

THE SUPERMAN OF BASEBALL'S OLD BOY'S CLUB: THE TRUE AND AMAZING STORY OF HOW, WITH A SINGLE HAND, BRANCH RICKEY SLOWED A SPEEDING BULLET TO "ALL DELIBERATE SPEED"

By

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I. INTRODUCTION

Is there an American who has advanced beyond the sixth grade unfamiliar with that most affirming morality tale in American history – the story of Branch Rickey, Jackie Robinson and the integration of Major League Baseball in 1947? As symbolic and ingrained in the national fabric as the game is, it was seen, and has been recalled, as an American tipping point: “Once the racial wall in the national game had been breached, it seemed indisputable that all other barriers to blacks should be removed as well.”¹

Because baseball in America had mirrored the nation’s racial practices for decades, the event was perceived as momentous and precipitous because here, baseball foreshadowed nationwide, federally-imposed and endorsed desegregation, coming as it did seven years before the Supreme Court’s landmark decision in Brown v. Board of Education.² As the story goes, once Major League Baseball rejected the “separate but equal” fiction of the Court’s 1896 Plessy v. Ferguson³ decision, it was inevitable that the case was on its last legs.

Consistent with the predominant “great man” approach to American history (which focuses on the extraordinary acts of those few individuals deemed capable of

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¹ Benjamin Rader, *BASEBALL: A HISTORY OF AMERICA'S GAME*, 156 (Urbana: University of Illinois Press, 2002).

² 347 U.S. 483 (1954).

³ 163 U.S. 537 (1896).

altering a nation's cause on their own⁴), credit for baseball's integration has gone primarily to one man: Brooklyn Dodgers' president Branch Rickey, who has often been credited with masterminding the "Great Experiment" as the integration effort came to be called. Although an extreme social conservative, Rickey has nevertheless been portrayed as a man who, for various reasons, harbored a social conscience that drove him to wait until the right moment to introduce black players into the white game in order to "open up the baseball business to deserving new black talent."⁵ In the process, he would achieve his goal of altering the course of not only baseball, but American history as well.⁶

Of course, the story goes, he could not do this alone. His mission required the fortitude of a player -- the "right" player -- who not only could excel on the field but off it as well; one who "would accept the responsibility of his race and who could bear that burden;"⁷ one who would be able to ignore the taunts and jeers of teammates, fans and opposing players; one who could turn the other cheek for the good of his people. "Are you looking for a Negro who is afraid to fight back?" Jackie Robinson is said to have asked Rickey, according to the popular retelling of this story. "Robinson," came Rickey's reply, "I'm looking for a ballplayer with guts enough not to fight back."⁸ Once Robinson acquiesced to these terms, Rickey had found his man and, together, with the

⁴ See Howard Zinn, *THE TWENTIETH CENTURY*, viii (New York: Harper Perennial 1998, 2003). ("The treatment of heroes (Columbus) and their victims (the Arawaks) -- the quiet acceptance of conquest and murder in the name of progress -- is only one aspect of a certain approach to history, in which the past is told from the point of view of governments, conquerors, diplomats, leaders. It is as if they, like Columbus, deserve universal acceptance, as if they -- the Founding Fathers, Jackson, Lincoln, Wilson, Roosevelt, Kennedy, the leading members of Congress, the famous Justices of the Supreme Court -- represent the nation as a whole.")

⁵ See Lee Lowenfish, *BRANCH RICKEY: BASEBALL'S FEROCIOUS GENTLEMAN*, 358 (Lincoln: University of Nebraska Press, 2007).

⁶ See, e.g., *Id.* at 369-70. This sentiment is expressed in virtually every discussion of Rickey and/or the integration of baseball.

⁷ William Marshall, *BASEBALL'S PIVOTAL ERA: 1945-1951*, 126 (Lexington, The University Press of Kentucky, 1999).

⁸ *Id.* at 127.

future of the African-American people upon their shoulders, they succeeded in not only opening the door to black players, but keeping it open in perpetuity.⁹ As such, Robinson, due to the actions of Rickey, is often cited as one of, if not the most historically significant athlete in American sports history in that he not only changed a game, he changed the way Americans thought about their country.¹⁰ Together, Rickey and Robinson, through the medium of baseball, joined hands to provide one of America's transformative moments. There is no purer moment of "baseball as America" than the one described in this story.

Naturally, the proscriptive value of the story was seized upon almost as soon as it was told. In 1949, with the cold war heating up and the actor Paul Robeson questioning whether African Americans would willingly fight in a war against the Soviet Union, the House Un-American Activities Committee called Robinson in to testify to the contrary, quelling such fears in the process.¹¹ At around the same time, a group of promoters sought to send the Brooklyn Dodgers and Cleveland Indians – baseball's two most integrated teams – on a world tour in order to promote not baseball but America. To them, it was considered "most important that the Negro race be well represented, as living evidence of the opportunity to reach the top which America's No. 1 sport gives all participants regardless of race."¹² For many, baseball was America; America was baseball. In each the essence of the other could be found. America's superior moral vision was best expressed on the field of play, sparking at the moment Robinson took his

⁹ See Rick Swaine, *THE BLACK STARS WHO MADE BASEBALL WHOLE*, 12 (Jefferson, NC, McFarland & Co., Publishers, 2006).

¹⁰ *See Id.* at 13.

¹¹ Jules Tygiel, *PAST TIME: BASEBALL AS HISTORY*, 158 (New York: Oxford University Press, 2000). It is worth noting that, by the end of his life, Robinson regretted his decision to testify in rebuttal to Robeson. See William C. Rhoden, *A Way to Mark Robinson's 90th Birthday*, *THE NEW YORK TIMES*, January 26, 2009, at D5.

¹² *Id.*

position at first base alongside his Dodger teammates for the first time. The Rickey/Robinson story is illuminative in that it is comforting and affirmative such that it confirms our faith in not only our country but likewise in those we've entrusted to lead it.

It is also not the only story that can be told. The same facts and information that lead to the popular tale can also lead to a different one; one which is equally illuminating in that it shows men in a powerful institution doing all they could to beat back a rising tide against them – the tide of integration – that threatened their status and way of life. One which is not so much a story of equality but one where these powerful men fought to maintain control over the process of integration such that the resulting “story” was one about equality only in its most superficial sense, with true equality having been delayed and denied to the majority of African Americans despite the success of Jackie Robinson. For in the end, although the “great men” may not have been able to alter history itself to the extent they desired, they could, however, greatly affect how that history was recounted and remembered.

The popular story of the integration of Major League Baseball is perhaps one of the most resonant and powerful in our culture. But, at its core, it is simply that: a story. One that, like most stories, is complete with gaps and inconvenient facts left on the cutting room floor. What follows is another story – one that sweeps up these facts and picks them out of the dustbin of history in order to tell a far different tale of the integration of “America’s game.” It is likely that the “great men” would be far less pleased with this story, exposing as it does their flaws, fears and misperceptions. But that is precisely why they have chosen not to tell it.

II. SEPARATE AND UNEQUAL

Baseball has served as a metaphor for America practically from the time the first game was played. And, given the racial climate of the country in the mid to late nineteenth century, it should not be surprising that “America’s Game” would be, if it would be anything, white. Initially, as a response to the rapid urbanization of the nation’s cities during the Industrial Revolution, the game was hailed for its supposed “pastoral” qualities, harkening back to a perceived simpler time -- a time of innocence, virtue and purity. These qualities have been associated with “whiteness” for centuries; in baseball, they had simply been splashed onto a new canvas.¹³ “Blackness” on the other hand, has always symbolized evil, the spoliation of innocence (this would be most evident a few decades hence when the heretofore pure White Sox saw their hosiery stained an indelible black as a result of their fix of the 1919 World Series). The simple math of the era required baseball to be white in order to be pure. This was true in form as well as substance.

For a time, the American Association (which was considered a Major League during the 1880’s), as well as some minor leagues, permitted black players and, by some estimates, as many as 55 African Americans played professional baseball between 1883-98.¹⁴ Soon, however, with the retreat from Reconstruction gaining force, this practice ended as cries grew increasingly louder from all corners for segregation to be maintained in the name of purity. Occasionally, white players would object to the “colored element” in their games; some, such as Adrian “Cap”

¹³ Robert Nowatzki, *Foul Lines and the Color Line: Baseball and Race at the Turn of the Twentieth Century*, 11 NINE: A Journal of Baseball History & Culture 82, 82-83 (2002).

¹⁴ See Rader, at 59-60.

Anson, refused to take the field if a black player was involved in the game.¹⁵ On at least one occasion, a group of white fans threatened mob violence if a black player took the field in an exhibition game.¹⁶ In 1887, in response to the International League's (an upper echelon minor league) fielding black players on six of its ten teams, the influential magazine, *Sporting Life*, asked: "How far will the mania for engaging colored players go?"¹⁷ Not very, as it turned out. Heeding to these cries, professional baseball became more vigilant in its efforts to segregate the game and to maintain that segregation at all times, and by all means necessary. Irrespective of these efforts, however, by this point most fans had become conditioned to watch, understand and appreciate the game in a manner which embraced the style of white baseball and devalued the style of black baseball. As such, regardless of official color lines, segregation would be justified on competitive terms as well.

Henry Chadwick, the sportswriter known as "The Father of Baseball" due to his creation of, among other things, the box score, tabular standings, and many of the common statistics (such as the batting average) used to analyze the game, was perhaps more responsible than any other single individual for how Americans would digest and appreciate the emerging game.¹⁸ He, along with others, promoted the idea of "scientific" baseball – strategies that "emphasized displays of skill, control, and intellect over those reliant on unbridled power."¹⁹ Chadwick disdained the home run as an unnecessary expenditure of energy. Better to advance the runners one base at a

¹⁵ See Harold Seymour, *BASEBALL: THE EARLY YEARS*, 334-35 (New York: Oxford University Press, 1960, 1989).

¹⁶ *Id.*

¹⁷ See Rader, at 59.

¹⁸ See Andrew Schiff, *Henry Chadwick: The "Father of Baseball" Was a Sportswriter*, 28 *The National Pastime* 26, 27-29 (2008). See also Peter Morris, *BUT DIDN'T WE HAVE FUN?: AN INFORMAL HISTORY OF BASEBALL'S PIONEER ERA, 1843-1870*, 66 (Chicago: Ivan R. Dee, 2008).

¹⁹ Tygiel, at 19.

time, he believed.²⁰ He likewise frowned upon power pitchers, considering those pitchers who allowed batters to put the ball in play to be superior craftsmen. “The true estimate of good pitching is based on the chances offered fielders for outs,” he wrote in 1868. “Striking out simply shows inferior batting, not superior pitching...[A pitcher] would be more effective were he to depend less on mere speed.”²¹ Chadwick’s beliefs colored his view of the game and what constituted success within it. As a result, generations of Americans, who would grow up analyzing baseball games through Chadwick’s statistical creations and, therefore, his eyes, would likewise view baseball through this prism. And a subtle racial message was thereby delivered even if it was not overtly intended by its creator.

Quite simply, to Chadwick (who was a staunch advocate of baseball as a noble civic institution), baseball as America was “manly and scientific.”²² To be an American was to enjoy baseball and to enjoy baseball was to be scientific and to be scientific was to emphasize brains over brawn. Physical prowess was frowned upon and, in fact, evidence of inferior skill. It was this narrative that allowed white players to play with and against black players throughout the nineteenth and first half of the twentieth centuries and be beaten by them with regularity, that allowed fans to witness the power of pitchers such as Satchel Paige, sluggers such as Josh Gibson, along with the speed and daring of players such as James “Cool Papa” Bell, and yet to nevertheless conclude that players such as these were not qualified to play Major League Baseball. As Gerald Early wrote when considering the arguments made in reference to the supposed genetic physical superiority of black athletes: “there is no

²⁰ See *Id.* See also Schiff, *Henry Chadwick*, at 29.

²¹ See Tygiel, at 19.

²² See, e.g., Tygiel, Schiff.

escaping the doctrine that for blacks to be physically superior biologically, they must be inferior intellectually...”²³ The support structure for the idea of scientific baseball required the convoluted logic that to be dominated physically was to be superior nevertheless.

Chadwick would continue to write until his death in 1908 but the theory of scientific baseball persevered and proved to be a convenient justification for the continued segregation of the game even as black baseball became more popular through the 1930's and, given that more and more Negro league games were being played in Major League stadiums, the skills of these players more evident to wider swaths of the populous. The dynamic game of black baseball, with its combination of speed, daring and power, contrasted sharply with the game played in the Majors, which, although it came to embrace the home run thanks to Babe Ruth, still essentially was one played a single base at a time, much the way Chadwick preferred. Yet, not only did exposure to this different skill-set fail to quell the cries of those who claimed black players were not qualified to play in the Majors, *it emboldened them*. This was convoluted logic to be sure, but it was a powerful and convenient excuse that could be used to justify continued segregation on competitive terms, thereby avoiding the political and social aspects of the issue which, by the 1930's, were becoming more problematic.

The retreat from integrated baseball became complete in 1896 when the Supreme Court's Plessy v. Ferguson decision institutionalized segregation, declaring

²³ Gerald Early, *Performance and Reality: Race, Sports and the Modern World*, The Nation, August 10-17, 1998, 11, 15.

“separate but equal” to be the law of the land.²⁴ Ironically, once America had embraced the “purity” of which baseball had been striving, baseball began to shrink from this proclamation, at least in theory. Now, although there was nothing illegal about a segregated baseball league, Major League Baseball began to take great pains to deny the existence of a color line at all, choosing instead to operate under a thinly veiled cloak of, of all things, equality. As for the rationale behind this shift in emphasis away from “purity” and towards “equality,” one only has to look at the tie-in between baseball and America. The country was changing; baseball was required to change as well. As the twentieth century progressed, America was pulled into two world wars as well as several other conflicts. Its emerging role as an international leader required it to confront the hypocrisy of being the voice of freedom and equal opportunity abroad but of segregation at home. Soon, the mantra of racial purity reeked when viewed in the light of the atrocities taking place in Europe. So another mantra was needed to replace it. As America repositioned itself as the beacon of freedom and equal rights for all, so did Major League Baseball, regardless of the facts behind this claim.

Commissioner Kenesaw Mountain Landis took every opportunity available to deny the presence of a color line in his game, going so far as to discipline anyone under his jurisdiction who contradicted him. In 1941, Brooklyn Dodgers manager Leo Durocher responded to a reporter’s question asking whether he’d sign black players for the Dodgers by saying “Hell, yes! I’d sign them in a minute if I got permission from the big shots.”²⁵ Landis called him in, scolded him for commenting

²⁴ 163 U.S. 537 (1896).

²⁵ Lowenfish, at 351.

on baseball policy and then issued his standard public statement, reiterating that his game had no such thing as a color line and that any owner was free to sign any player he desired.²⁶ This was a tactic he used repeatedly and one that survived his death in 1943. In 1946, a Major League Baseball Joint Steering Committee issued a report on the state of the game which was drafted by Larry McPhail of the Yankees, a staunch opponent of integration. The draft report was notable for several things, not the least of which was McPhail's admission that Major League Baseball was officially segregated (and in his opinion, should remain so).²⁷ As this contradicted Landis's and MLB's longstanding stance on this issue, this statement was removed from the final version of the document.²⁸ Although, on one level, few people believed Landis or MLB's statements regarding the non-existence of a color line in the game, it was useful in at least providing the league with the appearance of equality, something it would not have if it openly admitted the truth.

This appearance was a powerful tool as the first half of the twentieth century progressed. Despite the reality of the Jim Crow south as well as discrimination in the north, it was important for MLB to be something different, something higher, something better. "America" was still the theme of the game but now, "America" stood for something else. The mounting pressure to end America's apartheid, caused by international factors as well as the migration of many black southerners to northern white cities redefined the concept of "America."²⁹ Purity was out, equality was in. And so in baseball, as in America, one fiction was replaced by another.

²⁶ *Id.*

²⁷ *See* Marshall, at 79-80.

²⁸ *Id.*

²⁹ *See* Rader at 163-64.

III. MOMENTUM TOWARD INTEGRATION

Regardless of the cultural fiction, the country was indeed changing and moving towards equality, towards the point where perhaps some day reality would meet the myth. Much of this progress was the result of African American participation in world wars I and II. World War I proved to be a significant early step along the path for the simple fact that over 400,000 African Americans served their country, although the vast majority of these were assigned to the Services of Supply Branch and would never see combat.³⁰ African Americans were among those on the first ships sent to Europe, acting as stevedores loading and unloading the ships. They wore old Civil War uniforms and endured some of the worst living conditions imaginable on board.³¹ Later, other African American soldiers would arrive and, although the United States had no intention of allowing them to serve in the infantry (to allow them to fight and die along white Americans would be to acknowledge the fundamental equality of the races), the French government requested their services in active duty to help relieve their decimated and beleaguered troops.³² Unwilling to allow the four African American infantry regiments stationed in Europe to fight under the American flag, the United States eventually permitted these regiments to be attached to the French army instead.³³ There, the regiments were supplied with French armaments, helmets, rations and equipment and fought under French command.³⁴

³⁰ See Bryan Booker, *AFRICAN AMERICANS IN THE UNITED STATES ARMY IN WORLD WAR II*, 16 (Jefferson, NC: McFarland & Co., Publishers, 2008).

³¹ *Id.* at 20.

³² *Id.* at 21.

³³ *Id.*

³⁴ *Id.*

Once ensconced as infantrymen – albeit as putative Frenchmen -- the regiments were the focus of concern of both the Americans as well as the Germans. On the American side, fears of potential repercussions of equal treatment by the French army led to the drafting of a document entitled, “Secret Information Concerning Black American Troops” which was an attempt to explain to the French why they should not treat these troops as equals, their personal feelings notwithstanding: “the French people must understand the position of Negroes in America...Approximately 15 million Negroes in the United States presented a danger of race mongrelization unless coloreds and whites were kept strictly separated...the French people were accustomed to being friendly and tolerant toward Negroes; but such behavior deeply offended Americans as an attack on their national beliefs and aroused the fear that it might give American Negroes intolerable pretensions to equality...”³⁵ From the Germans came propaganda leaflets dropped on their sector asking these African American troops why they were fighting the Germans when it was their own government that was discriminating against them: “What is democracy? Personal freedom; all citizens enjoying the same rights socially and before the law. Do you enjoy the same rights as the white people do in America, the land of freedom and democracy, or are you not rather treated over there as second class citizens?”³⁶

Regardless, the African American regiments continued to fight with the French Army, with some performing so heroically as to be honored with the French

³⁵ *Id.*

³⁶ *Id.* at 26-27.

medal of valor – France’s highest honor.³⁷ In early 1919, these troops returned home enlightened and emboldened, particularly after the United States refused to recognize the efforts of the soldiers awarded the medal of valor (such recognition would not come until 2003).³⁸ Moreover, while they were feted with a parade in New York upon their arrival, African American soldiers refused similar honors in the South when they were told they would march at the very end of the parade.³⁹ Now awakened to the hypocrisy in which they had just taken part, many African Americans became more assertive in demanding their rights as Americans. This led to the “Red Summer” of 1919, so called because of the numerous race riots across the country (at least 38) caused by white fears of returning African American soldiers armed with a perceived “foreign ideology” that threatened the status quo.⁴⁰ As the summer ended and it became clear to these white mobs that African Americans would no longer meekly back down from conflict, the riots waned and were replaced with small scale terrorism such as lynching and burnings – acts which did not present the opportunity for an engaged battle.⁴¹

In the years between the wars, the momentum toward equality increased. The migration of an estimated one million African Americans from the South to the North between 1916-18 to replace white workers who had been deployed overseas exposed these people to (at least marginally) better individual rights than they had been accustomed to in the South.⁴² This migration north continued after the war as more

³⁷ *Id.* at 22.

³⁸ *Id.*

³⁹ *Id.* at 30.

⁴⁰ *Id.* at 33.

⁴¹ *Id.*

⁴² *Id.* at 32.

people became exposed to the benefits of improved civil rights. In addition, the international success of athletes such as Joe Louis and Jesse Owens further highlighted the discrepancy between American ideals and actual racial practices.⁴³ By the time of the commencement of American involvement in World War II, African Americans were now more assertive – and more organized – than ever before. With an organized black leadership, African Americans now spoke with a unified voice. Civil rights activists warned that African Americans would no longer tolerate the indignities they suffered during the previous war. On September 27, 1940, the NAACP and other civil rights leaders met with military leaders to discuss the specifics of eradicating discrimination in the armed forces.⁴⁴ Although their agreed-upon seven point program, calling for the integration of the military, was revised by President Roosevelt to eliminate the integration provision, it was significant in that it signaled the arrival of another source of organized black power – the black press.⁴⁵ Calling Roosevelt’s act “shameful,” the black press pressured Roosevelt to issue assurances that African Americans would be treated as equals throughout the upcoming war.⁴⁶ When they were not sufficiently appeased, they called for a march on Washington to protest treatment of African Americans by the military and defense industry.⁴⁷ Concerned that such a protest on the eve of American entry into World War II would be interpreted as a sign of weakness, Roosevelt succeeded in convincing them to call off the march by agreeing to enact the

⁴³ See Rader, at 164.

⁴⁴ Booker, at 41-42.

⁴⁵ See *Id.* at 43-44.

⁴⁶ *Id.*

⁴⁷ *Id.*

Fair Employment Practices Act of 1941 which banned discrimination in the government and defense industry.⁴⁸

Once American participation in the war began in earnest, African Americans enlisted, much as they had in World War I, only this time no longer under the assumption that military participation alone would bring change. Rather, political power was required.⁴⁹ On this front, the black press became more vigilant in its effort to compel such change. Very quickly, this political muscle proved effective. In July of 1942, General Eisenhower issued a statement of policy that broke with the past: unlike during World War I when the United States attempted to enforce its segregationist policies abroad, now, in the European theater, the new U.S. policy dictated that “discrimination against the Negro troops [is to] be sedulously avoided.”⁵⁰ Moreover, no official position was to be taken with regard to the integration of social functions such as dances. Rather, the policy left it to local commanding officers “to use their own best judgment in avoiding discrimination due to race, but at the same time, minimizing causes of friction between White and Colored troops.”⁵¹ Although full integration had not yet been achieved, rising African American political power was beginning to have influence. African American rights were to be honored and respected, something unheard of only a few years prior. Further evidence of this comes from the court martial of a serviceman named Jackie Robinson. On July 6, 1944 in Fort Hood, Texas, he refused a white bus

⁴⁸ *Id.* at 47.

⁴⁹ *See Id.* at 49.

⁵⁰ *Id.* at 84-85.

⁵¹ *Id.*

driver's order to move to the back of the bus "where the coloreds belonged."⁵²

Although the base provost marshal and the military police supported the bus driver, Robinson won his trial. It is hard to imagine this happening during the previous world war.

Although most African Americans were assigned to combat support units during the war, much as they had during World War I, these activities were no longer considered menial given the technological advances between the wars. Now, members of these support units built road, bridges, hospitals; they became petroleum specialists in the intricate work required to keep all of the different types of vehicles, planes and ships ready for action; they traveled all over the world to make what was uninhabitable livable in incredibly short time.⁵³ Even so, the black press kept applying pressure on the government to permit black soldiers to fight along side of white ones, stating that the refusal to permit this amounted to a denial of equality.⁵⁴ By December, 1944, their strategy paid off when a manpower shortage resulted in the integration of the military for the first time. 4562 African American servicemen volunteered to be taken into training for combat, many of them accepting reductions in rank to private in order to do so.⁵⁵ By the war's end, the refrain that African Americans were somehow unqualified to fight for their country was rebuffed. Eventually, nearly one million African American men and women would serve in World War II, in roles that caused the experience to be a transformative one on both

⁵² See, e.g., Marshall, at 126; Swaine, at 16.

⁵³ Booker, at 60.

⁵⁴ *Id.* at 171.

⁵⁵ *Id.* at 277.

an individual as well as communal basis.⁵⁶ African Americans were now more empowered than ever to demand equality – their slice of the pie – than ever before.

Inevitably, the transformations taking place in the military trickled down to other parts of American life, most notably in New York. New York City’s powerful mayor at the time was Fiorello LaGuardia who actively courted the black vote, recognizing an emerging political force with the power to swing entire elections.⁵⁷ He established a committee to examine the city’s racial climate, including the apparent discrimination against African Americans taking place by the city’s professional baseball teams, irrespective of the protestations of MLB to the contrary.⁵⁸ On the state level, The federal Fair Employment Practices Commission (which grew out of the Fair Employment Practices Act), inspired New York’s State Commission Against Discrimination which itself grew out of New York’s Quinn-Ives Act which imposed a fine of \$500 or imprisonment for up to one year on any employer who refused to hire anyone because of their race.⁵⁹ After holding itself out as symbolic of America for so long, it was no wonder that Major League Baseball would become a convenient and frequent target of the early civil rights leaders.

Throughout World War II, the black and alternative press made the integration of MLB an issue. Eventually, in 1943, after relentless pressure from sportswriters Nat Low (sports editor for the Communist newspaper *The Daily Worker*) and Wendell Smith (of the weekly black newspaper *The Pittsburgh Courier*), the Pittsburgh Pirates were compelled to grant a tryout to two Negro League players, Roy

⁵⁶ *Id.* at 2.

⁵⁷ See Rader, at 164.

⁵⁸ See *Id.*

⁵⁹ See Lowenfish, at 359.

Campanella and Dave Barnhill.⁶⁰ Although this tryout, as well as the others that soon followed on its heels, was little more than a publicity stunt undertaken solely to appease the black press (there was no possibility that the teams granting these tryouts were serious in considering these players regardless of how well these tryouts went), these “shows” were more than had been offered previously when team owners could ignore whatever cries there were for integration without fearing backlash. Later, during baseball’s 1943 annual winter meeting, Paul Robeson addressed the owners, asking them to break from the past and integrate the game. Not surprisingly, team owners ignored him and his plea; under orders from Landis, they did not respond with a single question nor did they discuss his address afterwards.⁶¹ However, they did incur the wrath of Wendell Smith and Sam Lacy, a sportswriter for the *Baltimore Afro-American*.⁶² Despite great resistance from MLB and team owners, this relentless pressure was starting to yield results.

As the war wound down, the pressure increased as the nation’s attention turned inward and focused on domestic issues more acutely than had been possible during the war. On April 6, 1945, Joe Bostic, a black sportswriter, arrived at Brooklyn Dodgers’ training camp with two Negro League players, demanding that they be given a tryout.⁶³ Bostic was a reporter for the *People’s Voice*, a newspaper funded by Harlem Congressman Adam Clayton Powell, who in 1944 became the first African American New Yorker to be elected to Congress – a further indication of the emerging power of the black electorate in New York. Rickey had twice earlier

⁶⁰ See Lowenfish, at 352.

⁶¹ See *Id.* at 352-53; Marshall, at 122.

⁶² See Lowenfish, at 353.

⁶³ See, e.g., Lowenfish, at 361-62; Rader, at 165.

ignored Bostic's requests, having turned him away at his office. Now, with the muscle of civil rights leader Powell behind him, Bostic was able to demand the tryout, get it, and inform his readers of it afterward. A few days later in Boston, at the urging of a Boston City Councilman and Wendell Smith, another tryout was arranged at Fenway Park for the Red Sox.⁶⁴ Of course, these tryouts were shams but they were now occurring more frequently than ever before. Eventually, something would have to give as there was no indication that these sham tryouts were doing anything to placate an increasingly restless and empowered civil rights movement.

The summer of 1945 saw the pressure increase even more in New York City. An "End Jim Crow in Baseball" committee had been formed by New York City councilman Benjamin B. Davis and began picketing the city's three baseball stadiums, holding up photographs of dead and wounded African American soldiers above the caption: "Good enough to die for their country but not good enough to play for organized baseball."⁶⁵ Davis promised to make the integration of Major League Baseball a major issue in the coming Fall election season.⁶⁶ Mayor LaGuardia also stepped up his integration efforts, asking for representatives of all three of the city's teams to join his "Committee for Unity" and to agree to comply with the Quinn-Ives Act of which they technically were in violation.⁶⁷ He also urged his "Committee for Unity" to issue a statement announcing that integrated professional baseball in New York City would soon be a reality.⁶⁸ In response, the Committee drafted a report which made note of all the recent developments in the city and which concluded that

⁶⁴ See, e.g., Lowenfish, at 363; Swaine, at 69.

⁶⁵ See Lowenfish, at 377.

⁶⁶ See Marshall, at 128.

⁶⁷ See Lowenfish, at 377.

⁶⁸ See *Id.* at 378-79.

the city's newly enlightened racial climate had made the city "the ideal proving ground for integration."⁶⁹ Within MLB, which by now was forced to confront the issue, a "Committee on Baseball Integration" was formed although there is no evidence that it ever met, given that one of the committee members, Larry McPhail, "always had some excuse" according to Sam Lacy who was also on the committee.⁷⁰

Despite the fits and starts by MLB, there was no denying that the integration effort was gaining a foothold, at in least New York. And if it was successful there then MLB would have no choice but to follow, given that New York was the epicenter of the league and home to its most glamorous teams. The African American experience in both world wars, but particularly in World War II, compelled America to confront the segregation issue at last – there was no longer any way around it. Emerging black empowerment, combined with national and international pressures were going to force the issue. Major League Baseball, as the symbolic face of the nation, was being pushed to the forefront of the desegregation cause as the growing civil rights movement showed no signs of relenting until integration was finally and fully achieved.

IV. BRANCH RICKEY AND THE BATTLE OVER CONTROL OVER THE INTEGRATION STORY

The Branch Rickey "Story"

The "story" of Branch Rickey leads invariably to the widely accepted "story" of baseball's integration. Here as well, however, there can be more than one version of the tale.

⁶⁹ *Id.*

⁷⁰ *See* Tygiel, at 110-11.

What is beyond dispute is the fact that Rickey was a baseball genius. His innovations throughout the course of his long career, spurred by his dual passions: his desire to obtain a competitive edge and his desire to do so as cheaply as possible, revolutionized the game. His development of the farm system while running the Cardinals blended both passions very neatly in that the system provided the Cardinals with a perennial treasure trove of potential talent available only to them and at bargain basement prices. This glut of talent forever on the doorstep of the Majors had the further benefit of driving down salaries of Rickey's big leaguers who were wary of engaging in pitched battles with him given the ever-looming threat of imminent replacement should they ever fall out of favor. By 1943, however, when Rickey left the Cardinals to take over the reins of the Dodgers, the farm system no longer provided such a competitive edge due to the simple fact that Rickey had been so successful with it in St. Louis that by now many teams were at least rudimentally following his lead. Although the 1942 Dodgers reached the World Series, Rickey's keen eye for talent recognized the reality that the team was an old one and on the verge of collapse.⁷¹ What was needed was an overhaul of the entire organization. The farm system would have to be rebuilt and restocked but that would only bring the organization so far. Rickey realized that in order for the Dodgers to outrun their competitors in the National League on the field, he would have to outsmart his adversaries in the talent acquisition game. The farm system no longer gave him a leg up; a rebuilt one would, at best, put him on equal footing with his rivals. What he needed was something different, some new source of talent untapped by anyone else.

⁷¹ See Lee Lowenfish, *When All Heaven Rejoiced: Branch Rickey and the Origins of the Breaking of the Color Line*, 11 *NINE: A Journal of Baseball History and Culture* 1, 7 (2002).

Shortly after arriving in Brooklyn, Rickey received permission from the team's directors to start scouting black talent.⁷² Initially, Rickey had considered Latin players but abandoned this idea due to the perceived obstacles faced by players who would have to overcome both a language as well as a racial barrier⁷³ (although he would return to the Latin American talent pool later in his career). Once his focus became clear, Rickey was single-minded in his pursuit. "The greatest untapped reservoir of raw material in the history of the game is the black race!" he said in 1945.⁷⁴ As such, his pursuit satisfied his passion for a competitive edge. And, if he could convince the public that these talented black players, currently being developed in the Negro leagues, were not under contract to their teams, they would be available to him virtually free of charge, thereby satisfying his frugal itch as well.⁷⁵

Although historically Rickey has been portrayed as a social reformer, in fact he was far from it, even by his own admission. Rather, he was a sharp baseball man with an eye on the bottom line whose baseball instincts just happened to run right smack into America's burgeoning civil rights movement. Smart as he was (and no doubt much smarter than many of his baseball brethren), he recognized the rising tide and understood that MLB was going to have to integrate sooner rather than later – the symbolic value inherent in the game made it such a convenient target for civil rights activists that it would have no choice.⁷⁶ Rickey had increasingly felt these pressures firsthand – it was the heat generated by the Quinn-Ives Act that boxed him into a corner that April morning when Joe Bostic arrived demanding a tryout for his players.

⁷² See *Id.*, at 9; Lowenfish, at 349.

⁷³ See Lowenfish, at 349.

⁷⁴ See Tygiel, at 112.

⁷⁵ See *Id.*

⁷⁶ See Rader, at 156.

He had no choice but to grant them one, even though he had no intention of signing the players. Later, as Rickey was working behind the scenes on his own integration plan, he learned that Mayor LaGuardia was planning on making the integration of baseball the subject of his October 18, 1945 radio address.⁷⁷ Combined with the Committee for Unity's pending statement calling as well for the integration of baseball in New York, Rickey's hand was forced. Unless he acted immediately, he would lose control of the integration issue and quite possibly his competitive edge as well. Therefore, he convinced LaGuardia to change the subject of his address and hastily announced the signing of Jackie Robinson to a minor league contract on October 23, 1945.⁷⁸ Faced with the impending reality, Rickey masterfully managed to maintain control over the situation: "The Negro will make us winners for years to come," he said, once again in 1945. "And for that I will happily bear being a bleeding heart, and a do-gooder, and all that humanitarian rot."⁷⁹ In the midst of the moment, Rickey maintained that his was strictly a baseball decision. As the years passed, his story, as well as the official story, would morph into something different.

After the Robinson signing, Rickey began to emphasize reasons other than baseball for his actions. He began telling a story he would become quite fond of, one that he loved to tell on the banquet circuit in the years to come. The story involved Charles "Tommy" Thomas, an African American player Rickey coached at Ohio Wesleyan in 1903.⁸⁰ According to the story, Thomas was refused hotel

⁷⁷ See Lowenfish, at 379.

⁷⁸ *Id.*

⁷⁹ Marshall, at 123.

⁸⁰ Although most accounts date the Rickey-Thomas incident to 1904, Ohio Wesleyan did not travel to South Bend to play Notre Dame during the 1904 season. The two teams played on May 12, 1903, however, and it was during this trip when the facts that gave rise to the story most likely occurred.

accommodations when the team traveled to South Bend, Indiana for a game. Rickey convinced the hotel clerk to allow Thomas to room with him. Once in the room, Thomas began to sob and, according to the popular retelling, scratch at his skin “as if he wanted to forcibly remove the stain of its color.” “I never felt so helpless in my life,” Rickey recalled later. In response, Rickey liked to say that he tried to reassure Thomas by telling him that “a time would come where there would be equal opportunity for all, regardless of race.” The story closes on a heartwarming, Damon Runyon-esque note as Rickey attempted to raise Thomas’ spirits: “Come on, Tommy, snap out of it, buck up! We’ll lick this one day, but we can’t if you feel sorry for yourself.”⁸¹

The Thomas story is an inspirational one and one which certainly shows the humanitarian side of Branch Rickey, an apparent closeted civil rights advocate. However, it is one that was not told for the first time until more than four decades had passed from the date of its alleged occurrence.⁸² Although certainly Rickey and Thomas maintained a longstanding relationship that no doubt dated back to that time, and although it is likely that the story contains some grains of truth, the veracity of the specifics of it, particularly the most heart-wrenching ones, is open to question. In a court of law such testimony would likely be viewed with skepticism. As an American morality tale, it becomes fact simply because we would like for it to be.

⁸¹ See, e.g., Lowenfish, *When all Heaven Rejoiced*, at 10; Marshall, at 123.

⁸² Lowenfish traces the story to two sources: Arthur Mann, *The Life of Branch Rickey—I, LOOK*, August 20, 1957, and Mark Harris, *Branch Rickey Keeps His 40 Year Promise*, *NEGRO DIGEST*, September, 1947, 4-7. Marshall follows the story back to several sources, all post-1947, the earliest of which being Carl T. Rowan and Jackie Robinson, *WAIT TILL NEXT YEAR*, 105-06 (New York: Random House, 1960). Lowenfish notes evidence of the relationship between Rickey and Thomas in Rickey’s letters dating back to 1921 but these letters do not refer to the specific incident in South Bend, IN. See letters of Branch Rickey and Charles Thomas, 10/26/21, 11/1/21 located in the Branch Rickey Papers, Library of Congress, Washington, DC. A 2009 query posted on the Society of Baseball Research Listserv requesting information on the incident did not turn up any additional evidence of the story prior to 1947.

There is a difference between being sympathetic towards one plight and being a crusader for integration. Rickey was most likely the former but boasted that he was the latter. Because his story fit a comforting narrative, few sought to question it.

As the years passed and Rickey's legend grew, Rickey also stated that if it were up to him the Cardinals would have been integrated by the mid 1930's; it was only owner Sam Breadon who stood in his way. However, as with the Thomas story, no contemporaneous supporting evidence exists.⁸³ He claimed to have been a supporter of integration ever since the alleged 1904 Thomas incident but although he was an executive with significant input in player personnel decisions since becoming the general/field manager of the St. Louis Browns in 1913, he never once exhibited any such indications. Many decades later, his children and grandchildren helped to further burnish Rickey's socially conscious image by recalling "stirring conversations at the Rickey dinner table... about Abraham Lincoln, the Civil War, and the unfortunate, continuing effects of slavery on American Negro life,"⁸⁴ but with no corresponding, contemporaneous acts on Rickey's behalf in the several decades in which he was a very public executive with the power to act or, at a minimum, speak out on behalf of these causes (he certainly was not a shy public speaker nor one who ran from controversy during his tenure), it is difficult to ascertain whether such stories are fact or the rose-colored, sepia-toned memories of loving family members.

To many who have tried to tackle Rickey story and legacy in print, he remains a conundrum: an arch-conservative civil rights pioneer who opposed what he termed

⁸³ See Lowenfish, *When All Heaven Rejoiced*, at 9-10.

⁸⁴ *Id.*

“radicalism” in any form and in any manner save this one instance.⁸⁵ He despised *The Daily Worker* as well as the agitation of the black press even though they were aggressively lobbying for what he repeatedly said was a fervent cause of his since the 1904 Thomas incident. Later in life, even after the integration of baseball, he supported Barry Goldwater in 1964 rather than staunch civil rights advocate Lyndon Johnson. When questioned as to his curious stance, Rickey replied that a vote for Johnson would be “a step toward national degradation.”⁸⁶ At every turn in his very public life, Rickey stood in the corner of the socially conservative with the exception of this one, and in this one instance only (as his subsequent support for Goldwater suggests). As such, his actions in the Robinson episode not only seem out of character but a direct contradiction to everything he believed in, and how he lived his life both before and afterwards. For these biographers, it is difficult to shoehorn the Robinson episode into Rickey’s life and still emerge with a coherent narrative. It is this riddle that causes many to throw up their hands and conclude simply that, in the end, Branch Rickey was a terribly complex man.⁸⁷

The possibility exists, however, that he was in fact quite simple and straightforward, at least in his actions if not always his words. Perhaps he simply wanted to win baseball games and was willing to take whatever avenue existed that enabled him to achieve this goal at the lowest cost possible. This simple narrative does not require the elaborate twists and turns that the Rickey story traditionally takes. However, this narrative is hardly a symbolic one, hardly one which stands in

⁸⁵ See Lowenfish, at 351. Rickey did become close with some black sportswriters, particularly Wendell Smith of the *Pittsburgh Courier*. It was the agitation and constant pressure placed on people like himself by those in the black and communist press that he found troubling.

⁸⁶ See *Id.* at 595.

⁸⁷ See generally, Lowenfish, et. al.

for “America” so it is not surprising that it is not as widely embraced. Rather, the “Rickey as racial pioneer” story took hold due to its obvious appeal, infused as it was with delicious didactic potential. Sometimes, however, a story is more than simply a story. In this instance, the Rickey story would have a damaging effect on the integration effort in many ways, ultimately slowing the pace of integration in Major League Baseball many years. The effects of this story are still felt today.

Branch Rickey and the Slow Pace of Integration in MLB

The popular Rickey story had both an immediate as well as a long-term effect on the game’s integration movement. Initially, it distracted from and negated the integration movement that had developed significant momentum independent of him. Eventually, it would set the movement back years.

Immediately, the story gave credence to Landis’s longstanding lie that anybody within MLB could sign an African American if they so chose. As such, it justified the lie and permitted white America to gloss over the reality of racism both within MLB and, more importantly, within the country. Although, as stated earlier, Landis’s lie was a naked one, the Rickey story allowed MLB to escape greater scrutiny of its racist practices because it demonstrated that, at least superficially, Landis was correct. According to the story, one man did, after all, decide to sign a black player and no one within the game stopped him. MLB could defend itself by repeating the lie that the game was now, and always had been, open to everyone. It only took an individual with courage to make this possibility a reality. This glosses over the deep and longstanding institutionalized racism that was truly at the core of the issue.

More significantly, the story conveniently negates and ignores the enormous social pressures that the rising integration movement – spearheaded by an increasingly empowered and determined black press along with progressive governmental leaders such as LaGuardia and Adam Clayton Powell – had on MLB and which, in reality had more to do with bringing the game to the brink of integration by the end of World War II than anything having to do with Branch Rickey. This, in turn, resulted in the tragic consequence of the story: it wrestled the integration issue away from these people and put it in the hands of MLB, to be doled out on its terms and through its good graces.

There is a fundamental difference between receiving something as a right and receiving it as a privilege.⁸⁸ With Plessy v. Ferguson still the law, African Americans in 1946 were left to appeal to white America’s “better instincts” to achieve anything even remotely resembling equality.⁸⁹ Without legal or institutional acknowledgement of equality, the balance of power remained in white America’s favor, permitting it to dictate the terms and conditions of any improvement in conditions.⁹⁰ African Americans were forced to become supplicants: “seeking, pleading, begging to be treated as full-fledged members of the human race.”⁹¹ World War II began to change this dynamic. Although the law was still not on their side, their accomplishments on an international stage provided them with a legitimacy they hadn’t previously enjoyed. This was evidenced by the increasingly aggressive black press which found its voice during this period and was, therefore, no longer content to remain “in its

⁸⁸ See Louis Lusky, *Racial Discrimination and the Federal Law: A Problem in Nullification*, 63 Columbia L. Rev. 1163, 113-64 (1963).

⁸⁹ See Robert L. Carter, *The Warren Court and Desegregation*, 67 Mich. L. Rev. 237, 247 (1968).

⁹⁰ *Id.*

⁹¹ *Id.*

place.” Rickey’s actions in 1945-46 had the effect of stopping this movement in its tracks as he did everything within his power to demonstrate and maintain control over the integration issue, thereby preventing it from ever gaining independent legitimacy through either law or institutional recognition. As such, he made sure that African Americans would still need to appeal to the “better instincts” of whites like him for integration to occur.

Although Rickey was alleged to have exclaimed, in yet another Damon Runyon-esque moment, “they can’t stop me now!” when Quinn-Ives was passed,⁹² this response has the feel of fiction and, in any event, does not square with his actions. In actuality, rather than push for the passage of such equality laws, Rickey did what he could to prevent them from being enacted -- to prevent the application of the stamp of institutional legitimacy on the equality issue that would have diminished his ability to control the nature and pace of integration. For once equality became a right, there would be no reason for black America to see any need to appeal to his “better instincts” to aid them in their cause. He used his position on LaGuardia’s Committee For Unity to convince influential community leaders to persuade the “End Jim Crow” group to call off its ballpark demonstrations;⁹³ he persuaded LaGuardia postpone his October talk calling for the integration of MLB;⁹⁴ he made sure that MLB never became a test case for the Quinn-Ives Act, undoubtedly realizing that such a case had the potential to cause him to lose control of the integration issue and his competitive advantage in signing black players in the process. Instead, he accelerated the timetable for his integration plans by hastily announcing the Robinson

⁹² See Lowenfish, *When All Heaven Rejoiced*, at 12.

⁹³ See Marshall, at 125-26.

⁹⁴ See Lowenfish, at 379.

signing so as to stave off the onrushing tide.⁹⁵ By taking these actions, particularly those of postponing LaGuardia's talk and pre-empting Quinn-Ives, Rickey prevented the integration issue from becoming defined as one of fundamental right, of natural law, and preserved it as something arising from choice, to be doled out by enlightened people like himself. It was this tactic that enabled him to maintain his competitive edge. At his core, Rickey was neither a segregationist nor an integrationist; he was a baseball man. And as a baseball man, he would not be able to monopolize black talent if all three New York teams were required, pursuant to Quinn-Ives and pressure from the Mayor's office, to sign black players. Very quickly, many other teams within MLB would have no choice but to follow New York's lead and his competitive edge would evaporate before it even was established.

Beyond these acts, aimed at maintaining his competitive edge, Rickey took further action to ensure that his edge would come at little or no cost. On May 7, 1945, Rickey announced that his Brooklyn Dodgers would be sponsoring a team, the Brooklyn Brown Dodgers, in a new Negro league called the United States League, which would challenge the legitimacy of the established, and revered within the African American community, Negro National and American Leagues.⁹⁶ At this press conference, Rickey denounced the established leagues as "organizations in the zone of a racket," and made a point of noting that these leagues did not operate through the use of formal player contracts nor did they have a reserve clause that bound their players to their teams.⁹⁷ As for the rationale behind the formation of this league, Rickey would later claim that it was an elaborate cover operation which

⁹⁵ See *Id.* at 379-80; Marshall, at 129.

⁹⁶ See Lowenfish, at 365-66.

⁹⁷ See *Id.* at 367.

enabled Rickey to train black talent for eventual admission into the Major Leagues without arising the suspicions of his fellow, presumably far less enlightened, owners.⁹⁸ Under cover of the United States League, Rickey could sign whomever he wished, train them, and no one would be the wiser as to his long-term plans.⁹⁹ What this league likewise brought him, however, was an opportunity to lay the groundwork for his eventual plundering of the Negro Leagues without remuneration.

As an attorney, Rickey surely recognized the importance of establishing a foundation for future actions. Here, through his United States League, Rickey provided himself a platform to make his case to the nation that the Negro Leagues, despite their outward appearance as formal “leagues” with established teams complete with loyal fans and favorite players, were not leagues after all nor were the teams really “teams” in the sense that Major League teams were. Rather, the lack of formal contracts, a reserve clause, as well as the presence of unsavory characters filtered throughout the organization, rendered them, all appearances to the contrary, illegitimate. If such an argument could prove to be persuasive, then there would be no legal, ethical or moral responsibility on Rickey’s part to compensate these teams later on when he would begin cherry-picking the top talent for his Dodgers.

Ironically, despite Rickey’s strong words denouncing the corruption of the Negro Leagues, he harbored no hesitation in teaming up with many of these same bookies and gamblers in order to get his United States League off the ground.¹⁰⁰ If his comments were to be taken at face value, it is difficult to see why he would choose to perpetuate the immorality of the leagues he was challenging in his own

⁹⁸ *See Id.* at 367-68.

⁹⁹ *See Id.*

¹⁰⁰ *See Lowenfish, When All Heaven Rejoiced*, at 12.

league. Here again, however, his words and actions took different paths. In the end, he was not making a moral stand, he was gaining a competitive edge. Understood in these terms, his actions seem reasonable. They were later borne out when Rickey plucked Robinson from the Negro American League team the Kansas City Monarchs and then ignored two requests by the Monarchs to compensate them in exchange.¹⁰¹ He would later repeat this tactic in his signing of other top Negro League talent such as Roy Campanella, Don Newcombe and others over the remainder of his tenure with the Dodgers.¹⁰² Much as he had hoped, he was able to revive the Dodgers through a source of previously untapped talent that came virtually free of charge.

Rickey's actions did not escape the scrutiny of the black press. In reaction to his press conference announcing the formation of the United States League, several journalists took him to task, calling him a "pompous ass" or, worse, comparing him to the most reviled dictators of the time.¹⁰³ A.S. "'Doc' Young wrote in the black daily, *The Chicago Defender*: "Rickey is no Abe Lincoln or FDR and we won't accept him as the dictator of Negro baseball. Hitler and Mussolini are no longer! We need no American dictator!"¹⁰⁴ One of Rickey's biographers characterized this criticism thusly: "Rickey must have chortled at the Negro activists' uninformed attacks on him..."¹⁰⁵ Perhaps these activists were not so uninformed. As they recognized at the time, what was theirs was being taken from them and rebranded as something to be used for the benefit of white America. Surely this provided just cause for their outrage. Further, the sequence of events that would take place in the ensuing months

¹⁰¹ See Rader, at 165-66.

¹⁰² See *Id.*

¹⁰³ See Lowenfish, *When All Heaven Rejoiced*, at 11-12.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

with regard to the method of integration once it finally arrived would justify their outrage, even if the story attached to these events would not.

The Jackie Robinson Story and the Silencing of the Black Empowerment Movement

In choosing who would be the person to break baseball's unofficial color line, Rickey stressed that it could not be just any player. Rather, it had to be the "right" player, one who, as stated earlier, "would accept the responsibility of his race and who could bear that burden." In the famous story, echoed through the decades in its numerous retellings, Rickey grilled Robinson on the pressures he would face, playing numerous roles in the process, forcing Robinson to confront the types of people and prejudices he would likely face as the first African American Major Leaguer. After three hours, in response to Robinson's question concerning the type of black player he was looking for, came Rickey's famous remark: "Robinson, I'm looking for a ballplayer with guts enough not to fight back." The wrong kind of player, according to this story, "would set the cause of true integration back generations."¹⁰⁶

Accordingly, Robinson was asked during that meeting to turn the other cheek for the good of his race. And so began baseball's "Great Experiment" as it has come to be called.

This story, as well as the rationales behind the seemingly simple elements of it, has rarely been questioned, uplifting as it seems to be at first blush. However, once it has been dissected, another story emerges, one where the beneficiaries of this "experiment" appear to shift. Some questions immediately come to mind: namely, was it an experiment after all? Was there a need for a "right" player? What and who

¹⁰⁶ *Id.*

defines that “right” player? What if the “wrong” player had been selected instead? What would have happened if the pioneering player was an inferior player and/or one who refused to restrain from retaliation? Would this have sent the integration effort back generations as is commonly accepted? Or, could this have possibly have had the effect of actually accelerating it? The answers to these questions raise the specter of some unexpected possibilities.

First, the title of the episode, “The Great Experiment,” appears to be misleading in that an experiment supposes a tentative procedure or policy; something with the possibility of failure. However, given all that led up to Robinson’s debut, there appeared to be little chance of this. The mounting pressures from several different sources, combined with the symbolic status of baseball made integration a foregone conclusion by the mid 1940’s. Regardless, the narrative not only stuck, it became linked with the notion that, for it to succeed, the “right player” had to be selected. This negated the idea that African Americans could claim equality as a natural right and suggested instead that it may be bestowed upon them dependent on their meeting certain preconditions acceptable to the dominant group. Implicit in this framework was the understanding (threat?) that if these conditions were not performed to the satisfaction of this group, equal rights and opportunity may properly be withheld.

With regard to the determination of this “right” player, at least in hindsight it becomes obvious that there was little chance that whoever was selected would not have succeeded, at least on the field. On one count there can be no dispute: Rickey had an acute eye for talent; there was indeed a treasure trove of talent available in the

Negro Leagues, as would be demonstrated throughout the 1950's. By the end of the first decade of integrated baseball (1956), an African American had won six Most Valuable Player Awards, seven Rookie of the Year Awards, and the first Cy Young Award (Don Newcombe in 1956 when one award was given for the entire league). In addition, black hitters had won batting, RBI, home run, and stolen base titles while black pitchers (few of them as there were) managed to lead their leagues in wins and strikeouts. More immediately, the two teams that integrated first and to the greatest extent (the Dodgers in the National League and the Cleveland Indians in the American League) won immediately: the Dodgers won the pennant in 1947; the Indians won the World Series the following year. In 1949 the Dodgers won the pennant again and were once more led by Robinson, who was the league's MVP, along with Campanella, who took home Rookie of the Year honors. Although the Indians fell to third place that season, they were led by Larry Doby who led the team in both home runs and runs batted in. By the end of the 1950's, African Americans had won nine of the 13 National League MVP awards issued since Robinson's debut (including the last seven), as well as nine of the 13 Rookie of the Year awards. In retrospect, there were several African Americans who fit the mold of the "right" player, at least between the foul lines.

In fact, the player selected, Robinson, was far from the most talented of the lot. In college, at UCLA, he shared the backfield with Kenny Washington, who would later become the first African American in the NFL.¹⁰⁷ Robinson was also a talented collegiate basketball player and track and field star, becoming his school's

¹⁰⁷ See Swaine, at 16.

first four-letter man.¹⁰⁸ Of all his talents, baseball was probably his weakest sport, although he excelled here as well in college and, to a much greater extent, in the Major Leagues. The fact that a player such as Robinson could excel in the Major Leagues in what was probably his weakest sport immediately gave lie to the longstanding theory that black athletes were not good enough to play Major League baseball. Of course, as stated earlier, “good enough” had a curious definition dating back to the nineteenth century, describing a style of play more than actual ability. And under that definition, a player with skills such as Robinson’s would never meet that standard. The definition itself would have to be changed.

More important than on-field qualities were the supposed off-field qualities Rickey’s “right” player was required to possess. However, there is little evidence that a more combative player would have had a negative impact on the integration effort. By many counts, at least northern cities (where most MLB teams resided prior to expansion) were demonstrating increasing tolerance for integration, as indicated by the findings of LaGuardia’s Committee For Unity. Contemporaneously, the federal Housing and Home Finance Administration concluded that Philadelphians would likewise be amenable to increased integration.¹⁰⁹ On a national level, the integration of the military signaled a recognition that change was coming in many forms; New York’s Quinn-Ives Act was only one such example of this. Moreover, Major League players at the time, assuming they were products of their upbringing, may have been

¹⁰⁸ *Id.*

¹⁰⁹ See John Bauman, *PUBLIC HOUSING, RACE AND RENEWAL*, 124, (Philadelphia: Temple University Press, 1987). George Nesbitt, race relations officer for the federal Housing and Home Finance Administration, commented during a 1954 tour of a proposed integrated housing development in Philadelphia that “Philadelphia happens to be a city with a distinctly favorable level of readiness for racially unrestricted housing development.”

far less prejudiced than is commonly assumed. Contrary to popular opinion, MLB was not dominated by white Southerners during this era; the most populous states (California, New York, Pennsylvania, Illinois and Michigan) were the birthplaces of more players than any others.¹¹⁰

Regardless, Robinson was instructed to hold his tongue and so he did. Despite fears of a backlash against the integration effort, Robinson's rookie season was a quiet one as far as off-field incidents were concerned.¹¹¹ Later that season, Dan Bankhead became the first black pitcher in MLB and with his debut came fears of potential brawls or riots given Bankhead's wildness – what would happen if and when he hit a white batter? True to form, Bankhead had trouble finding the strike zone – he ended the season with a 7.20 ERA – and, on August 26th, in a game against the Pittsburgh Pirates where he gave up eight runs and ten hits in three innings of work, hit Pirate outfielder Wally Westlake. However, no confrontation ensued. Westlake took first base and the game continued.¹¹² Bankhead would provide an interesting counterpoint to Robinson in that while Robinson excelled, Bankhead struggled, threatening every hitter who faced him with his dangerous combination of blazing speed and lack of control. Regardless, the struggles of Bankhead did nothing to affect the cause of integration although he clearly was not the “right” player, according to Rickey's mold.

By the end of his rookie season, Robinson was exceedingly popular. He not only won the 1947 National League Rookie of the Year award, a national poll ranked

¹¹⁰ See Marshall, at 295.

¹¹¹ See Swaine, at 19.

¹¹² See *Id.*, at 88.

him as the country's second most admired man, trailing only Bing Crosby.¹¹³ Very quickly he became one of the most sought-after celebrities in the nation, even traveling to and speaking in the South on occasion, and a popular pitchman.¹¹⁴ Far from simply tolerating Robinson, America embraced him almost from the beginning and without reservation. Although Rickey stressed that baseball's integration effort required delicacy, the overwhelming national response to Robinson appears to contradict this assumption.

Almost instantly, Robinson became a hero and symbol to both black and white America. Through one player, the "race question" was taken off the table, at least as far as MLB was concerned, as America moved on to other things. This was both good and bad; good in that it seemed to indicate that many Americans appeared to easily accept integration, but bad in that it removed the pressure from MLB to integrate, thereby permitting it to control the pace and manner of integration for the next several years. In Robinson, America, both black and white, was presented with the "face" of integration. But this was not a true face. Rather, it was manipulated by Rickey to present a distorted image – one that was more easily acceptable to white America. Rickey compelled Robinson to present a picture of what he believed the "right kind" of African American to be and in so doing, presented a powerful image to the nation. To white America, the image suggested a type of African American it should expect; to black America, the image instructed it as to the range of acceptable behavior in the presence of white America. While this may have been a comfortable image for whites to accept, it was undoubtedly much less so for African Americans.

¹¹³ See Rader, at 167.

¹¹⁴ See Marshall, at 344-46.

In actuality, Robinson was nothing like the image he portrayed in his inaugural season. He was combative by nature; a feisty, aggressive player who, as evidenced by his military court marshal, was a civil rights activist in the mold of the increasingly aggressive black press Rickey so disliked. Although, by 1948, Rickey removed the muzzle from Robinson and allowed him to present his true self to the world (indeed, by 1949 he regularly lashed out at opponents and even umpires, eventually drawing the wrath of Commissioner Happy Chandler who warned him to temper his behavior),¹¹⁵ this is not the image of him that endures. By that point America had moved on. It had taken its snapshot of the integration of baseball and was content and comfortable with the image it portrayed.

The desire to massage the image, to transform it from one focused on confrontation to one focused on appeasement, drove Rickey in his desire to ensure that his plan to improve the Dodgers would meet with the least amount of resistance possible. It is something with deep roots that extends back centuries and which still survives today, as is evidenced by the recent controversy over a proposed Martin Luther King, Jr. monument in Washington, D.C.,’s National Mall. In 2008, the all-white United States Commission of Fine Arts criticized the proposed monument, claiming that it presented an image of King, with arms crossed and a stern gaze, as far too assertive, too confrontational. “I don’t know that most people would say ‘Dr. King, he was a really confrontational guy,’” remarked the commission secretary.¹¹⁶ In response, an African American critic of the commission said: “White people don’t

¹¹⁵ See *Id.*, at 213-14, 285.

¹¹⁶ Shaila Dewan, *Larger Than Life, More to Fight Over*, THE NEW YORK TIMES, May 18, 2008, at Week in Review 4.

look at us as we look at ourselves.”¹¹⁷ At stake in what has become a pitched battle is the official, national depiction of one of the most important and symbolic individuals in the nation’s history. The stakes were no less daunting in 1947. Rickey, through his actions, managed to emerge victorious, presenting an altered image of a civil rights pioneer that better meshed with white America’s preferences.

Through the use of language (“The Great Experiment,” “the right player”) as well as his machinations leading up to the moment of integration itself, Rickey managed to maintain control over the issue, effectively mandating that for integration to occur, it would have to be on terms acceptable to white America. These tactics resulted in the integration of baseball on a superficial level only; even after Robinson’s debut, African Americans could not claim that they had a “right” to play Major League baseball. Rather, those who were selected were being permitted to play by a beneficent Rickey (as well as any of his brethren who *chose* to integrate along with him) and, accordingly, they should be thankful for the opportunity rather than insistent. All of this negated the legacy of the black experience in World War II as well as the emerging African American civil rights mindset and movement. Through the enduring image left by the Rickey story of integration, African Americans were given the message that in order for change to occur, they should ask for it rather than demand it and to expect it only as a favor doled out on their behalf by those acting on their “better instincts.” The various parts of the story effectively sent the message that African Americans were not to stand up for themselves, not to demand respect and equality. Rather, like Robinson, they were to subjugate their

¹¹⁷ *Id.*

individual rights for the eventual (time to be determined by others) rights of their race.

In this message, the Rickey story presages the most unfortunate aspect of the Brown v. Board of Education litigation of the mid 1950's: the "all deliberate speed" language contained within what is commonly known as Brown II.¹¹⁸ The denial of individual rights that resulted from this language pointed out the difference in how these rights are doled out to minority groups as opposed to how they are wielded by the dominant group. Both Brown II and Rickey's actions eight years earlier had the effect of taking the integration effort out of the hands of those who were the victims of segregation and placing it into the hands of the very people who had practiced segregation for decades. And just as the "all deliberate speed" language delayed the integration of Southern schools for years post Brown, Rickey's actions ensured that post-Robinson, a truly integrated MLB would be decades in coming.

V. **BROWN II AND "ALL DELIBERATE SPEED."**

On May 17, 1954, the United States Supreme Court handed down its decision in Brown v. Board of Education of Topeka, Kansas (Brown I),¹¹⁹ repudiating Plessy v. Ferguson¹²⁰ by announcing that, "in the field of public education, the doctrine of 'separate but equal' has no place."¹²¹ Although technically a school desegregation case, Brown I was, in reality, much more than that. Because the validity of school segregation hinged on Plessy, which was a case concerned not with schools but with

¹¹⁸ 349 U.S. 294 (1955).

¹¹⁹ 347 U.S. 483 (1954).

¹²⁰ 163 U.S. 537 (1896).

¹²¹ 347 U.S. at 495.

railroad cars, Brown I undermined the rationale for segregation in all public areas.¹²² This was made clear in the immediate aftermath of Brown I when a number of cases were decided *per curiam*, on the authority of Brown I, which overturned segregation laws in a variety of settings and which crystallized the idea that Brown was applicable to the overarching concept of segregation, not its particular application to public schools.¹²³ Approximately one year later, on May 31, 1955, Brown II¹²⁴ was handed down, which detailed how the process of integration was to occur. After taking note of the “substantial progress” taking place in some areas, the court held that “[f]ull implementation of these constitutional principles may require solution of varied local school problems....Because of their proximity to local conditions and the need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the cases to those courts.”¹²⁵ After placing the burden of desegregation on local courts and school boards, the Court announced the timetable for integration. Pursuant to Brown II, the local courts were required, “to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with *all deliberate speed* the parties to these cases.”¹²⁶

The “all deliberate speed” language would prove to be a detriment to true integration in two ways. First, in deviating from the Court’s common practice of issuing final judgments, the “all deliberate speed” language held that here, despite its

¹²² See Charles Black, *The Unfinished Business of the Warren Court*, 46 Wash. L. Rev. 3, 19-20 (1970).

¹²³ *Id.*

¹²⁴ 349 U.S. 294 (1955).

¹²⁵ *Id.* at 299.

¹²⁶ *Id.* at 300 (emphasis added).

ruling in Brown I that “separate but equal” was no longer the law, it could nevertheless continue for a time into the future.¹²⁷ As such, the language ensured that an entire generation of black students would attend segregated schools regardless of the language in Brown I.¹²⁸ This was an unusual and damaging postponement of established legal rights.

In effect, through its delegation of the desegregation issue to local courts and officials, the Supreme Court placed the volatile issue of desegregation in the hands of segregationists – the individuals and entities that wound up on the short end of the Brown decision and those who were most likely to resist efforts to integrate.¹²⁹ As such, it was not surprising that, through their manipulation of the “all deliberate speed” language, these segregationists would in fact delay integration as long as possible. For eight years after Brown II, the Supreme Court refused to hear any case in which questions were raised with regard to pupil placement or which questioned the appropriateness of the various desegregation plans, as ineffective as they appeared to be even on their face.¹³⁰ As a result, these eight years saw little in the way of significant progress toward integration despite the strong language contained in Brown I. By 1963, only 1.17% of black schoolchildren in the 11 former Confederate states were attending integrated schools, with most of this integration the result of white schoolchildren attending predominantly black schools.¹³¹ Only 0.4% of black

¹²⁷ See Lusky, *Racial Discrimination*, 63 Colum. L. Rev. at 1171-72.

¹²⁸ *Id.*

¹²⁹ *Id.* See also Carter, *The Warren Court and Desegregation*, 67 Mich. L. Rev. at 245.

¹³⁰ See Carter, *The Warren Court and Desegregation*, 67 Mich. L. Rev. at 244.

¹³¹ See James R. Dunn, *Title VI, The Guidelines and School Desegregation in the South*, 53 Va. L. Rev. 42, 42 (1967).

schoolchildren were attending predominantly white schools.¹³² In all, of the 2283 affected schools, 2013 remained fully segregated.¹³³

Second, the “all deliberate speed” language highlighted a distinction between how individual rights are parceled out to Americans, dependant upon their social status. Until Brown II, constitutional rights were typically defined as not only present but personal as well.¹³⁴ Now, through the “all deliberate speed” language, the individual rights of black Americans were sacrificed in favor of a mass solution.¹³⁵ In effect, Brown II told black Americans that while white Americans had individual rights, they had, at best, group rights.¹³⁶ The language gave credence to the curious notion that something could be unlawful yet still be permitted to continue for an indefinite time.¹³⁷ The natural result of this paradox was a lessening in respect for the rule of law, as was to be seen throughout the 1960’s as the failure of Brown II became more evident.¹³⁸

As the 1950’s progressed, it became abundantly clear that many local courts and school boards were doing everything in their power (and the “all deliberate speed” language gave them significant power) to prevent true integration. As the integration movement inched toward compliance, it likewise became clear that the “all deliberate speed” language permitted white Southerners to dictate the pace and method of integration and, as such, to achieve “integration” on terms they could

¹³² See Lusky, *Racial Discrimination and the Federal Law*, at 1171.

¹³³ *Id.*

¹³⁴ See Carter *The Warren Court and Desegregation*, 67 Mich. L. Rev. at 243.

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ See Black, *The Unfinished Business of the Warren Court*, 46 Wash. L. Rev. at 22.

¹³⁸ *Id.*

accept.¹³⁹ Rather than place the burden on those who caused the constitutional wrong, “all deliberate speed” dictated that the victims of the violation would suffer the consequences of delay irrespective of the official acknowledgement of their harm.¹⁴⁰ By permitting this to occur, the Court reinforced the notion that, despite the strong language to the contrary in Brown I, blacks and whites were still treated differently under the law at least as far as equality principles were concerned. Although Brown I spoke of individual rights, Brown II decided that the best way to deal with the rights of black Americans was as a race rather than as individuals. “[I]t should go without saying,” the Court remarked in Brown II, “that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.”¹⁴¹ Two paragraphs later, the Court repudiated this remark with its proclamation of “all deliberate speed.” Together, Brown I and Brown II held that black Americans could be denied relief from a legal wrong they were found to have suffered so long as steps were being taken to prevent other black Americans – at some later date – from similar harm.¹⁴² This was not how white Americans were treated under the law and, as time progressed, the paradox became more and more acute. As one commentator noted back in 1963, “[A]s each additional Negro child is forced into a segregated school, another person is denied equal protection under the laws and the Constitution is outraged anew.”¹⁴³

Eventually, the Court grew impatient with the pace of southern school integration and began to pull back on “all deliberate speed.” Starting in 1962, the

¹³⁹ See Carter, *The Warren Court and Desegregation*, 67 Mich. L. Rev. at 243.

¹⁴⁰ See Louis Lusky, *The Stereotype: Hard Core of Racism*, 13 Buff. L. Rev. 450, 459 (1963).

¹⁴¹ 349 U.S. at 300.

¹⁴² See Lusky, *The Stereotype*, at 458.

¹⁴³ *Id.* at 459.

Court began hearing cases again questioning pupil placement and school desegregation plans.¹⁴⁴ By 1964, the Court announced that the time for “mere deliberate speed” had run out.¹⁴⁵ By 1965, the Court stated that “[d]elays in desegregating school systems are no longer tolerable.”¹⁴⁶ With the departure from “all deliberate speed,” came accelerated integration at last. In 1964 Congress passed the Civil Rights Act of 1964 (which, significantly, called for immediate implementation; the era of “all deliberate speed” was now over), and in 1965-66, the U.S. Department of Health, Education and Welfare threatened to withhold federal funds to non-compliant districts.¹⁴⁷ As a result, by this point, the rate of integration rose to 6.01% in the former Confederate states.¹⁴⁸ In the end, even though it was the Supreme Court which made the bold pronouncement of equality in Brown I, it was Congress and the Executive Branch that ultimately compelled the integration of southern schools by placing immediate pressure on local school districts to integrate or suffer the consequences. Only once “all deliberate speed” had been abandoned, along with the concept of group rights over individual rights, did significant integration begin to occur. In 1970, the Court came full circle when it identified immediacy rather than patience as the touchstone for the integration movement.¹⁴⁹ By this point, “all deliberate speed” was officially a failure.

The folly of placing the integration effort into the hands of segregationists was clearly demonstrated in the aftermath of Brown II. Moreover, the message to black

¹⁴⁴ See Carter, *The Warren Court*, at 245.

¹⁴⁵ *Griffin v. Prince Edward Board of Education*, 377 U.S. 216, 234 (1964).

¹⁴⁶ *Bradley v. School Board of Richmond*, 382 U.S. 103, 105 (1965).

¹⁴⁷ See Carter, *The Warren Court*, at 245.

¹⁴⁸ *Id.*

¹⁴⁹ See L.A. Powe, Jr., *The Road to Swann: Mobile County Crawls to the Bus*, 51 Tex. L. Rev. 505, 505-06 (1973).

America that accompanied the “all deliberate speed” language – that standing up for their rights would be detrimental to them in the long run, that they should instead remain patient and wait for integration to occur at a time acceptable to those “beneficent” white segregationists who were already adjudged to be in violation of the Constitution – was likewise damaging. In the end, despite the grand pronouncement in Brown I, the fallout from that case would demonstrate that “equality” meant different things depending on the color of one’s skin. The ability to demand it as a fundamental right was likewise dependent. Only when these two post-Brown wrongs were righted could the reality of school desegregation even begin to be tackled in earnest.

VI. RICKEY’S INTEGRATION LEGACY: “ALL DELIBERATE SPEED” IN PERPETUITY

Despite the shortcomings of Brown II, the national integration movement had two institutional advantages that blunted the long-term negative consequences of that case that MLB, largely through Rickey’s efforts, managed to steer clear of when it integrated in 1947: (1) official acknowledgment of equal status for blacks despite the “all deliberate speed” language; and (2) the eventual dismantling of the offending language through these official means. Without these, MLB, despite being seven years ahead of the nation in time with regard to the integration issue, ultimately lagged behind it.

Official Acknowledgment of Equality

By taking action to prevent the application of either Quinn-Ives or the Fair Employment Practices Act to New York’s Major League baseball teams, Rickey

succeeded in guaranteeing that MLB would maintain control over the method and pace of the integration of the game, thereby ensuring that it would be done in a manner acceptable to him and his colleagues – the very segregationists who maintained the color line for decades. This would alter the course of integration within the game thereafter.

As evidenced in the wake of the Brown decisions, there exists a fundamental difference between waiting for the establishment of a right and waiting for its enjoyment after it has been established.¹⁵⁰ Once equality has been etched in stone, as it was in Brown I, the methods used to achieve actual integration could no longer be seen as a gift to the underprivileged class. Rather, they are merely the “administrative machinery useful for accomplishing what the fundamental law required.”¹⁵¹ From this point on, these steps “could now be critically assessed not in respect to the ‘good intentions’ which led to their enactment, but rather in terms of the results achieved in alleviating the particular forms of discrimination they were supposed to regulate.”¹⁵² Critically, if these steps are considered ineffectual, “self help” is the next logical step.¹⁵³ Thus, it was the combination of Brown I’s pronouncement and Brown II’s administrative failure that contributed significantly to the turmoil of the 1960’s and the increasingly militant black power movement.¹⁵⁴

Post-Brown I, the obstructionism and delay that followed struck at the integrity of the legal system, causing faith in it to erode and justifying illegal, militant

¹⁵⁰ See Lusky, *Racial Discrimination and the Federal Law*, at 1163-64.

¹⁵¹ Carter, *The Warren Court*, at 246-47.

¹⁵² *Id.* at 247.

¹⁵³ *Id.*, See also, Lusky, *Racial Discrimination and the Federal Law*, at 1164.

¹⁵⁴ See Carter, *The Warren Court*, at 247; Lusky, *Racial Discrimination and the Federal Law*, at 1164.

tactics used to combat the abuses of the system.¹⁵⁵ At the heart of these actions was the concept that African Americans were being denied what was rightfully, legally, theirs. If those in power were not applying the law properly then it was not immoral to disobey the law, as it was the lawmaking system itself that was unjust, immoral and, ultimately, illegal. That this militancy gained a foothold in the larger civil rights movement but never took hold within MLB is testimony to the differences between how the country and MLB were integrated.

As a result of Rickey's efforts, there was never an official acknowledgement that blacks had a "right" to play Major League baseball; instead, they were forever "granted" the opportunity to play and this made a significant perceptual difference – one that can be seen in Jackie Robinson himself. After his induction into baseball's Hall of Fame in 1962, Robinson wrote to Rickey, telling him that "America needs more Mr. Rickey's,"¹⁵⁶ a sentiment he certainly must have meant given that, despite his increasing interest in the civil rights movement, he nevertheless sought to align himself with people who thought like Rickey – social conservatives like Presidents Eisenhower and Nixon – the rest of his life.¹⁵⁷ Although these affiliations may appear curious at first glance, they become clear when the commonalities are sorted out. In Robinson's view, given his experience with Rickey, integration on a national level could best be accomplished by using the baseball model: through the "better instincts" of powerful people. Although certainly a vocal and passionate supporter of

¹⁵⁵ *Id.*

¹⁵⁶ FIRST CLASS CITIZENSHIP: THE CIVIL RIGHTS LETTERS OF JACKIE ROBINSON, 151 (Michael G. Long ed., New York: Times Books, 2007)

¹⁵⁷ *See Id.*, at 29, 85, 123. In a January 18, 1961 letter to Nixon, Robinson said, "My wife and I will be forever grateful to you for what you stand for and what you have meant to our country. You demonstrated again last night, as far as I am concerned, the kind of man I would like to see as our President. I hope I am wrong in my appraisal of President-elect Kennedy but cannot help but feel our country is the loser, not you."

integration throughout the 1960's, Robinson never veered from his belief that these powerful people would act beneficently and bring about change, despite the fact that these people were often the same people who, if not segregationists in their own right, had stood silently as the segregationists achieved their aims. He would be repeatedly disappointed in his misplaced acts of faith.

His support for Richard Nixon proved to be particularly disheartening to him. After President Eisenhower pledged “patience” on the civil rights issue in 1959 (essentially endorsing “all deliberate speed”), Robinson nevertheless endorsed Nixon in 1960 despite Nixon’s campaign pledge to continue Eisenhower’s administrative policy.¹⁵⁸ Although Nixon befriended Robinson and spoke of his commitment towards equality, his actions betrayed him, particularly when, in 1960 he refused to meet with Martin Luther King,¹⁵⁹ in 1964 when he announced that civil rights would not be a prime campaign issue,¹⁶⁰ and in 1968 when he gave veto power over his vice-presidential selection to South Carolina Senator Strom Thurmond, an avowed segregationist.¹⁶¹ Eventually, and because of these repeated transgressions, Robinson soured on Nixon and his betrayal. Interestingly, it was Rickey who persuaded

¹⁵⁸ *See Id.*, at 85 (“Mr. Nixon, I have been and am making a pretty thorough investigation on what individual candidates probably would do regarding civil rights. I feel confident of the personal position you would take but am very concerned about the Republican party itself. The question of why only thirty Republicans in the House of Representatives signed a discharge petition to bring a civil rights bill out of the Rules Committee and to the floor compared to 146 Democrats has many people wondering. My critics keep reminding me that you have pledged to continue the Eisenhower administrative policy. They ask, does this include his civil rights policy too? I am reminded that this means patience. Whenever the President is asked about civil rights, he asks the Negro to be patient. We have been the most patient of any group and cannot afford another four years of waiting. All over the world freedom is the cry of the oppressed people. How long can one expect the American Negro to be patient?”)

¹⁵⁹ *See Id.*, at 191.

¹⁶⁰ *See Id.*, at 167. (Robinson to Nixon, 5/4/1963: “...I am deeply disturbed about a United Press International dispatch which quotes you as saying that you believe civil rights will not be the prime 1964 political issue in the South...If quoted correctly, you are counseling the 1964 frontrunner to take it easy on civil rights and to attempt to carry the South on a platform of economic conservatism. If quoted correctly, you reveal that you have learned nothing from your experience in the last Presidential campaign.”)

¹⁶¹ *See Id.*, at 280.

Robinson not to abandon Nixon after the King slight, insisting nevertheless that Nixon was a “fine man.”¹⁶² Robinson stuck with Nixon only to realize his folly shortly thereafter. After Robinson became openly critical of Nixon, Nixon asked FBI director J. Edgar Hoover to open a file and keep check on Robinson.¹⁶³

By the 1960’s, Robinson, despite his stature and continued support of and activity within the integration movement, was seen as a relic from another era. Malcolm X was a particular critic, accusing him of being too attached to white America, too willing to look to these powerful people to aid the black cause: “And I sincerely fear, good Friend Jackie,” he wrote in an open letter published in the black daily, *The Amsterdam News*, “that if the whites do murder you, you are still gullible enough to die thinking that the dagger in your back is only an accident!”¹⁶⁴ In less than two decades, Robinson had become an anachronism.

This became the case due to the differences within the foundations of Robinson’s experience and the black power movement of the 1960’s. Because of Brown I (and later, the Civil Rights Act of 1964), the black power movement took on a more direct, militant tone given that those involved were fighting for what was rightfully and legally theirs. Robinson was the product of a different mindset. Most likely because of how Rickey manipulated him and Rickey’s integration effort in the mid 1940’s, Robinson never enjoyed the status that came with official recognition of equality (as opposed to a privileged bestowment of it at the hands of Rickey). As

¹⁶² See *Id.*, at 191.

¹⁶³ See *Id.*, at 295-96. Hoover eventually prepared a memorandum on Robinson for John Erlichman, Nixon’s counsel.

¹⁶⁴ See *Id.*, at 182-86.

such, his outlook was far different. In short, Robinson was a product of his own circumstances just as Malcolm X was a product of his.¹⁶⁵

MLB – All Deliberate Speed in Perpetuity

As a result of the lack of institutionally recognized equality within MLB, there existed no framework for any sort of official response to the deliberately slow pace of integration within the game. Unlike the national civil rights movement, here there was no Supreme Court to take action to solve the problem, no federal government with both the means and determination to step in and force an acceleration of the process. Rather, the only potential structure available for redress was MLB itself, an institution that had always professed ignorance with regard to a color line and which was never compelled to confront its denial. Within this organizational structure, MLB was free to continue its “deliberate” pace of integration for decades.

Amid the celebration over Robinson’s entrance into organized baseball, overlooked was the reality that now, despite the cheers over the “integration” of the game, there were still dozens of qualified black players who were still denied the opportunity to play Major League baseball solely because of their race. And one of the first, and most persistent, offenders of baseball’s supposed open-door policy was Branch Rickey who, despite his claims, proved himself to be a less than enthusiastic

¹⁶⁵ By the end of his life, Robinson better understood and recognized the source of Malcolm X’s criticism. In his autobiography, published shortly before his death in 1972, Robinson wrote with regard to his (Robinson’s) beliefs back in the 1940’s, particularly those he expressed after he was asked in 1949 to testify before the House Un-American Activities Committee to rebuke Paul Robeson’s contention that African Americans would not join a hypothetical war effort against the Soviet Union: “In those days, I had much more faith in the ultimate justice of the American White man than I have today. I would reject such an invitation if offered now. I have grown wiser and closer to the painful truth about America’s destructiveness and I do have increased respect for Paul Robeson who, over a span of 20 years, sacrificed his career and the wealth and comfort he once enjoyed because, I believe, he was sincerely trying to help his people.” See William C. Rhoden, *A Way to Mark Robinson’s 90th Birthday*, THE NEW YORK TIMES, January 26, 2009, at D5.

advocate for black players during the remainder of his career. Immediately after the color line was broken, a quota system was established wherein those teams who deigned to sign black players restricted their number at any given time.¹⁶⁶ In addition, the general rule for each team was to ensure that there was always an even number of black players so as to avoid compelling a white player to room with a black player on the road.¹⁶⁷ Rickey helped to create these norms which, as was the case with many of his actions, were quickly copied by his peers.

In the spring of 1948, Rickey faced a dilemma over the placement of catcher Roy Campanella. Although Campanella was obviously ready to take over the position from Bruce Edwards, a solid catcher who injured his arm in the offseason and was unable to start the season, Rickey moved him to the outfield during spring training, a position Campanella was unfamiliar with, and then, when he did not perform well, sent him to the minors.¹⁶⁸ Although the move was justified as part of Rickey's "master plan" to integrate all of baseball, the minor leagues as well as the Majors (Campanella would become the first black player in the AAA American Association), it also allowed Rickey to avoid the uncomfortable situation of having his popular white catcher unseated by a black player.¹⁶⁹ Rickey would manipulate his Brooklyn roster during the remainder of his tenure there, always ensuring that there were never "too many" black players at any one time.¹⁷⁰ Before the 1950 season, another superior black player, Sam Jethroe, was sold to the Cleveland Indians so that

¹⁶⁶ See Steve Treder, *The Persistent Color Line: Specific Instances of Racial Preference in Major League Player Evaluation Decisions after 1947*, 10 NINE: A Journal of Baseball History & Culture 1, 27 (2001).

¹⁶⁷ See *Id.* at 25.

¹⁶⁸ See Swaine, at 49.

¹⁶⁹ *Id.*

¹⁷⁰ See Treder, *The Persistent Color Line*, 10 NINE at 2-3.

journeymen George Shuba and Cal Abrams could patrol the outfield in his stead, thereby maintaining the racial balance Rickey believed to be so important.¹⁷¹

Rickey left the Dodgers after the 1950 season to become the general manager of the Pittsburgh Pirates, a team that had yet to break the color line. But although the architect of the “Great Experiment” was now running the team, he saw no reason to pursue integration for several years, despite his claimed deep-seated belief in equality and his alleged promise to Charles Thomas back in 1904. It was not until 1953 that Carlos Bernier, a dark skinned Puerto Rican, became the first non-white to suit up for the Pirates.¹⁷² In Rickey’s fourth year with the club, Curt Roberts became the team’s first African American player.¹⁷³ Testament to his role as a baseball man rather than a civil rights crusader, by this point Rickey had turned his attention elsewhere in his efforts to improve the Pirate organization. Now that black players were no longer a source of untapped talent (although there were, as stated earlier, few integrated teams by this point and dozens of qualified black players still unsigned and available), they did not entice him as they did when he took over the Dodgers back in 1942. As a man always looking forward for an edge rather than backward, he believed, much as he had earlier when he concluded that the rising popularity of his farm system rendered that mode of talent acquisition old hat, that he would have to find yet another source of untapped talent in order to give him the competitive edge he was always on the lookout for. He found it in a place he had considered but rejected years earlier while with the Dodgers -- Latin America. He pried Roberto Clemente loose

¹⁷¹ *Id.* See also, Swaine, at 70, Lowenfish, at 483.

¹⁷² See Treder, *The Persistent Color Line*, 10 NINE at 19-20.

¹⁷³ See Swaine, at 242.

from his old team¹⁷⁴ and then focused the Pirates' scouting efforts on the Caribbean market. After many years this effort finally paid off, with players such as Rennie Stennett, John Candelaria, Omar Moreno, Manny Sanguillen and Tony Pena fueling the resurgence of the Pirates in the early 1970's.¹⁷⁵ As a baseball man he proved once again that he was unmatched. As a civil rights crusader, his tenure with the Pirates demonstrated something else.

Apart from Rickey, racial quotas survived in baseball for decades and on all teams. Despite the success of the two teams who signed black players early on -- the Dodgers and the Cleveland Indians -- there was no rush to sign black players. The Dodgers won the pennant in 1947, the Indians won their first World Series since 1920 in 1948 but still, by opening day 1949 these remained the only two integrated teams. And both the Dodgers and the Indians, like every other team that would subsequently integrate, practiced a quota system. In 1951, Minnie Minoso was cut from the Indians during spring training because they already had four black players. However, when another black player subsequently became injured at the beginning of the season, a "black" roster spot opened up and Minoso was recalled.¹⁷⁶ In 1952, after Brooklyn's staff ace Don Newcombe was drafted into the service, a "black" roster spot was created and filled by Joe Black who was unlikely to make the team otherwise given that the Dodgers had already reached their racial quota.¹⁷⁷ Anecdotal stories such as these existed all over baseball as more and more teams dipped their toes ever so cautiously into the integrated pool.

¹⁷⁴ See Lowenfish, at 527-28.

¹⁷⁵ See Richard J. Puerzer, *Engineering Baseball: Branch Rickey's Innovative Approach to Baseball Management*, 12 NINE: A Journal of Baseball History & Culture 72, 79-80 (2003).

¹⁷⁶ See Swaine, at 103.

¹⁷⁷ See *Id.* at 127.

Moreover, not only was there a limit to the number of black players allowed on each team, these players had to be stars or else they would likely be cut and replaced by inferior white players.¹⁷⁸ Four years after Robinson integrated the Dodgers, all of the team's reserve players and relief pitchers were white.¹⁷⁹ The only black players on the 1951 Dodgers were the reigning MVP Campanella, 20 game winner Newcombe, and Robinson.¹⁸⁰ This was not an anomaly and would be a trend that continued for decades as evidenced by a 2007 study that concluded that through 1986 (the end point of the study) black players were far more likely to be stars than white ones, the conclusion being that even in modern times, "lesser skilled black players still had a tougher time getting work."¹⁸¹ Throughout the 1950's, although black players earned more money on average than white players, this was more a reflection of the reality that there were far fewer black players and that practically all of them were stars.¹⁸² Although these players were rewarded for their productivity, white players were rewarded for merely getting older, regardless of productivity.¹⁸³ Black players were not permitted to merely age because when their productivity dropped, they too were likely to be cut. The Indians' release of black slugger Luke Easter in 1954 was evidence of this reality. Because he turned 38 and his skills had declined, he was released and spent the remainder of his career in the minors (in 1954 he would hit a combined .315 with 28 home runs during stints in the International and Pacific Coast leagues). Meanwhile, similarly aging former white stars such as Phil

¹⁷⁸ See Mark Armour, *The Effects of Integration, 1947-1986*, 36 *Baseball Research Journal* 53, 54-55 (2007).

¹⁷⁹ See Tygiel, at 160.

¹⁸⁰ *Id.*

¹⁸¹ Armour, *The Effects of Integration*, 36 *Baseball Research Journal* at 55.

¹⁸² See Michael J. Hauptert, *A Look at Player Pay During the Integration Era*, *Outside the Lines*, October 19, 2008 1, 18.

¹⁸³ *Id.* at 19.

Cavaretta, Joe Collins, Walt Dropo and Eddie Waitkus were permitted to remain in the Majors that season in complimentary roles either as platoon players or pinch hitters.¹⁸⁴ Some would succeed in these roles; some would struggle. Yet these formerly productive players were typically given several opportunities to prove their worth in their new, reduced, roles. Black players were rarely given even one such opportunity.

In short, there were very few black players receiving minimum salaries because the roster spots for these players were reserved for white players almost exclusively.¹⁸⁵ Here again, there is no shortage of anecdotal information that illustrates this reality. Returning to the 1951 Dodgers, they were presented with an interesting dilemma in left field. Although they had nine candidates for the position, most of these were left-handed. Eventually, they chose an elaborate platoon system consisting of six of the players – four left-handers, one switch hitter and one right-handed hitter. All of them were white. Meanwhile, in the high minors, Jim Pendleton -- a black, right-handed hitter -- was tearing up the league. Although Pendleton was not projected to be a star, he was a solid player who could play several positions and who would have been a valuable right-handed compliment to the Dodgers' left field, left-handed dilemma. As the 1951 season progressed, five of the six members of the platoon struggled; only the left-handed Cal Abrams produced even capably, hitting .280. The Dodgers tinkered with the platoon all season, at one point calling up a white, right-handed hitter from the low minors who jumped right over Pendleton on his way to Brooklyn. When he failed as well, the Dodgers traded

¹⁸⁴ See Swaine, at 84; Treder, *The Persistent Color Line*, 10 NINE at 18.

¹⁸⁵ See generally Armour, *The Effects of Integration*

for an established player, Andy Pafko, and forgot about Pendleton, who would wallow in the minors for another year before being traded before the 1953 season.¹⁸⁶ Without the allure of star potential, scores of players just like Pendleton were routinely passed over by inferior white players for years.

Rickey's insistence on the "right kind" of black player likewise had a lengthy legacy as scores of black players were either never promoted to the Majors or, if they were, were traded frequently and disparaged along the way as being troublemakers for behavior that was frequently ignored in white players. Although Leo Durocher maintained a reputation of being color-blind (he is often recalled as an advocate for the promotion of a young Willie Mays who stuck with him despite Mays's early struggles upon being called up to the Giants in 1951), he showed a far less progressive face when his black players stood up for themselves or acted in ways Durocher believed to be indicative of the "wrong kind" of black player. Two of the three biggest black stars he managed (Mays and Ernie Banks with the Cubs) were hardly rebels and the third, Robinson, was a player Durocher openly feuded with during the only season they were together (1948).¹⁸⁷ Significantly, by 1948 Robinson was no longer holding himself back and began to assert himself. The feud between Robinson and Durocher spilled over into the 1949 season and beyond, when Durocher relocated to the Giants. Later, Durocher repeatedly had run-ins with those black players who refused to be subservient. His relationships with Lou Johnson and Oscar Gamble while managing the Cubs in the '60's were typical.

¹⁸⁶ See Treder, *The Persistent Color Line*, 10 NINE, at 10-11.

¹⁸⁷ See Andrew Hazucha, *Leo Durocher's Last Stand*, 15 NINE: A Journal of Baseball History & Culture, 1, 7.

Johnson was acquired by the Cubs in 1967 and brought with him a reputation for political consciousness. He became involved in the black power movement and was upset that MLB did not cancel games in April 1968 after the assassination of Martin Luther King. After he tried to convince his black teammates to boycott the games in protest, Durocher responded by refusing to speak to him and then helping to orchestrate his trade out of Chicago. He was soon exchanged for another black player, Willie Smith from Cleveland, who was much less of an agitator and of a personality similar to Banks and Mays.¹⁸⁸ Gamble was a young outfielder called up by the Cubs in 1969. Soon, he developed a reputation of a ladies man with many of his dates white women. Durocher eventually confronted Gamble during a team meeting and insisted that he cease the interracial dating. When Gamble refused, he was traded to Philadelphia.¹⁸⁹

Of all the stories, however, the one of Vic Power is perhaps the most resonant. By 1953 the most symbolic team of all, the Yankees, still had not integrated at the Major League level. They were managed by Casey Stengel, a man who believed wholeheartedly in the value of maximizing potential through the use of platoons.¹⁹⁰ This gave rise to the hope that the Yankees might finally integrate that season because Stengel was in need of a right-handed hitting first baseman and a right-handed power-hitting prospect named Vic Power was tearing up the minor leagues in the Yankees system. In fact, he was one of two top right-handed first base prospects in the Yankees system; Bill Skowron, who was white, being the other. Although Skowron looked to be the better power hitter, Power was more versatile (he also played third,

¹⁸⁸ *Id.* at 7-8.

¹⁸⁹ *Id.* at 8.

¹⁹⁰ See Treder, *The Persistent Color Line*, 10 NINE, at 14-15.

second, as well as the outfield), a better fielder, had better speed and was a better hitter overall. Rather than promote either, however, Stengel returned both Power and Skowron to the minors and, mimicking the Dodgers in 1951, went with an all left-handed platoon at first base. In 1954, Stengel promoted Skowron as the right-handed compliment to his platoon and shipped Power to the Athletics. In an attempt to justify the move, the Yankees claimed that even though Power was talented, he was nevertheless not the “right kind of Yankee.”¹⁹¹ As evidence of this, fingers were pointed at Power’s style of play (too flashy, some claimed), his temper (he would not hesitate to speak out or even fight white players he thought had thrown at him or tried to spike him), and his penchant for dating white women.¹⁹² The New York media proved to be quickly compliant in these sort of justifications, with *New York Daily Mirror* writer Dan Parker standing behind the Yankees’ treatment of Power by asserting that “[t]he first requisite of a Yankee is that he be a gentleman, something that has nothing to do with race, color or creed.”¹⁹³ Forgotten in this comment were the frequent transgressions of white players like Mickey Mantle and Billy Martin.¹⁹⁴ In the end, as Robinson noted when remarking on the treatment of black Latin American players during the 1950’s, it was the double standard that doomed Power; he “refuse[d] to take second-class citizenship” and paid the price for doing so.¹⁹⁵ In 1955, the Yankees finally promoted a black player to their Major League roster:

¹⁹¹ *Id.*, at 16-17.

¹⁹² *See* Swaine, at 164-65.

¹⁹³ *Id.* at 175. Although Power would eventually find a home with the Minnesota Twins, here too he would be subjected to the quota system; in 1964, Power would be traded to the Los Angeles Angels when the Twins called up the black Cuban slugger Tony Oliva to take his place in the outfield. Combined with shortstop Zoilo Versalles and catcher Earl Battery, the Twins, who already fielded more black or dark-skinned players than most other American League teams, had exceeded their quota with the call-up of Oliva. *See Id.*, at 168.

¹⁹⁴ *See Id.*, at 164-65.

¹⁹⁵ *See* Treder, *The Persistent Color Line*, 10 NINE, at 16-17.

catcher Elston Howard: a talented but quiet player who rarely if ever spoke or acted out. Lee McPhail, the farm director for the Yankees at the time later remarked, “[t]he Yankees were very anxious that the first black player that they brought up would be somebody with the right type of character. Elston was ideal.”¹⁹⁶

Although discrimination within the world of MLB is commonly thought of as a relic of the pre-Robinson era, and quotas, when they are thought of at all, are pigeon-holed into the decade of the ‘50’s, both have lingered into the present-day game. In 1977, Minnie Minoso, now a coach with the White Sox, experienced the effects of the quota system once again when he was reassigned, mid-season, from an on-field coaching position to the public relations department concurrent with the White Sox’s appointment of Larry Doby as their first black manager. Two black coaches on one team was apparently one too many.¹⁹⁷ “Stacking” – the practice of relegating black players to certain positions and excluding them from others – has also flourished and remains to a significant extent in the modern game.¹⁹⁸ Harkening back to Henry Chadwick’s nineteenth century concept of “scientific” baseball, black players to this day are more likely to be placed in those positions commonly believed to be the ones requiring the greatest athletic skill and least amount of intelligence – positions like the outfield and first base. In 1988, 78% of all black players played these two positions.¹⁹⁹ In 2004, only 3% of all pitchers, 2% of catchers, and 5% of all third basemen – the positions commonly believed to require mental as well as

¹⁹⁶ See Swaine, at 173.

¹⁹⁷ See *Id.*, at 107.

¹⁹⁸ See Rader, at 168.

¹⁹⁹ See *Id.*

physical skills -- were black.²⁰⁰ In 2003, there were only 13 black pitchers in MLB and only five black starting pitchers.²⁰¹

Discrimination within the front offices of MLB is likewise still persistent, with the effects of this discrimination being felt on the field, in the quotas and mindset that leads to practices such as stacking. In 2004, MLB could count only a singular black general manager.²⁰² Of team vice presidents (of which teams often have many), blacks accounted for only 4% of the total (11 in all), with many of these in largely ceremonial positions and/or positions with little or no authority in player personnel decisions.²⁰³ Overall, in 2004 only 3% of general managers/directors of player personnel were black.²⁰⁴ On the field, MLB remains, much as it has for decades, largely a white outfit. In 2004 63% of all players were white, 9% were black – the lowest total in 25 years (the high water mark for integration occurred in 1974 when 27% of all players were black).²⁰⁵

Ironically, the years following Rickey's "Great Experiment," due to the demise of the Negro leagues and the "all deliberate speed" of the subsequent integration movement within MLB, has resulted in fewer blacks rather than more earning their living from professional baseball in the second half of the twentieth century than in the first half.²⁰⁶ Although there are undoubtedly many reasons why

²⁰⁰ Richard Lapchick, THE 2004 RACIAL AND GENDER REPORT CARD: MAJOR LEAGUE BASEBALL, Appendix I (April 6, 2005).

²⁰¹ See Tom Verducci, *Blackout: The African-American Baseball Player is Vanishing. Does He Have a Future?* SPORTS ILLUSTRATED, July 7, 2003, <http://cnnsi.printhis.clickability.com/pt/cpt?action=cpt&expire=&urlID=6881442&fb=Y...>

²⁰² Lapchick, 8.

²⁰³ *Id.* at 10.

²⁰⁴ *Id.* at Appendix I.

²⁰⁵ *Id.* at 4; Tom Gage, *National Pastime Strikes Out With Black Athletes*, THE DETROIT NEWS, April 10, 2005, <http://www.detnews.com/2005/specialreport/0504/10/A01B-145339.htm>

²⁰⁶ See Tygiel, at 142.

more black children and teenagers play football and basketball than baseball, one of them may very well be the treatment of blacks by MLB *post*-integration. This treatment has led to a perception that MLB, regardless of how fervently it promotes Robinson through commemorative days or by retiring his uniform number throughout the league, remains essentially a closed club. A black, former MLB scout encountered this perception in the course of his travels: “I think there’s definitely a sociological element to what we’re talking about. Now that two girls from Compton dominate tennis (the Williams sisters) and a kid from Cypress dominates golf (Tiger Woods), a lot of intelligent black people I know – professional, educated people – believe that the last bastion for white America is baseball. I’m talking about very intelligent people who believe that.”²⁰⁷ This perception is hardly the vision of baseball as America most children are taught to come away with when they read about Branch Rickey’s “Great Experiment.” It may be, however, its sad legacy.

²⁰⁷ Verducci, *Blackout*, SPORTS ILLUSTRATED.