

## The Sports World Loses an Icon in Marvin Miller While the HOF Looks the Other Way

Written by Maury Brown

Tuesday, 27 November 2012 16:32

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Former MLBPA Executive Director **Marvin Miller** passed away today at 95, but long before today, I have been thinking of Miller. His presence on professional sports has been so indelible that even if he was “before my time” his shadow has been felt as greatly today as it was yesterday. All you have to do is look at how labor negotiations between the NFLPA and NFL, NBPA and NBA, or more recently the NHL and NHLPA to feel Miller’s reach. As the great Italian philosopher George Santayana said, “Those who cannot remember the past are condemned to repeat it.” At the time of the NFL lockout,

**Roger Goodell**

and the owners seemed to forget that. NFLPA Executive Director

**DeMaurice Smith**

met with Miller on more than one occasion before and during the lockout... clearly, De knew his history.

Miller was selected by the players as their union head in 1966 and led the players until 1982. From the beginning, he set about to do the unthinkable: challenge MLB on the grounds of labor law, something he was exceptionally versed in during his time as a negotiator for the United Steelworkers union. The owners, and then commissioner **Bowie Kuhn** were incensed. Instead of being judge, jury, and executioner, now they had to deal with this guy and the players’ then general counsel,

**Dick Moss**

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Miller delved out huge dose of the truth and the owners repeatedly spit it out. It created an acerbic, volatile relationship in the labor relationship that created three strikes during his tenure.

To understand the difference in the relationship back then, I interviewed not only Miller, but Moss, as well. [In the interview with Moss in 2007](#) , we had this exchange:

**Maury Brown:** Can you recall what the first meetings between you and Miller were about once you were installed as general council?

**Dick Moss:** Well, the first thing that was to be done after Marvin was retained was the negotiations regarding the Pension Agreement. In December, 1966, there was a Board meeting to be held in Pittsburgh. Marvin invited me to that meeting and introduced me to the players' representatives at that time, as the new general counsel.

**Brown:** For those that may not understand the differences between how the relationship between management and labor were in early years of the Players Association to how they are today, can you go over how some of the initial disputes, such as management's issues over the players' pension plan in 1966?

**Moss:** There was a general issue that they were accepting it as a labor union – accepting the legitimacy of it. It was as if they were treating it as if we were meddlers – outsiders in the business of baseball. That's not right.

I remember in one of the early meetings, Joe Cronin, who was then the President of the American League, became very upset when we were talking about scheduling problems. Joe said, "This is none of the players' business. This is our business." And he got up and walked out of the meeting. It was little things like that that would happen.

**Brown:** If there was a word to describe what management probably thought of Miller and you when it was clear you would not be simply "going along for the ride", what do you think it was?

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**Moss:** Well, Marvin tells the story about his first involvement when he went to the All-Star Game in 1966 – I think it was with Joe Cronin again. It was just after it was announced that he was the new Executive Director of the Players' Association. And Joe said to him, "Marvin there's something you've got to remember. Players come and go, but the owners are there forever."

It wasn't until 2002 that the union and league learned that working collectively would be the only way to get to labor peace. That while there would be differences, working together as partners was going to be in everyone's best interest and all would reap the benefits (it's not surprising that MLB's extensive growth has come during labor peace). The NFL, NBA, and NHL still aren't there yet.

So, it's no surprise that a wave of comments have spilled forth today about Miller. Those on the union side of things were lengthy in their feelings.

"It is with profound sorrow that we announce the passing of Marvin Miller," said current MLBPA Executive Director, **Michael Weiner**. "All players – past, present and future – owe a debt of gratitude to Marvin, and his influence transcends baseball. Marvin, without question, is largely responsible for ushering in the modern era of sports, which has resulted in tremendous benefits to players, owners and fans of all sports.

"It was an honor and a privilege to have known Marvin. The industry has never witnessed a more honorable man, and his passion for helping others and his principled resolve serve as the foundation of the MLBPA to this day. On behalf of all Major Leaguers and MLBPA staff, I extend my heartfelt sympathies to Marvin's daughter, Susan, son, Peter, their families and Marvin's many friends and admirers. Marvin was a champion among champions, and his legacy will live on forever."

"Marvin possessed a combination of integrity, intelligence, eloquence, courage and grace that is simply unmatched in my experience," said former MLBPA Executive Director, **Don Fehr**, who worked under Miller as General Counsel from 1977-82 and is now mired in the lockout of the National Hockey League as the Executive Director of the NHLPA. "Without question, Marvin had more positive influence on Major League Baseball than any other person in the last half of the 20th century. It was a rare privilege for me to be able to work for him and with him. All of us who knew him will miss him enormously."

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“Marvin exemplified guts, tenacity and an undying love for the players he represented,” said NFLPA Executive Director **DeMaurice Smith**. “He was a mentor to me, and we spoke often and at length. His most powerful message was that players would remain unified during labor strife if they remembered the sacrifices made by previous generations to make the game better. His passion for the players never faltered, and men and women across all sports are in a better place thanks to his tireless work.”

“Marvin was the definition of a leader,” said NFLPA President **Domonique Foxworth**. “By challenging team owners and league commissioners and successfully protecting and enhancing the rights of players, he proved that labor unions were necessary in sports.”

On the owners’ side, **Commissioner Selig** was more Spartan in his statement:

“Marvin Miller was a highly accomplished executive and a very influential figure in baseball history. He made a distinct impact on this sport, which is reflected in the state of the game today, and surely the Major League players of the last half-century have greatly benefited from his contributions. On behalf of Major League Baseball and the 30 Clubs, I extend my deepest condolences to Marvin’s family, friends and colleagues.”

Yet, for all Miller meant, not only to baseball, but to every other professional sports league where there is union representation, he has yet to be inducted into the Baseball Hall of Fame. The man that brought about independent arbitration, minimum wage, advancement in benefits, and most importantly, free agency, breaking the Reserve Clause, in 1975 when **Andy**

**Messersmith**

and

**Dave McNally**

held out renewing contracts and arbitrator

**Peter Seitz**

ruled in their favor, is not in the HOF while the likes of a bumbling

**Bowie Kuhn**

, is. That highlights the flaws in those that have comprised the voters in different committee formats over the years that have clearly, gotten it wrong.

[As I covered today for \*Baseball Prospectus\*](#), Miller was never one to mince words, which is largely why the voters didn’t get the percentages big enough for inclusion, something that is a glaring omission.

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When Jay Jaffe [interviewed him in 2008 for BP](#) , Miller said, “[T]hey abolished that [first Veterans Committee I was eligible for in 1982] which had kind of been scandal-ridden in the sense that the only way they could elect anybody was to engage in vote trading. You support my guy and I'll support your guy, and out the window went merit. So they abolished that committee and that was understandable. Then they created a new one, this time composed of all of the living members of the Hall of Fame. For the first time I was put on a ballot in 2003, and my vote was far short of the 75 percent needed, and that was OK.” When the committee structure changed, it was again a case of owners that Miller had raised the ire of having a key stake in blocking his induction.

Miller added, “Nine out of 12 people were management people and what few if any people have commented about is that among the nine people...”

**Jaffe:** Three legacies? [Bill DeWitt Jr., Andy MacPhail, Bill Giles]

**Miller:** No, three who were among the leaders of the collusion movement against players [DeWitt, MacPhail, and John Harrington]. Let's remember that I was the negotiator of the anti-collusion language, and let's also remember that I was the lead witness in the collusion case against the owners. As you may know, there were two separate cases, and both impartial arbitrators rejected the sworn testimony of these now-former general managers that there was no such thing as collusion. In other words, without even using the word "perjury," in effect that's what two impartial arbitrators found, that the testimony before them represented. And these were to be my judges. The whole thing is absurd.

Indeed, Miller's sharp words were not just for those former executives, he had them for the writers [when I interviewed him in 2004](#) :

“And then there are members of the press who vote who are the newspaper reporters wing of the Hall of Fame,” said Miller. “While some of those might vote for me many would not. There were a lot of them who were, if not in the owners' pockets, at least on their laps. There are the radio and TV announcers who interestingly enough in almost every case cannot be announcers in radio and TV unless the clubs that they are telecasting or broadcasting agree. They hold the veto power over them.”

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So, it should come as no surprise that Miller, ever a man to stand on principles over horse trading, took [the unprecedented stand in 2008](#) of telling the Hall of Fame to, basically, kiss off.

*Paradoxically, I'm writing to thank you and your associates for your part in nominating me for Hall of Fame consideration, and, at the same time, to ask that you not do this again... The anti-union bias of the powers who control the Hall has consistently prevented recognition of the historic significance of the changes to baseball brought about by collective bargaining.*

*As former executive director of the players' union that negotiated these changes, I find myself unwilling to contemplate one more rigged Veterans Committee whose members are handpicked to reach a particular outcome while offering a pretense of a democratic vote. It is an insult to baseball fans, historians, sports writers, and especially to those baseball players who sacrificed and brought the game into the 21st century. At the age of 91 I can do without a farce.*

And yet today when I reached former commissioner **Fay Vincent** and asked whether he should be inducted, he simply replied, "He should be in."

He should be. If you're going to allow executives to be part of the Hall of Fame, and in my opinion, they should, then Miller should be there. In the sports world, it's criminal that he didn't make it in his lifetime, and it will be bittersweet if he somehow makes it posthumously.

But, I reflect more humanly on Miller today with his passing. True, he still held to his early unionized ways, something that seems out of touch in the here and now (he was dead set against drug testing, etc. in baseball). But, even in his elderly state, he was one of the smartest people that you could talk to. He had this incredible ability to take complex labor matters and present it in a wholly digestible format, which was one of his endearing strengths.

Beyond that, there was his life, and if you knew him, his love of tennis was one of them. Beyond being with his wife, I hope that somewhere in the afterlife, he's playing tennis with **Arthur Ashe**. For those of us here, at least for every player that collects a paycheck in professional sports, one can hope all heads are bowed in respect for Miller's passing. Until he's inducted into the Hall of Fame, I and others will keep his fire burning. Farewell, Marvin.

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