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2 THE COURT: The next witness, please.

3 Take seats everyone.

4 MR. GOLDBERG: Mr. Greenberg will be our next wit-
5 ness.

6 H E N R Y G R E E N B E R G, called as a witness by
7 the plaintiff, having been first duly sworn, testified
8 as follows:

9 THE COURT: Please proceed.

10 DIRECT EXAMINATION BY MR. GOLDBERG:

11 Q What is your address, Mr. Greenberg?

12 A 123 East 70th Street, New York City.

13 Q And what is your present occupation?

14 A Self-employed.

15 Q You have been a baseball player, that is a matter of
16 common knowledge.

17 A Yes, sir.

18 Q And when did you enter baseball?

19 A 1930.

20 Q How old were you at that time?

21 A Eighteen.

22 Q And with what team did you first sign a contract?

23 A Signed a contract with Detroit Tigers.

24 Q And when you did, did you immediately enter the major
25 league or did you play in the minors?

1 A Played in the minor leagues for three seasons under
2 contract with Detroit. I was optioned out each year.

3 Q And then you entered with the major league in what
4 year?

5 A Came up as a regular in 1933.

6 Q And you played with the Tigers through what period
7 of time?

8 A From 1933 through the 1946 season, with the exception
9 of four and a half years in the military service.

10 Q During this period of playing with the Tigers, did
11 you win any awards in baseball?

12 A One or two, sir.

13 Q And during your whole major league career, how many
14 did you win?

15 A Well, awards, I think I was voted Most Valuable
16 Player twice, and I guess that's it.

17 Q You also had some proficiency in batting, did you
18 not?

19 A Yes, I think I did. I hit .313 in my major league
20 career.

21 Q And at various points did you not lead the league
22 in batting?

23 A I never led the league in batting, but I did lead
24 the league in runs batted in a number of times, home runs,
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a number of times and doubles.

Q After you played with the Tigers, Mr. Greenberg, did you play with any other major league teams?

A I played one season with the Pittsburgh Pirates in 1947.

Q And was that at the end of the '46 season, do you recall?

A I beg your pardon?

Q Was that at the end of the '46 season?

A End of the '46 --

Q That you went to Pittsburgh, that you were traded?

A I went to Pittsburgh at the conclusion of the '46 season. It was in the winter of 1946.

Q What were the circumstances under which you left the Tigers and went to Pittsburgh?

A Well, I was notified by telegram that my contract had been assigned to the Pittsburgh Baseball Club in the National League.

Q Was that the only notification you received?

A Yes, sir.

Q And you played for Pittsburgh, then, in what, the '47 season?

A One season, yes, sir.

Q Would you tell his Honor what your salary had been

with Detroit in '46 prior to your trade to Pittsburgh?

A I received a contract for \$75,000 in 1946 and a contract for 100,000 in 1947 with Pittsburgh. It was paid not outright, but it was paid; that was the amount of money I received.

Q And would you also advise his Honor why it was that you left the Pittsburgh team?

A Well, I left the Pittsburgh team because of a number of reasons. One is that I was nearing the end of my playing career, and the other was that I had spent most of my career, in fact, my entire career in the American League, and then going to a strange league it was a little difficult to adjust, and for those reasons I decided that my playing career was over and decided to leave as an active player.

Q Did Pittsburgh offer you a renewal of your agreement when you decided to leave them?

A Yes, sir, they did.

Q And in your experience as a baseball player, are you familiar with ballplayers who continued to play after the age that you were at at the time that you left the Pittsburgh team?

A Yes, sir, there are a number of players that have continued to play on into their forties; not too many, but there are a few.

Q Could you recall some of them to us by specific name?

A Well, Ruth and Cobb before my time played in the forties and, of course, Musial was close to forty and Ted Williams, I guess, was close to forty when he retired.

Q You were playing first base at that time, as I recall it, is that right?

A Yes, sir, that's correct.

Q In baseball experience, is that a position which perhaps is more susceptible to a longer career than some of the other positions?

A I don't think so. I don't think it makes any difference what position you play to determine how long you last in baseball. Some pitchers have lasted a long time. We have had a number of pitchers -- Wilhelm, for example, is in his forties and he is still pitching, so I don't think any particular position makes any difference as to the length of time that you can be an active player.

Q Mr. Greenberg, doesn't it really depend upon the player himself, his physical condition and his attitude to the game?

A Yes, sir.

Q Would you rate those as important considerations?

A I think those are the only considerations.

Q And would you tell his Honor what your physical condition was at the time you decided to leave Pittsburgh?

A Well, I think that I recognized that I couldn't carry on much longer, and I knew that I had to leave baseball as an active player, and I knew I would have to do it sooner or later. I might have stayed on for another year or two, but I decided that sooner or later I would have to make the break, and I did at that time.

Q Now, after leaving baseball as a player, you had other experiences with baseball in other capacities?

A Yes, sir, I did.

Q Would you tell his Honor what capacities and for which teams.

A In 1948 I joined the Cleveland Indians as a vice-president. 1949 I was appointed as the farm director of the Cleveland Baseball Club. In 1950 I was appointed general manager of the Cleveland Baseball Club. In 1955 I became part owner, vice-president, director of the Cleveland Baseball Club.

In 1958 I left the Cleveland Baseball Club and sold my stock back to the Cleveland Club. In 1959 I became part owner, vice-president and treasurer of the Chicago White Sox Baseball Club.

1961 I sold my interest in the Chicago White Sox

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2 Club, stayed on as a general manager through '61. In 1963
3 I left the club. I had been the vice-president of the
4 White Sox '62, '63.

5 Q In your experience, then, as a player and as one who
6 has been part of management and ownership of clubs in base-
7 ball, do you have an opinion as to the reserve system of
8 baseball and the manner in which it operates?

9 THE COURT: Do you have an opinion? Yes or no.

10 A I have a personal opinion, yes.

11 THE COURT: Yes.

2 12 Q And will you now state what your opinion is?

13 A Well, I have been out of baseball since 1963, and
14 reviewing the game, I still retain my interest as a fan, and
15 I still have a great affection for the game, and my testimony
16 is not in any way intended to be detrimental to baseball.
17 In fact, the purpose of my being here -- there are a number
18 of reasons; one is that I feel that the reserve clause as
19 it is constituted now and has been is obsolete and antiquated.
20 And I think that the game definitely needs a change in the
21 contract, and that it would help cement relationships between
22 the owners and the players and provide a better image for the
23 baseball public so that the game could continue to flourish
24 and prosper, and I believe that this reserve clause that has
25 been in the news since 1923, when the Supreme Court ruled

1 that they had to have a reserve clause, for years while I
2 was owner, we had a number of instances when players would
3 object to the reserve clause, and we constantly had to try
4 to get Congress not to pass it, and it seems to me that the
5 times have changed and that the owners and the ballplayers
6 are going to have to get together and work more harmoniously
7 and with a more cooperative spirit so that the game can go
8 forward, and the first step or the last step is the reserve
9 clause in the contract, and certainly other businesses
10 seem to be making headway, such as basketball and football,
11 without a reserve clause, and I see no reason why baseball
12 shouldn't be able to function and even function better with-
13 out the present contract as it exists today with a reserve
14 clause.
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2 THE COURT: Will you suffer an interruption,
3 Justice Goldberg?

4 MR. GOLDBERG: Surely.

5 THE COURT: (To the witness) I followed you. Every
6 word of testimony is meaningful.

7 I have to pass on it, eventually. Now, I appreci-
8 ate the significance of your remarks, but you must recognize
9 that I do not at all have the familiarity with the involvements
10 and the details of operation that you possess, so you must
11 tell me a little more exactly what is there about the re-
12 serve clause itself that you regard as not to the best in-
13 terests of the game. What in particular is there?

14 You take it for granted that I understand all of
15 that. I don't. Tell it to me. Make it clear to me.
16 What is there about that reserve clause that you think is
17 not in the best interests of the game and particularly the
18 players?

19 THE WITNESS: Well, speaking as a ballplayer -- and
20 I am basically a ballplayer and for the ballplayers --

21 THE COURT: Yes.

22 THE WITNESS: -- it's a unilateral contract, Judge.
23 The ballplayer has no choice other than accept the terms of-
24 fered to him, because he can't play elsewhere.

25 We who grew up under those conditions as ball-

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2 players in the '30s -- this is the way the game was, and
3 in those days we were eager to find employment and to play
4 baseball. And no matter where they sent you and regardless
5 of what the salary was, you went, and some players played
6 for a couple of hundred dollars a month, and the seasons were
7 four months long.

8 But conditions have changed since then, and the
9 labor laws have changed since then, and I see this confronta-
10 tion between the players and the owners. If it's not one
11 thing, it's another, and it's been growing since the pension
12 plan started. I was the original member of the pension plan,
13 when I represented the owners, back in 194 -- well, in '46
14 I represented the Detroit club as a player representative,
15 and then -- when they had difficulty then between the owners
16 and the players, I was general manager of Cleveland, and I
17 represented the owners, and I could see then this friction
18 that exists between the players and the owners, and having
19 been a ballplayer and having been a general manager, I could
20 recognize both sides, the problems on both sides, and I tried
21 to get the owners to understand the ballplayers' point of
22 view, and unfortunately they are not in a position to be able
23 to do so because they had never been ballplayers, and they
24 look at a ballplayer and his services in a different light.

25 Fortunately, the player representatives in the

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2 American League, my good friend Fred Hutcheson, I could
3 talk to him man-to-man, even though I was representing manage-
4 ment, and Ralph Kiner, who was a representative in the
5 National League, was a personal friend, so I could discuss
6 with them the problems of the owners and the players, and
7 they knew that in talking to them I was talking as a friend,
8 and I was not necessarily selling the ballplayers out. I
9 was trying to represent them in a fair way.

10 And this has been growing, and so since I left base-
11 ball we now have a baseball players' association that grew
12 up only because there was this meeting of the minds, that
13 had never been there, and the owners have an attitude which
14 I am very familiar with because I spent fifteen years in
15 meetings with both leagues, and I know their attitude; I
16 know how they feel about ballplayers, and I think they don't
17 quite understand how the ballplayer feels.

18 Now, to be specific, in connection with your question,
19 Judge, it's very difficult for the average ballplayer to dis-
20 cuss contract, knowing that he can't go any other place, and
21 you must remember that most of these ballplayers are very
22 young and inexperienced, come from rural areas, and they
23 aren't equipped to sit down with the owner, the business
24 manager and discuss terms.

25 I, fortunately, had a little better success, having

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2 been raised in New York and gone to school here, and then,
3 having a little more ability than the average ballplayer,
4 I was able to get better terms. I have never been -- base-
5 ball has been awfully good to me. I have gotten wonderful
6 salaries, and I have no objections to any of the treatment
7 I have gotten. But I think the average ballplayer doesn't
8 have that opportunity to represent himself.

9 The other thing that occurs to me -- and it's appli-
10 cable to the Flood case -- I was with Detroit sixteen years,
11 from the time I left school until I was notified by telegram
12 that my contract had been transferred to Pittsburgh. Well,
13 in sixteen years it seems that you have built up some kind
14 of relationship with the club, that they can't just assign
15 your contract arbitrarily on the waiver price, and then you
16 have to go and play there. I think that baseball must
17 recognize that, that the player has built up some equity
18 in playing with the club over a period of years, that he has
19 a family, has friends, has business associations in the city,
20 and they can't just arbitrarily say, "You play in Philadelphia
21 next season."

22 THE COURT: That is the kind of testimony I want
23 you to give. I am not passing on the weight of it, but that
24 is really the sort of thing I seek.

25 Now, is there anything else you want to say?

1 THE WITNESS: Well, those are the two things that
2 come to mind, Judge.

3 THE COURT: All right.

4 THE WITNESS: I think that those are the basic
5 problems that exist. It's the fact that you can't negotiate
6 your contract. But behind all this, as I -- the reason for
7 my being here, again, Judge, is that I think that this has
8 to be worked out between the owners and the players, and
9 the game instead of standing still and saying, "We're No. 1;
10 we're the best sport and the national pastime" -- we've got
11 to prove it, and other sports are doing better, and I'm
12 basically a baseball man.

13 THE COURT: Next question?

14 MR. HUGHES: Your Honor --

15 THE COURT: Next question -- I beg your pardon,
16 Mr. Hughes.

17 MR. HUGHES: Your Honor, I think the reference to other
18 sports ought to be stricken out. I think there was also
19 an earlier reference to other sports.

20 THE WITNESS: I'm sorry.

21 THE COURT: That is understandable. You see, we have
22 rules here in the law, and Mr. Hughes' objection must be
23 sustained, and I must direct that there be stricken from the
24 record the testimony of this witness relating to any other
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enterprise than baseball.

All right.

MR. HUGHES: Your Honor, I didn't want to interrupt Mr. Greenberg, but he made an earlier reference --

THE COURT: I say, at any time during the course of his testimony, any such reference is stricken.

Q Mr. Greenberg, as one who has participated, as you have said, in both capacities -- for clubs and as a ballplayer -- in your view, what accommodation could achieve the objective of safeguarding the interests of the players -- as you have described their situation and expressed concern about the clubs also -- and the clubs? Do you have your own opinion as to this?

t/2 A Well, my first feeling is that the reserve clause in the present contract should be eliminated entirely and basically to create a new image for baseball, because we have been -- baseball has been always saying we need the reserve clause. It's always been the reserve clause. It's gone back as far as I can remember, even before I got into baseball, and there has been so much written about it, and I think that the public is confused about it. They have the idea that the owners are just people primarily interested in profits, no concern for the players, which is not true.

I think the game needs a new image, and the first

1 way to get: a new image is eliminate the reserve clause in
2 the present contract, and then I think it would be very easy
3 to come up with some kind of an agreement, a contract for
4 a term of years, in which the club had rights to protect its
5 interests in the players during the development stages, and
6 certainly if a club, after X number of years, five years --
7 let's presume it would be five years -- if it can't develop
8 an esprit de corps between the players and the club, then
9 the player ought to leave the club and go somewhere else.
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11 It seems to me the club should have some time to
12 protect their development costs in a player, and they ought
13 to be able to in a period of five years to develop a spirit
14 of belonging to a club, which is terribly important.

15 It's not just the money. A ballplayer likes to
16 feel he belongs to something, and I think that once we get
17 rid of this reserve clause, once that's out of the way and
18 people forget it, why, I think it can be worked out very
19 easily between the people who are in baseball and have the
20 intelligence and ability to do it.

21 MR. GOLDBERG: Thank you very much.

22 CROSS EXAMINATION BY MR. HUGHES:

23 Q Mr. Greenberg, over the years as a player, did you
24 get along with the Detroit management?

25 A Yes, sir.