

CROSS EXAMINATION BY MR. HUGHES:

Q Mr. Robinson, when did you start playing professional baseball?

A Professionally, in 1945.

Q And you were signed on with Montreal in what year?

A 1946.

Q And after one year with Montreal, you moved up to the Brooklyn Dodgers; is that correct?

A That's correct, sir.

Q And you have given to Justice Goldberg your starting salary and your salary for the first year that you were with the Dodgers; is that correct?

A I did; yes, sir.

Q Now, I don't want you to go into the details, because I don't think it is really any of our business, but isn't it a fact that in the succeeding years you progressively received salary increases during the years of your service?

A That's true.

Q -- with the Dodgers?

A Yes.

Q And do I understand that during your last playing season you had made up your mind to retire from baseball and pursue a business career?

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2 A No, sir. That's not true. I don't think that's
3 what I said.

4 Q Well --

5 A I said, at the end of the year, not during the sea-
6 son.

7 Q Well, I stand corrected. At the end of what turned
8 out to be your last playing year --

9 A Yes, sir.

10 Q -- you had come to the conclusion that you were
11 not going to play any further professional baseball; is that
12 correct?

13 A Well --

14 THE WITNESS: May I explain, sir?

15 THE COURT: Is it all right --

16 Q Am I correct, or am I not correct?

17 A Well, I can't say whether you are correct or not
18 unless I can explain it, sir.

19 Q All right. Then please explain it.

20 A Well, I was not going to play until I got that
21 further offer and Mr. Black called me in and told me my job
22 was there. But, as I explained, when Mr. Bavasi made the
23 statement that he did, that all I was trying to do was get
24 more money out of the game, that nothing would have got me
25 playing another year.

Q At the time you got Mr. Bavasi's call, you had already determined in your own mind to accept the position with Mr. Black at Chock Full O'Nuts?

A That's correct; yes, sir.

Q And you did in effect accept a position with Chock Full O'Nuts; is that right?

A That is correct.

Q How long did you remain with them?

A Seven years.

Q And what are you presently doing?

A I'm in the sea food franchising business with Proteus Foods, Inc.

Q You have an executive position with that company?

A I am vice-president of the subsidiary company.

Q And would it be fair to say that in the years since you have given up your career as a professional baseball player you have been equally if not more successful as a business executive?

A I can't say that; no, sir. Than I was as a baseball player? Is that what you are saying?

Q Yes.

A No, sir. I cannot say that.

Q You have been successful, however, sir?

A Yes, I would say so.

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Robinson-cross

208

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Q And do you think that your fame and skill as a baseball player and your career as a baseball player helped you in developing your career as a businessman?

A Yes, sir; I do.

Q By the way, this decision not to play was in January, or was it earlier than that?

A It was in December, sir. Yes, sir.

Q December of --

A '56.

Q December of 1956?

A That's correct.

Q And do you recall writing a letter to the New York Giants advising them of your decision not to play?

A I don't know whether I did or not. I could have, very well. I wrote a number of letters at the time; yes.

Q I show you --

MR. HUGHES: Excuse me, your Honor.

I ask that this paper be marked for identification.

(Defendant Feeney et al Exhibit E marked for identification.)

Q Mr. Robinson, I show you a letter or, really, a Xerox copy of a letter. I ask you to look at it and tell me whether that is your signature.

A It's my signature; yes, sir.

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2 Q And is that a letter that you wrote to the New York
3 Giants?

4 A That's correct. That's my letter.

5 MR. HUGHES: I offer it in evidence.

6 THE COURT: Show it to counsel, please.

7 MR. GOLDBERG: Your Honor, I have no objection.

8 THE COURT: Mr. Kramer?

9 MR. KRAMER: No objection.

10 THE COURT: Received. Mark it in evidence, Mr.
11 Clerk.

12 (Defendant Feeney et al Exhibit E for identification
13 received in evidence.)

14 THE COURT: You may read it into the record, Mr.
15 Hughes.

16 MR. HUGHES: It's a letter on the stationery of
17 Chock Full O'Nuts, 425 Lexington Avenue.

18 (Mr. Hughes read into the record Defendant Feeney
19 et al Exhibit E in evidence.)
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Q Mr. Robinson, do you recall being a witness before a Senate committee in the year 1958?

A I don't know the exact year. I have been before them, sir, maybe fifteen, twenty times.

Q Do you recall an appearance after you had retired from baseball?

A Which committee, sir, because I say I have been before Senate committees fifteen, twenty times?

THE COURT: And also which Senate?

Q Did you appear before a subcommittee on the antitrust monopoly of the Committee of the Judiciary of the United States Senate, 85th Congress, in 1958?

A I could very well, sir. I am not positive it was that committee.

Q In any event, you do recall making appearances from time to time before Senate committees?

A Yes, sir.

Q Do you recall making an appearance before a Senate committee after you had retired from professional baseball?

A That is correct, yes, sir.

Q And did you, on the occasion of one of your appearances subsequent to the time that you were a professional baseball player, tell the subcommittee: "I am

highly in favor of the reserve clause"?

A I don't recall making that statement, sir. Maybe I did.

THE COURT: That's an answer. Just say "I don't remember." That's it.

Next question.

Q Mr. Robinson, I show you a transcript of what purports to be your statement or testimony before that committee, and I will also show you the first page of the document to help you perhaps identify and focus upon it, and I call your attention to the sentence which is underlined in ink on Page 295 of this volume. Do you see the sentence to which I am referring?

A Yes, I do.

Q Having seen that, does that refresh your recollection as to whether you told that committee, "I am highly in favor of the reserve clause"?

A And I think I also said, I think --

Q Just a moment.

THE COURT: I am sorry to interrupt. Let's take it easy.

THE WITNESS: Okay.

Q Does that refresh your recollection that you said that?

1 A I may have said that, sir.

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3 THE COURT: That's it, Be careful. This is
4 a sensitive area of evidence. He merely asks you looking
5 at that paper -- I don't know what it is; you have looked
6 at it -- as you look at that page does it open up something
7 in your memory so that you can say now, "Oh, yes, I
8 remember now, I did say such and such," or does it fail to
9 pierce your memory? That is all he asked you.

10 THE WITNESS: Well, I could have said that.

11 THE COURT: Next question.

12 Q Does the fact that this purports to be an official
13 document in any way serve to refresh your recollection as
14 to whether you did or did not say that? That calls for
15 an answer yes or no, Mr. Robinson.

16 A I could have, yes, sir.

17 Q When you say you could have, would you have,
18 in 1958, said, "I am highly in favor of the reserve
19 clause"?

20 THE WITNESS: Mr. Justice --

21 MR. HUGHES: Excuse me.

22 THE COURT: Mr. Robinson, I am sorry. I under-
23 stand you. I understand a witness who has a great deal
24 to say on a certain subject. It is natural, but there
25 are rules here, too, and the rules say that you must answer

that question directly. You must not expand.

THE WITNESS: I am sorry.

A I can not recall.

THE COURT: That is the answer.

Next question.

MR. HUGHES: Would you repeat the question?

I think the witness didn't get the full flavor of the question.

Just a moment, Mr. Robinson. We will repeat the question.

THE COURT: Mr. Court Reporter, would you be good enough to repeat the question. Take your time, find the question and confront the witness with it.

(Question read.)

A What do you want from me now?

Q I want an answer from you, yes or no, to that question.

A Yes, I could have.

MR. GOLDBERG: Your Honor, I have a basic objection. It is the usual yes and no answer. I think it is appropriate to ask a witness did he say it, or did he not, but it is not appropriate, I suggest in all deference -- your Honor can give instructions to a witness -- as to how to instruct him to testify.

1 THE COURT: That is true. Mr. Robinson
2 has already taken care of it. He says, "Yes, I could
3 have." That's his best answer.
4

5 Next question.

6 Q Now, you have told us on your direct examination--

7 THE COURT: I am sorry to interrupt you now,
8 Mr. Hughes. Do you want now to have any statement at this
9 juncture that what you say appears there does actually
10 appear? I take it that Justice Goldberg will concede that
11 such a statement does appear. That does not necessary make
12 it final, by any means, but does it appear in that particular
13 volume concerning the hearings before the subcommittee of
14 the United States Senate?

15 MR. GOLDBERG: Your Honor, I have no objection
16 to having the whole testimony go in.

17 THE COURT: Very well.

18 MR. HUGHES: That isn't what your Honor asked.

19 THE COURT: Everybody is so magnanimous, you
20 know. It's a wonderful show of spirit. Let's try to con-
21 fine it.

22 Q Mr. Robinson, of course the fact of the matter
23 is when you appeared before that committee you had other
24 things to say, didn't you?

25 A Right after I made that statement.

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2 Q You had other things to say?

3 A Yes, sir.

4 Q But you did make that statement, didn't you?

5 A I repeat, sir, that's 1958. I repeat I could
6 have.

7 Q Didn't you just two minutes ago say you said
8 other things right after that statement?

9 A I said I could have, sir. You can look at the
10 record, I believe.

11 THE COURT: Now you are becoming an advocate.

12 THE WITNESS: I am sorry, sir.

13 THE COURT: I have to protect the legal pro-
14 fession. We don't butt in with baseball because we don't
15 know the first thing about it. Now you leave us alone.

16 THE WITNESS: Yes, sir.

17 Q Mr. Robinson, when you were a professional
18 baseball player, was there a Players Association?

19 A I don't believe so, no, sir.

20 Q That came after your time?

21 A I think it did, yes. I don't recall being a part
22 of a Players Association then.

23
24 Q Have you kept track of the game sufficiently
25 to be aware of the fact that there is a Players Association?

1 A Oh, yes, sir, I know there is a Players Associa-
2 tion.
3

4 Q And would you say that that was a beneficial
5 thing from the standpoint of the players, to have a Players
6 Association?

7 A Yes, sir.

8 Q And this is a development that occurred subsequent
9 to the time when you were playing professional baseball?

10 A I don't recall whether it was subsequent or not,
11 sir. I don't want to make that statement.

12 THE COURT: He doesn't recall whether it was
13 subsequent or not.

14 Next question.

15 Q And wouldn't you say that a Players Association
16 is in a position to negotiate with clubs on behalf of
17 players concerning their playing conditions, including such
18 things as a reserve system and other matters?

19 A Yes, sir.

20 Q I understood you to say on your direct examination
21 that you favored changes in what I thought you described
22 as the reserve clause. Is that the expression you used,
23 "the reserve clause"?

24 A I don't know whether that is or not, sir.

25 Q The reason I ask it, Mr. Robinson, is that there

1 has been used here the term "reserve clause" and there
2 has also been used here the term "reserve system."

3 And when you used, as I think you used, the
4 expression "reserve clause" in your direct examination, were
5 you referring to the Uniform Player's Contract?

6 A I was referring to the reserve clause as I
7 understand it.

8 Q Tell me what you understand the reserve clause
9 to be.

10 A It means to me that a player is tied to a
11 ball club for life. That's all it means to me.

12 Q Do I understand, however you interpret the
13 expression "reserve clause" or "reserve system," that your
14 testimony is that you favor modifications of that system?
15 Is that right?

16 A That is correct, I do.

17 Q You don't favor the destruction of the system,
18 do you?

19 A No, sir.

20 Q And you never have favored the destruction of
21 the system?

22 A No, sir.

23 Q And wouldn't you really recognize that there
24 has to be some kind of a system for baseball to operate
25

1 satisfactorily?

2 A Yes.

3 Q And your point simply is that there can, in
4 your judgment, be changes that would improve it from the
5 players' standpoint, isn't that the sum and substance
6 of your testimony?
7

8 A Yes, sir.

9 Q And you go no further than that; you don't
10 advocate abolishing the whole system?

11 A No, sir, I do not.

12 Q Do you agree with me that if you did abolish the
13 whole system so that players were free to come and go as they
14 choose at any time that you would eventually really destroy
15 the whole competition in the game over a long period of
16 years?

17 A No, sir, I don't agree with that.

18 Q Well, do you feel that there should be complete
19 liberty at all times for a player to go from one club
20 to another, or do you favor a period during which he is
21 tied to a ball club?

22 A That's right, yes, sir.

23 Q So that, as I understand it --

24 THE COURT: I don't know to what part of
25 your question "that's right" applies.

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2 Q As I understand it, you favor some period of
3 time during which a player is tied to the ball club for
4 which he is playing?

5 A That's right.

6 Q And you say there should come a time when he
7 would have some liberty to change?

8 A Yes, sir.

9 Q But you don't go beyond that, that is, you don't
10 advocate that he should be free to come and go as he
11 pleases at any time he pleases at any time in his career,
12 is that right?

13 A That's right.

14 THE COURT: In view of this last bit of testi-
15 mony, I would like to talk to counsel.

16 Mr. Court Reporter.

17 (At the side bar.)

18 THE COURT: In the light of what has just been
19 brought out, I am tempted, in order to be informed, to
20 inquire, and I would like you to inquire if you agree
21 with me, just what he would like to see done with the reserve
22 system.

23 MR. HUGHES: Well --

24 THE COURT: You don't like that?

25 MR. HUGHES: I think --

THE COURT: I don't want to butt in.

MR. GOLDBERG: I will ask that on redirect.

MR. HUGHES: I think I have to go along my own way.

MR. KRAMER: Can we bear in mind Mr. Miller's testimony is not complete? That is the problem here.

THE COURT: All right.

(In open court.)

MR. HUGHES: I have no further questions.

MR. KRAMER: I have no further questions.

THE COURT: Will you hold it a minute?

(Pause.)

THE COURT: I am sorry, Mr. Hughes.

BY MR. HUGHES:

Q Mr. Robinson, you made reference to Don Zimmer and said that he was on the bench for a number of years. Did there come a time when he became a regular, to your knowledge?

A I don't think he did on our ball club, no, sir.

Q I am not talking about your ball club, sir.

A I can't answer that, sir.

Q You don't really know?

A I don't know.

Q Did there come a time when Miksis became a

1
2 regular?

3 A Yes.

4 Q Did there come a time when Don Hoak became a
5 regular?

6 A Yes, sir.

7 Q And this was after their contracts were assigned
8 to other clubs?

9 A Miksis, not Don Hoak.

10 Q Yes. Hoak became a regular with the Dodgers,
11 is that correct?

12 A Yes, after I left.

13 Q And Miksis became a regular with another club?

14 A The Chicago Cubs, I believe, sir.

15 MR. HUGHES: All right.

16 REDIRECT EXAMINATION BY MR. GOLDBERG:

17 Q Mr. Robinson, in your opinion, what type of
18 modification would accommodate the needs of the clubs and
19 the players in a reserve system?

20 A Well, in my opinion, sir, after a certain number
21 of years with a ball club this individual could say to the
22 owners, "You know, I have a chance to do such and such a
23 thing to improve my condition." Then he should have
24 that chance after a certain number of years. I think the
25 owners would also have to recognize that since they have