

Union-Busting at the Hall of Fame

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Vero Beach, Fla.

THE National Baseball Hall of Fame, itself based on the historical error that baseball was invented in Cooperstown, N.Y., has just let one go right through its legs. On Monday, a committee of 12 baseball executives, newspaper reporters and former executives and players posthumously elected Bowie Kuhn, the earnest but unsuccessful former commissioner, to the Hall while overlooking Marvin Miller, the former union leader who dragged baseball, against strenuous resistance, into the modern age of labor relations. There is simply no way to comprehend this absurd decision by the Veterans Committee.

Here are some facts that even this historically challenged committee would have to acknowledge as accurate. Free agency came to baseball during Kuhn's tenure. He fought it with the owners' total support. The concept of baseball players having the same legal rights as the rest of us to bargain with their employers on even terms caused Kuhn to warn that baseball might not survive such a cosmic alteration in the relative power of the two sides.

Kuhn's devotion to baseball was genuine, but his judgment was not sound. He was unwilling to seek middle ground with the baseball players' union, despite protracted legal battles that the union repeatedly won, because to have done so might have cost him owner support and even his job. And he loved the job and title.

When Andy Messersmith, a pitcher for the Los Angeles Dodgers, sought free agency in 1975, the arbitrator in the case encouraged Kuhn and the owners to settle on the best available terms. Kuhn arrogantly dismissed the suggestion. He took the ridiculous legal position that he and his side would have the arbitrator's decision overturned in federal court. Of course, he was wrong, and free agency has now become an accepted part of baseball.

During the era of free agency, baseball has profited beyond all possible expectations, with owners and players making enormous amounts of money. It is not possible to study that history without wondering how much baseball would have prospered in the 1970s and early 1980s had Kuhn provided better leadership at a much earlier stage.

The decision by the Hall to overlook Miller is grounded in a bad reading of history. Miller had a bigger impact on baseball than any commissioner, owner or player in the past 40 years. Part of his legacy is a powerful, well-run union. The more important part is the present legal and financial structure of the sport, including free agency, arbitration and the enormous pension and benefit programs for the players, all due largely to his efforts.

Miller was much smarter and more talented than Kuhn. Though not a lawyer, he was a public relations genius. He had been an economist with the United Steelworkers when he became the executive director of the players' union. Miller presented the economic issues in baseball largely in moral terms. Kuhn was the lawyer who argued against change. Miller argued against evil. Guess which was more appealing?

Kuhn permitted Miller to portray the owners as unenlightened and mean-spirited rich men while casting the players as downtrodden and benighted workers who wanted only to be treated fairly. The owners never had a chance.

When Kuhn was pushed out of baseball — as I was years later — he went back to his law firm. In 1988, he and another lawyer started a new firm that was expected to be a grandly successful practice. At the end of 1989, Myerson & Kuhn filed for bankruptcy. At this point, Kuhn moved to Florida — a move that his creditors' lawyers said was made to claim the protection of that state's homestead exemption.

Under that law, the home of a debtor may not be used to satisfy debts, and so Kuhn, with a large, valuable and recently purchased Florida residence, was literally home free. In effect, he thumbed his nose at the banks and court in New York, and he left his partners, some of whom he had vigorously recruited, holding a huge empty bag. One such former partner, a tax expert, complained bitterly to me when I was in baseball. He has since died but I wonder how he would have felt about this latest honor by an institution that claims to value character when it considers candidates.

The members of the committee that elected Bowie Kuhn and passed on Marvin Miller should feel ashamed. But they do not. They almost surely believe that Miller and the union won the war, but they refuse him the honor of his victory. This is a set of actions by little men making small-minded decisions. Electing Kuhn and Miller together might have been a tolerable result. But electing Kuhn alone is intolerable.

These are old men trying to turn back time, to reverse what has happened. Theirs is an act of ignorance and bias. I am ashamed for them. I am ashamed that they represent our game.

Fay Vincent was the commissioner of Major League Baseball from 1989 to 1992.

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