pennants that a club might have been expected
8 to win.

9 A Yes.

10 Q You won ten pennants in those 50 years according
11 to my calculation.

12 A That's true. Unfortunately only three in the
13 last twenty-four.

14 Q But you have done that by the exercise of --
15 my word -- superior front office skill, isn't that right?

16 A I would certainly have to agree with you on
17 that, Mr. Topkis.

18 Q Very well. And wouldn't you agree with me also
19 that were the reserve clause modified you would still
20 possess that front office skill and be able to use it?

21 A I would hope so.

22 Q Now, suppose, Mr. Feeney, there were instituted
23 a system whereby the reserve system as it is today stayed
24 the way it is with this one modification: That were a
25 player and a club, pre-season, unable to agree on salary

terms both the player and the club would have the right to seek impartial arbitration of that salary dispute.

In that event, would you expect that baseball's structure would be severely adversely affected?

A I think I answered yesterday why I thought it would be a bad thing. I don't think as far as the integrity of the game, if that is what you mean, it would be adversely affected, no.

Q In what respect would it be affected, sir?

A Well, as I said yesterday, this would affect the relations between a player and the club. You have an arm's length bargaining situation here. The fact is that the people that know best what the player's performance is are the player and the club's management, who have watched him in many games. No arbitrator can see all the ballgames. You can't judge a player just by his batting average, by his runs batted in. There are other things he does which are of value to a ball club which I don't think any arbitrator can judge.

Also, the fact that you had this arbitration I believe would have the effect of the club's perhaps putting in a lower salary figure initially than they ordinarily would and the ball player putting in a higher salary figure because they know it would come to arbitration.

I don't think you would have the same fair negotiating quality.

Q So if I understand you, you see two dangers in a system of arbitration: One, you might not get an arbitrator who could really perceive the subtleties of the bargaining situation, is that right?

A Yes.

Q And, two, the player and the club might start out from rather more polar positions than they do today, is that right?

A Yes. Also the fact that the club and the player obviously would not be on the same good bargaining terms with an arbitrator.

Q You think that the bargaining terms would be poorer if both the player and the club knew that in the event of unreason on the part of the other side they could go to an impartial arbitrator to resolve the dispute?

A By "terms," I didn't mean the terms of the contract. I meant the relationship between the player and the club, the friendly relationship between the player and the club.

Q You are a lawyer, Mr. Feeney?

A Non-practicing.

Q But you are trained for law?

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Feeney-cross

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A Yes.

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Q Do you believe that our society works better or poorer because we have courts to resolve our disputes?

5

A Better.

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Q When, then, is it, sir, that you believe that baseball would work poorer were there an impartial tribunal to resolve salary disputes?

9

A I have given my reasons. I think --

10

11

Q I am having a little difficulty in understanding this. I am sorry. I didn't mean to interrupt you.

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A I think that the present practice of the way it is negotiated is the best. I think that the club and the player negotiate fairly, and I think that the clubs and the players both know best what the player has accomplished in that previous season.

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Q You know that arbitration is used very, very widely in our society today as an amicable means of resolving disputes, don't you?

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A Yes.

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Q And, indeed, many people urge arbitration as being an extraordinarily amicable and informal way of resolving disputes as contrasted with the cumbersome judicial procedures that we lawyers employ?

MR. HUGHES: I rise to object to that in defense

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of the courts, your Honor.

MR. TOPKIS: I didn't say I subscribe to those sentiments, your Honor.

THE COURT: The Court is grateful to you. We understand what you mean by your question, of course. There are instances where because of the enormous demand for judicial service the calendars become heavy and clogged and not all can get the justice that is due, and very often justice flies out the window when it is long-delayed.

However, let's get to the question.

Do you think -- would you read the pending question, Mr. Court Reporter.

(Question read.)

A I don't know that, but I will buy that statement.

Q Very well.

THE COURT: Don't buy anything you don't know.

THE WITNESS: I trust Mr. Topkis, your Honor.

THE COURT: Well, you want to reconsider?

THE WITNESS: All right, I don't know.

MR. TOPKIS: Which statement, your Honor? I will try not to mislead you, Mr. Feeney.

Q Mr. Feeney, you said yesterday you were honored by the suggestion that you might become director, I think it was, of the Players Association.

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Feeney-cross

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MR. TOPKIS: Which statement, your Honor? I will try not to mislead you, Mr. Feeney.

Q Mr. Feeney, you said yesterday you were honored by the suggestion that you might become director, I think it was, of the Players Association.

1 player or a manager, do you not?

2 A That, yes.

3 Q And there are many other people equally well
4 qualified as yourself?

5 A Certainly.

6 Q And were any of them to be made arbitrator of
7 baseball salaries, they could perform as well as you could?

8 A They could perform as well as I could with the
9 same qualifications.

10 Q With the same qualification. Of course, in other
11 industries arbitrators don't live in the plants whose labor-
12 management controversy they resolve, do they?

13 A That is my point exactly. In other industries
14 it is not necessary. In baseball it would be.

15 Q What is there about baseball that you think makes
16 it so extraordinary?

17 A I think it is an extraordinary, unique game.

18 Q Have you had any experience with any other games
19 or businesses or industries?

20 A No, I haven't.

21 Q Have you ever heard of the Worth Street Rules?

22 A No, I have not.

23 Q They are, I believe, a system of rules under which
24 the textile industry conducts arbitrations. Are you
25

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Feeney-cross

really certain that the business of baseball is so infinitely more subtle than the textile industry in business that there could not be an effective system of arbitration in baseball?

MR. HUGHES: I object to the form of the question.

THE COURT: Overruled.

A I don't know anything about the textile business at all.

Q In point of fact, you don't know anything about any other business than baseball, isn't that right, Mr. Feeney, and I mean no disrespect in voicing this suggestion?

A That is largely true.

Q So you are incompetent to judge whether baseball is different from any other business in terms of the relative attractiveness of arbitration?

A I guess you could say that, if you wish.

Q Very well. Let us go, then, to your testimony in which you said that in 1970 23 players will become eight-year men.

A Yes.

Q That is in the National League, sir?

A Yes.

Q When you say they will become eight-year men in 1970, do you mean, Mr. Feeney, in 1970 they will com-

plete eight years of service in major league ball?

A Some time during 1970, yes.

Q Do you have at your fingertips the information as to how many players in 1970 will complete five years?

A No, I don't. I mentioned that the other day, that I did not.

Q You have no idea?

A No. I would assume --

THE COURT: You don't know?

THE WITNESS: No, sir.

Q All right, you don't know. Do you happen to know the average life in major league baseball of a player who plays or who has at least 60 days' experience in major league ball?

A I have heard the figure somewhere around five years.

Q Four and three-quarters is the one that has been suggested to me. Does that accord with your understanding?

A That is not what I understand, but that is almost five.

Q You were asked yesterday about Jackie Robinson's testimony about the players being kept on the bench or in the minors when they could play regularly were they with some other club. Do you remember that?

1
2 A Yes.

3 Q Wouldn't you agree with me that there is at
4 least the possibility that on a club there might be a
5 player of starter calibre who is forced to remain a non-
6 starter because there is a better player ahead of him?

7 A You mean he could be a starter on some other
8 clubs?

9 Q That's right.

10 A Yes, I would say that temporarily would be true.

11 Q You would say what?

12 A Temporarily.

13 Q Why temporarily?

14 A Because this situation would exist probably for
15 only a short time, a year or two, when he would either be
16 traded or take his place as a regular on that club if
17 he has this type of ability.

18 Q Do you remember who was the backup man in right
19 field for the New York Yankees when Babe Ruth was occupying
20 that position?

21 A I will try. Merrill Hoag, is that correct?

22 Q I had thought he was a center fielder. My
23 candidate was a man named George Selkirk.

24 A That is a good candidate.

25 Q He is currently a baseball executive, isn't he?

2 A He was.

3 Q He is no longer?

4 A No.

5 Q Do you happen to know how long Mr. Selkirk stayed
6 with the Yankees as a non-starter while Mr. Ruth was
7 playing right field?

8 A No, but I do know he became a regular and played
9 for many years for the Yankees as a very fine regular
10 baseball player.

11 Q After Babe Ruth left the Yankees?

12 A Yes.

13 Q Incidentally, Babe Ruth was traded by the Yankees,
14 wasn't he?

15 A No. I believe Babe Ruth was released and the
16 Boston Braves signed him as a player coach and he played
17 for a short time for Boston. I think that is the way
18 it happened. That is a little before my time.

19 Q Then I won't probe into it farther. You have
20 only second-hand information on the subject?

21 A Yes.

22 Q You say that a club would keep a man who might
23 be a starter with another club as a substitute only
24 temporarily, Wouldn't it be better management procedure
25 to keep that man as an auxiliary, a substitute, as long as

1 he might be kept?

2 A Not necessarily, because if a player is desirable
3 and can be a regular player, you perhaps can trade him to
4 some other club and get a player that would be a regular
5 for you in another position without weakening yourself
6 on the field.
7

8 MR. TOPKIS: May I confer for a moment, your
9 Honor?

10 THE COURT: Surely.

11 (Pause.)

12 Q Mr. Feeney, you are familiar with the Giant
13 roster today, aren't you?

14 A Not as familiar as I was last year.

15 Q All right, taking last year, sir, that was your
16 last year as general manager?

17 A Yes.

18 Q You had a number of players on that club as
19 non-starters who could have been starters with other clubs,
20 didn't you?

21 A I am thinking. I am trying to go over the
22 roster. There may have been a couple that could be starters
23 on other clubs.

24 Q Whom do you have in mind, sir?

25 A Well, I would have to say Bob Barton could have

been, because he is now starting catcher for San Diego.

Jack Hiatt is starting catcher for the Cubs, although Pandy Hundley is hurt at this moment and Hundley would be the regular catcher. I'd say those two come to mind.

Q Those two come to mind quickly?

A Yes, although they did see a lot of action last year for the Giants as well.

Q Bob Barton you had with the Giants for how many years?

A I would say five.

Q Full seasons?

A No. With the San Francisco Giants?

Q That's right.

A No, two full seasons.

Q Two full seasons before he was traded?

A Yes. I thought you meant from the time we signed him.

Q No. He had some minor league seasoning first?

A Yes.

Q That is what I understand. You would agree with me, would you not, that it would be good managerial practice to want to keep the best possible players as substitutes consistent with your desire to field the strength of your

club by making an advantageous trade?

A Yes.

Q And so except to the degree that a player might be useful in a trade, it would be to the club's advantage to keep him regardless of whether he might be capable of being a starter with some other club?

A Yes, and he probably could work his way to being a starter on your own club if he was that good a ballplayer, which is what happens as in the case of Selkirk.

Q Whenever the man ahead of him either was injured or retired or was traded, right?

A Yes.

Q But he would have to wait for that?

A Yes.

Q Yesterday I think when you were being examined by Mr. Hughes you were asked a question about a ballplayer receiving the right the pro-football player has, to play out his option, and I think you testified, according to my notes, that one effect that this change in your current reserve system would be that you couldn't interest young men in signing baseball contracts.

A No, that's not what I said, Mr. Topkis. I said that if you signed -- I went through a long explanation about the difference between football and baseball as far as

obtaining new talent for the game. You sign a player in baseball to a minor league contract, it takes him four or five years to advance to the big leagues. Even then he is not a star or regular. It takes him a while to win his spurs. What I said was in most cases or in a lot of cases you give bonuses to the young man when he gets his initial contract. I said that no one could give a bonus or would give a bonus to a player that he was going to lose perhaps before he even reached the major leagues if he signed a contract such as you described.

That is what I --

Q If you combined the player's right to play out his option with the club's present right to sign a player to a multi-year contract, that problem would be avoided, wouldn't it?

A By a multi-year contract, are you suggesting that you sign a player to a contract that has the same salary in it for multi-years?

Q Not necessarily. You could write it any way you wished.

A I think the players themselves would prefer in most instances to be able to get the raise they get each year for their performance.

Q Possibly so. But I say to you that if the

1 club were free, as it is today, to sign a player to a
2 contract for more than one year -- isn't that right?
3

4 A Yes.

5 Q You testified yesterday that as Giant's general
6 manager you signed a number of players to two-year con-
7 tracts?

8 A That is correct.

9 Q There are no bars in the rules of contracts for
10 two, three, four or five years' duration, is there?

11 A No.
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Q So I suggest to you that the problem that you raise might be eliminated were the club free as it is today to sign a player to a multi year contract, if the player were free at the end of that multi year contract to play out the one additional option year.

A Well, I have gone through that before. No matter what period you do it, it is just a watered down situation where the player becomes free and, as we said, it is bad again for integrity, and it is still bad for the richer clubs getting the talent.

Q And you mentioned also, I think, that playing out the option or giving the player the right to play out his option would be bad because a player playing out his option would be dissatisfied, would be a dissatisfied player, is that right?

A Yes.

Q Do you think that that necessarily follows?

A I think it is indicated that if a player has not reached terms with the club, he is dissatisfied.

Q Well, today, when a club sends a player a notice exercising its option under the reserve system, that player is likely to be pretty dissatisfied, too, isn't he?

A I would say yes. I don't -- as I said, I have not done it.

Q But that right exists in ball clubs under the contract, of course?

A Yes.

Q And it is exercised by ball clubs, isn't it?

A I don't know of any player or club that has gone through the season without signing a contract.

Q No, but you have heard of many instances where clubs sent out notices exercising their rights under the reserve clause?

A Not many. A few. And later on the players were signed and agreed to terms.

Q Did the player have any choice?

A He had a choice. He could have played out or accepted the contract that was sent to him. Normally this contract would be raised upward before the player signed, I imagine. I have not negotiated that way, so I don't know.

Q You just have no knowledge in this area, is that right?

A Yes.

Q All right. But it is your feeling that both the player who is playing out his option under a system where a player has the right to play out his option and a player who has the reserve clause exercised against him, both of them would be dissatisfied, is that right?

2 A Yes.

3 Q And about equally?

4 A I would say so.

5 Q All right. You were queried yesterday, I believe,
6 by Mr. Hughes about how many people are employed in organized
7 baseball, and I think you came up with a -- you will forgive
8 the expression -- ball park figure of fifty to sixty thousand,
9 not including umpires.

10 A I would like to retract that and lower it to around --
11 this is also a ball park figure -- around 20,000, including
12 umpires.

13 Q 20,000 including umpires?

14 A Yes.

15 Q Well, I am glad to have the umpires included.

16 A My multiplication was very poor.

17 Q And that includes people engaged in broadcasting
18 and ticket sellers and everybody else?

19 A Concessionaires, ushers, et cetera.

20 Q Is it your concern, Mr. Feeney, that were there some
21 modification of the reserve clause all of those people would
22 become unemployed and would add to the unemployment problem
23 that today concerns us all so much?

24 A If the modification of the reserve clause caused
25 baseball to close up, it would be part of my concern, yes.

Q You don't suggest to the Court that the reserve system should be maintained in order to avoid adding to the nation's unemployment problem?

A No.

Q Fine.

A That's just a side effect.

Q All right. Many times in your experience with the Giants, Mr. Feeney, I take it you signed players who were under the age of twenty-one, isn't that right?

A Many times to their first contract, not normally to a major league contract.

Q To their first contract, right?

A Yes.

Q And that contract bound them to the Giants organization for their baseball lives, of course?

A Yes.

Q Tell me, have you ever gone to any of these players whom you signed before they reached the age of twenty-one and said to them, when they reached the age of twenty-one, "Well, now that you are an adult, you have the right to affirm or disaffirm this contract. Which would you like to do?" Have you ever gone to a ballplayer and said something like that?

A No.

Q Has a ballplayer ever come to you and said, "Now that I'm twenty-one, I want to be freed from the contract that I signed when I was a child?"

A No.

Q You never had any player do that?

A No, sir.

Q Have you ever heard of any player attempting so to disaffirm --

A No, I have not.

Q -- a contract signed during his years of infancy, as we lawyers call it?

A No, I have not.

Q Have you ever heard of a ballplayer who was traded for a turkey?

A I heard that in this courtroom the other day.

Q Not otherwise?

A No.

MR. TOPKIS: If you will give me just a moment I think I have almost concluded.

THE COURT: Yes, certainly.

(Pause.)

Q Mr. Feeney, I think it is your testimony that according to your experience general managers negotiate salaries with players in a fair and objective manner, based upon the

1
2 player's performance or, at least, that is their purpose and
3 objective, is that right?

4 A Yes.

5 Q Have you ever heard of any arrangement between a
6 general manager and his club whereby the general manager's
7 compensation was related to the club's player payroll?

8 A No, I haven't.

9 Q How about to the club's overall operating expenses?

10 A I don't know of any.

11 Q Have you ever heard of an arrangement whereby the
12 general manager's compensation was related to the club's
13 profits?

14 A I don't know. I really don't know of any. I am
15 just trying to remember if the Yankees have -- I think the
16 Yankees have a profit-sharing plan that I have heard of,
17 but I don't know that that is more than just an employee
18 profit-sharing plan.

19 Q While you were general manager of the Giants, would
20 I be right in hoping that you regularly received salary in-
21 creases?

22 A Not as regularly as I would have liked, but I did
23 receive some, yes.

24 Q And in years when the club did well, you did better
25 the following year, didn't you?

1
2 A No, not necessarily.

3 Q Were you rewarded better in years when the club
4 did poorly?

5 A No, I didn't necessarily do better the following
6 year then either.

7 Q I won't press you further.

8 MR. TOPKIS: Thank you; you may inquire.

9 THE COURT: Any redirect, Mr. Hughes?

t3/2 10 MR. HUGHES: Do you want me to proceed? I was
11 wondering about a recess.

12 THE COURT: I will suit your pleasure. What would
13 you like?

14 MR. HUGHES: Could we recess for a few minutes?

15 THE COURT: Certainly.

16 Announce a recess.

17 THE CLERK: Short recess. All rise.

18 (Recess.)
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