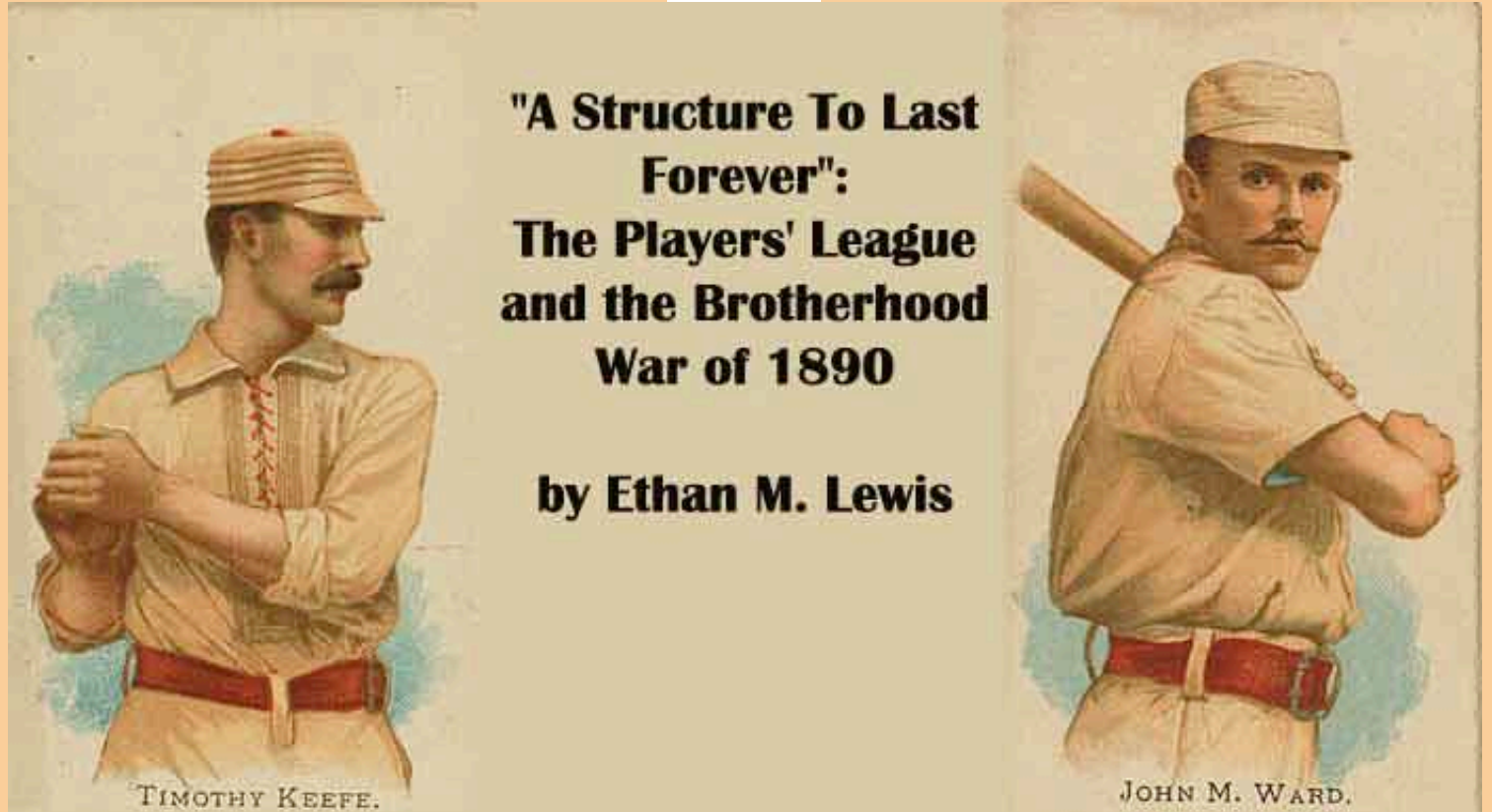


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## "If They Could Only Get Over The Idea That They Owned Us"<sup>12</sup>

A look at sports pages during the past year reveals that the seemingly endless argument between the owners of major league baseball teams and their players is once more taking attention away from the game on the field. At the heart of the trouble between players and management is the fact that baseball, by fiat of antitrust exemption, is a

monopolistic, monopsonistic cartel, whose leaders want to operate in the style of Gilded Age magnates.<sup>13</sup> This desire is easily understood, when one considers that the business of major league baseball assumed its current structure in the 1880's--the heart of the robber baron era. Professional baseball as we know it today began with the formation of the National League of Professional Baseball Clubs in 1876. The National League (NL) was a departure from the professional organization which had existed previously: the National Association of Professional Base Ball Players. The main difference between the leagues can be discerned by their full titles; where the National Association considered itself to be by and for the players, the NL was a league of ball club owners, to whom the players were only employees. The player workers of major league baseball have ever since been treated as less than equal by the people who pay them. <sup>14</sup>

For nearly all of its 125 year history, professional baseball has featured the characteristic of a struggle between capitalists in the form of club owners and laborers in the person of the players. This is not to assert that baseball is best captured within a simple Marxian framework; on the contrary, the labor-management dynamic in baseball is more complex than that, for in baseball the labor force is the means of production. A game (the ultimate product) could not occur without the players. <sup>15</sup> However, from 1879 until 1976, baseball owners possessed total control of the product as they were able to exclusively control the players through the "reserve rule". This practice began as a gentleman's agreement between clubs, wherein each club would reserve the services of five of its top players, and all other League clubs agreed not to bid for those player's services. <sup>16</sup> By 1887, reservation had increased to include virtually all of a club's players, and every professional baseball contract stated that if the club tendered a contract to one of its players and the player did not accept it, "...the club shall have the right to renew this contract for a period of one year."<sup>17</sup> Until 1975, owners and players alike considered this clause to ensure a club's rights to a player in perpetuity. As former Major League Baseball Player's Association head Marvin Miller writes, "management had always said...that this right of renewal had no limit. Simply stated, the claim was that a club had the right to renew a player's contract forever . The only alternative a player had to complying was to quit playing baseball for a living."<sup>18</sup>

Economists later discovered what baseball's Gilded Age owners instinctively knew: that the reserve rule restricted player movement (employment) as well as artificially depressed salaries. <sup>19</sup> It did so by eliminating the chance for players to sell their services to other employers. Before the reserve rule, "revolving" (players leaving one club for another in the middle of a season) was a common occurrence. This was disturbing to spectators (who did not know with certainty that a given player would be on the team they paid to see) as well as to the owners, who were not comfortable with the idea of bargaining with players over salaries. This became an issue because revolving players often wound up back where they started, but for greater remuneration. <sup>20</sup> The reserve rule enabled management to have completely unilateral control over team rosters and salaries. Only through retirement or injury could a player remove himself from a team, and even then he was unable to sign with another club unless his previous employer released him from his contract. By prohibiting the player from bargaining with other clubs for a contract, salary negotiation was a simple matter: either the player accepted the club's offer or he did not play. This led to artificially low salaries for ballplayers and increased profits for owners.

In the 1880's, major league baseball primarily consisted of two eight team leagues: the National League and the American Association (AA). <sup>21</sup> During the decade the NL had clubs in Boston, Buffalo, Chicago, Detroit, Indianapolis, Kansas City, New York, Philadelphia, Providence, St. Louis, Troy, Washington and Worcester; the AA operated out of Baltimore, Brooklyn, Cincinnati, Cleveland, Columbus, Indianapolis, Kansas City, Louisville, Philadelphia, Richmond, St. Louis, Toledo and Washington. <sup>22</sup> Those twenty-one cities were the sole possessors of major league baseball. The term "major league" sprang from the loftily titled "National Agreement" of 1883, in which the National League and the American Association declared their clubs to be major league teams, and each promised to respect the other's reserve rights. This agreement ensured a substantial market for major league clubs by guaranteeing them exclusive rights within their leagues to geographic location. It established a maximum salary of \$2000 and it also made the reserve rule a mandatory part of each player's contract. For those players who refused to go along with the reserve, a blacklist was also established by the National Agreement. <sup>23</sup> The National Agreement

was a compact written by and for the owners. The potential impact upon players of the only two major leagues being united behind a pledge to reserve the players (and thereby limit their mobility and income) was immense.

At this time, [John Montgomery Ward](#) embarked upon the process which would secure him his place in baseball history. Born in Bellefonte, Pennsylvania in 1860, [Ward](#) was a certified baseball star, who began his career in 1878 with Providence (R.I) of the National League. [Ward](#) started out as a pitcher, and in his second year put together a record of 47-17, leading the NL in victories and his team to the World's Championship. In 1880, he pitched the second perfect game in major league history, just five days after John Lee Richmond of Worcester pitched the first. Arm trouble turned him into a part time pitcher for the next few seasons, and by 1885, while playing for the New York National League club, [Ward](#) became a full-time shortstop.<sup>24</sup> Concurrent with his ballplaying, [Ward](#) was also attending Columbia University and earned both bachelor's and law degrees from that institution. In 1885 [Ward](#) and eight other members of the New York Giants formed the Brotherhood of Professional Base Ball Players, and Ward was elected president. The Brotherhood's purpose, as stated in its charter (penned by [Ward](#)) was "to protect and benefit its members collectively and individually, to promote a high standard of professional conduct, and to advance the interests of the National Game"<sup>25</sup> By the beginning of the 1887 season, the Brotherhood had 107 National League and American Association players on its membership rolls, and had chapters organized in every major league city. While they had not yet flexed their muscles against the owners, it is certain that they had organized themselves for protective purposes.<sup>26</sup>

However, the reserve rule was not the primary reason for the organization of the Brotherhood. Neither the Brotherhood nor [Ward](#) immediately voiced disapproval with the reserve rule. The Brotherhood did press the owners to incorporate the rule into player contracts, thus elevating it to a legal point rather than a mere gentleman's agreement between magnates, but they did not express any animosity towards the rule. As late as 1888, in his book *Baseball: How To Become A Player* (the first how-to book written by a major league player), [Ward](#) described the rule as, "the most important feature of the National Agreement" and the thing to which "baseball as a business owe[s] its present substantial standing." [Ward](#) acknowledged his inability to conceive of an alternative to the reserve rule thus: "The reserve rule is itself a usurpation of the player's rights, but it is, perhaps, made necessary by the peculiar nature of the baseball business, and the player is indirectly compensated by the improved standing of the game."<sup>27</sup>

[Ward](#) was clearly of two minds on this subject, however. Shortly before the publication of his book, he wrote an article for *Lippincott's Magazine* entitled "[Is The Base Ball Player A Chattel?](#)" The article was inspired by the practice of what was known at the time as the "sales system", and continues today whenever a player is "sold" to another ball club. In the 1880's, clubs began selling players to other clubs for high sums of money, most notably when Chicago of the National League sold [Mike "King" Kelly](#) (one of the premier players of his day) to Boston of the National League for \$10,000. [Kelly](#) (and other ball players) asked for a percentage of the gross proceeds, but was denied any remuneration. [Ward's article](#) clearly lays out the basis of the players' complaint: the buying club was not just retaining the player's services for the remainder of his contract, but was buying the right to reserve or sell him again. [Ward](#) summed up his argument by citing the [Kelly](#) case, "[Kelly](#) received his salary from Chicago and earned every dollar of it several times over, and yet the Chicago Club takes ten thousand dollars for releasing [Kelly](#) from a claim for which it never paid him a dollar, but which it acquired by seizure some years ago."<sup>28</sup>

[Ward's article](#), while not calling for an end to the reserve rule, did catch the temper of the times among many top ball players.<sup>29</sup> Many felt, as did [Ward](#), that "[E]very dollar received by the club in [a sale] is taken from the pocket of the player; for if the buying club could afford to pay that sum as a bonus, it could just as well have paid it to the player in the form of increased salary. The whole thing is a conspiracy, pure and simple, on the part of the clubs, by which they are making money rightfully belonging to the players."<sup>30</sup>

[Ward](#) put his ideals into practice in 1889. When he received word that the New York Giants were seeking to sell him, either to Washington or Boston of the NL for the record price of \$12,000 (approximately double his salary) , [Ward](#) made it known that he would refuse to play unless, "the release money, \$12,000 would be divided equally.

He hardly thought it fair that the New York Club should dispose of him without his receiving a share of the money paid."<sup>31</sup> Ultimately, the sale did not take place, due in large part to club owners refusal to pay [Ward](#) half of the sale price. A case similar to Ward's was that of "[Deacon White](#)" a veteran infielder who was sold from the Detroit Wolverines of the NL to Pittsburgh of the NL. White refused to go, saying "No man can sell my carcass unless I get half" and became an investor in a group which sought to bring National League baseball back to Buffalo, where he hoped to be a playing manager.<sup>32</sup> When informed of White's plans, his former owner, Frederick K. Stearns of the Detroit club declared, "White may have been elected president of the Buffalo club or President of the United States, but that won't enable him to play ball in Buffalo. He'll play in Pittsburgh or he'll get off the earth!"<sup>33</sup> White wound up sitting out half of the 1889 season in protest before finally reporting to Pittsburgh.

[Ward's](#) and the other players' ambivalence regarding the reserve rule and the indirect compensation the players received by securing the investments of the owners came to an end in 1889 with the advent of the Brush Classification Plan. As mentioned above, the classification plan was the motivating force which led the players to embark on an endeavor the scope of which is nearly impossible to imagine occurring today: the formation of their own league.

The key person in the Brotherhood's plans was Albert L. Johnson, a Cleveland trolley-car entrepreneur, brother of Cleveland's mayor Tom L. Johnson, and an ardent baseball fan. Johnson was willing to put up seed money to start the new league, as well as help recruit ballplayers as they came through Cleveland, and he was also an effective conduit for seeking out other men willing to be backers of the new circuit. Johnson's other brother and partner in the street railway business, Will Johnson, summed up the brother's thoughts thus:

Besides furnishing the best ball in the country, the players will have the sympathy of the people with them. No man living that I know of feels friendly to the way the League bosses have been running things. This selling and trading of players as though they were so much cattle is all wrong and the time has come when the players must take the bull by the horns and do something for themselves.<sup>34</sup>

A more selfish reason is that the Johnson brothers knew that a new baseball league would necessitate new ball parks, which to be successful would require streetcar lines, and the visions of large profits surely danced before their eyes as much as those of downtrodden ballplayers.<sup>35</sup>

By the end of the summer of 1889, the organization of what would become the Players' National League was nearly complete. In a prodigious feat of solidarity and stealth, the players were able to keep their plans a virtual secret. The first mention of the new venture in the national sporting press was not until September, by which time, backers and personnel for the new league had been secured. In addition to the Johnsons, other backers of the Players' League included: Edward Talcott, the superintendent of the Illinois Military Academy; Cornelius Van Cott, the postmaster of New York and former New York state senator; Edwin McAlpin, prominent New York Republican and a tobacco manufacturer; Wendell Goodwin, a noted realtor and John Addison, a wealthy Chicago contractor.<sup>36</sup>

But the most noteworthy feature of the new league was its structure. The league was to be run on a co-operative basis, with each club governed by a board made up of an equal number of players and backers. there was to be a League Senate constituted on a similar basis, and profits were to be shared out between players and backers.<sup>37</sup> Furthermore, there was no reserve clause or classification: players signed three year contracts at either their 1889 or 1888 salary, whichever was higher. Many players bought stock in their clubs, a practice forbidden in the National League, where they were viewed as mere commodities.<sup>38</sup>

In October, the members of the Brotherhood, over one hundred men strong, virtually the entire National League roster, took the unprecedented step of refusing to sign contracts for 1890. A month later, on November 4, 1889, at a meeting in New York, the players issued a "Manifesto" penned by [John Ward](#), declaring their intentions to "play next season under different management." The following passage gives a sense of the issues promulgated by the players, and of the feelings which motivated them in their actions:

...There was a time when the League stood for integrity and fair dealing. Today it stands for dollars and cents. Once it looked to the elevation of the game and an honest exhibition of the sport; to-day its eyes are upon the turnstile. Men have come into the business for no other motive than to exploit it for every dollar in sight. Measures originally intended for the good of the game have been perverted into instruments for wrong. The reserve rule and the provisions of the National Agreement gave the managers unlimited power, and they have not hesitated to use this in the most arbitrary and mercenary way.

Players have been bought and sold as though they were sheep instead of American citizens. "Reservation" for them became for them another name for property right in the player. By a combination among themselves, stronger than the strongest trust, they were able to enforce the most arbitrary measures, and the player had either to submit or get out of the profession in which he had spent years in attaining a proficiency... We believe it is possible to conduct our national game upon lines which will not infringe upon individual and natural rights. We ask to be judged solely by our business conducted more intelligently under a plan which excludes everything arbitrary and un-American, we look forward with confidence to the support of the public and the future of the national game. <sup>39</sup>

The members of the Brotherhood did not see themselves as mere employees nor did they perceive themselves as men of inferior background. The most prominent owner in the National League, [Albert G. Spalding](#), got his start as a pitcher, which helped him finance the sporting goods empire upon which his fortune was based. Many players in the Brotherhood were property owners, and saw no great separation between themselves and the self-styled "magnates" who owned their contracts.<sup>40</sup> [Tim Keefe](#), a leading pitcher of the day, Secretary of the Brotherhood and [Ward's brother-in-law](#), sought to follow Spalding's footsteps, forming a sporting goods house ([Keefe](#) and [Becannon's](#)) which was the official supplier of Players' League balls and uniforms.

The players of the Brotherhood realized their importance as the supplier of the product known as baseball, and felt that they could be treated better as partners than as mere employees. When [Ward](#) later said that the trouble between players and National League management would end, "if they could only get over the idea that they own us", he was expressing his desire to be treated as a skilled laborer and professional, with the rights, and respect due to such a person.

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## Notes

12. *New York Clipper* , August 30, 1890.

13. The major leagues are a monopoly in that they are the only source of "major league" quality baseball. They are also a monopsony, in the way they relate to the players. A monopsony is best described as a "buyer's monopoly". Basically, in baseball, the number of potential buyers of a player's services have always been limited artificially, for years through reservation and in recent years by collective bargaining rules which make players property of just one club for up to ten years, including minor league service. This prevents players from getting full market value for their labor.

14. Historian Warren Goldstein writes, "In point of fact, the two organizations were more alike than has been supposed. Players did not run the first professional organization." [Playing For Keeps: A History of Early](#)

[Baseball](#) (Ithaca: Cornell) 1989, p. 135. However, most historians, including Goldstein do acknowledge that the National Association was not run on good business principles, and players had an infinitely greater degree of autonomy in the National Association than in the National League.

15. This was proven in 1995 by Major League Baseball's plan to break the 1994-95 strike by the use of "replacement players". The hiring of scab workers was the only means by which the owners could supply the public with games, until the strike ended on April 1. It has been asked whether the players are the only indispensable feature of the production of baseball games. What about the stadiums, for instance? To this writer, ballparks are not equivalent to factories where workers produce the games. Instead, they are a location where the product is consumed (and many more people "attend" games by radio and television that physically go to the location where the game is played). While stadiums are vitally important, the players are by definition the sole means of producing a baseball game.

16. [John Montgomery Ward, "Is The Base-Ball Player A Chattel?"](#) *Lippincott's Magazine* August. 1887. p. 310.

17. For text, see [John Helyar, \*Lords of the Realm\*](#) (New York: Villard) 1994, p. 35.

18 [Marvin Miller, \*A Whole Different Ballgame: The Sport and Business of Baseball\*](#) (New York: Birch Lane Press) 1991, pp. 238-239. The reserve rule was declared void by arbitrator Peter Seitz in his landmark Messersmith-McNally decision. When Seitz declared the reserve clause non-binding after the period of one year, players and management began to operate under a series of collectively bargained "Basic Agreements". It is since this time that the players have had some control over the terms and conditions of their employment. While good for the players, this development has led to bitterness on the part of ownership, who greatly preferred the previous system. For more on this topic, see Ethan M. Lewis *Changing The Rules of The Game: The Role of Arbitration in Labor-Management Relations in Major League Baseball* ([Hampshire College](#) Division Three Thesis) 1992.

19. The first study of this was in Simon Rottenberg, "The Baseball Player's Labor Market", *Journal of Political Economy* 64 (June, 1956): 242-258. Other good sources include James Dworkin, *Owners Versus Players* (Boston: Auburn Hill) 1980, and [Gerald Scully, \*The Business of Major League Baseball\*](#) .

20. [Seymour, \*Baseball: The Early Years\*](#) pp. 51-52.

21. The major leagues were very unstable at this time, and franchise shifts occurred frequently. The two dominant leagues were briefly challenged during the 1884 season by a St. Louis millionaire named Henry Lucas. Lucas started a third major league, known as the Union Association (UA). The UA failed to lure away enough star players to compete with the established leagues, but was not successful, and the venture folded after just one season.

22. Joseph Reichler, ed. *The Baseball Encyclopedia* 7th ed. (New York: MacMillan) 1988.

23. [Seymour, \*Baseball: The Early Years\*](#) pp. 145-148.

24. Reichler, *Baseball Encyclopedia* p. 1568, 2211; Mark Alvarez, "Foreword", John Montgomery Ward, *Baseball: How To Become a Player* (Philadelphia: The Athletic Publishing Company) 1888. Foreword, 1993 (Cleveland: [Society For American Baseball Research](#)); David Q. Voigt, "John Montgomery 'Monte' Ward" *Biographical Dictionary of American Sports* , Ward File: National Baseball Library. Sam Crane, "Fifty Greatest Baseball Players in History" *New York Journal* , February 22, 1912. (Ward file). Ward is the only man in major league history to amass 150 wins and 2,000 hits (161 wins and 2,123 hits).

25. Ward, *Baseball: How To Become a Player* p. 32. Tim Keefe "The Brotherhood and It's Work" *Players' National League Guide* (Chicago: W.J. Jefferson) 1890, p. 7.

26. John Montgomery Ward, "The Players' National League" *Players' National League Guide* . Ward writes that the in the beginning the Brotherhood was formed for , "mutual protection of the players." p. 3.
27. Ward, *Baseball: How To Become A Player* pp. 30-31.
28. [John Montgomery Ward, "Is The Base Ball Player A Chattel?"](#) p. 316.
29. Ward commented frequently on this topic as president of the Brotherhood of Players. He walked a fine line between opposition to the inequities of the reserve and an inability to see an alternative. He was quoted as saying, "The reserve rule, on the whole, is a bad one; but it cannot be rectified save by injuring the interests of the men who invest their money, and that is not the object of the Brotherhood."
30. [Ward, "Is The Base Ball Player A Chattel?"](#) p. 318.
31. "John Ward's Nerve", *The Sporting News* March 30, 1889.
32. [Lowenfish and Lupien, \*The Imperfect Diamond\*](#) pp. 33-34.
33. *ibid*
34. "The Brotherhood" *The Sporting News* September 21, 1889.
35. [Lowenfish and Lupien, \*The Imperfect Diamond\*](#) p. 35.
36. John W. Leonard, ed, *Who's Who In America, 1899-1900* . (Chicago: A.N. Marquis Co.) 1899. [Lowenfish and Lupien, \*The Imperfect Diamond\*](#) p 35.
37. [Seymour, \*Baseball: The Early Years\*](#) p. 229. The plan was to allocate profits in the following manner: the first \$10,000 to the backers, the next \$10,000 to the players, and any further profits divided equally among all parties.
38. [ibid , p. 229](#). To this day, organized baseball forbids active players from owning shares in their clubs.
39. [Albert G. Spalding, \*Baseball: America's National Game\*](#) 1911, (San Francisco: Halo Books) 1991. p. 171.
40. "Well Fixed Professionals", *The Sporting News* November 24, 1888. Among Brotherhood leaders, the following were enumerated: "Johnny Ward, of the New Yorks, has just bought a block of property in Denver; Jim [Deacon] White owns a farm and several houses in Detroit; Hoss Radbourn owns several thousand dollars worth of real estate at Bloomington [Ind.]; Dan Brouthers owns real estate in Detroit and other points." Two years later, the Sporting News went on to say that these players were so well off because they were "a superior set of men, with the ability to take care of, as well as earn the money" "Caught on the Fly" *The Sporting News* July 5, 1890.

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