

Conflict and Compromise: The Evolution of American Professional Football's Labour Relations 1957-1966

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Abstract

There has been a growing literature examining labour relations in professional sport with football receiving its share of treatment. Yet, there is much less analysis of the development of labour relations during the 1950s and 1960s in American football as the sport began to challenge baseball's primacy as the American national game. A series of battles between the National Football League and rival leagues and Canadian football teams for the services of players had an effect both on professional football's approach to labour and the development of player consciousness about working conditions. This paper examines the volatility in labour relations in professional football in the turbulent period prior to the merger of the NFL and the rival American Football League in 1966.

Introduction

In the 1980s and 1990s economic, law, management and labour scholars have paid considerable attention to professional football's labour relations. They have provided valuable insights into the complex relationship between management and labour and have discussed the economic and legal ramifications of this association. They have also examined the economic relationship that links labour relations, primarily in the form of fringe benefits like the pension plan, with television and broadcast revenue. Their primary focus has been on the collective bargaining agreements that have been negotiated over the years. One focus has been on the protracted strikes of the 1980s the decertification of the player union and the rise of Plan B free agency in the early 1990s. Scholars have also investigated how management and labour have dealt with aberrant behavior like drugs, gambling, and alcohol.¹

Whilst these analyses have been, and their research has highlighted the rules, resources and practices that have constituted the structure of the sport industry, much of their work lacks historical context. Virtually absent from their discussions were the forces that shaped professional football's labour relations prior to 1966. Little or no attention focuses on the National Football League's (NFL) competition for players with the All-America Football Conference (AAFC) in the late 1940s the Canadian leagues in the early 1950s and the American Football League (AFL) in the 1960s. Another significant aspect that shaped professional football's labour relations was the changing attitude of Congress towards professional sports, particularly baseball, in the late 1950s. Previous scholars acknowledge the significance of the 1957 *Radovich v. NFL*

Supreme Court ruling that brought the NFL under the coverage of antitrust laws. Many scholars, however, have not examined the impact of this case within the broader context of professional football's changing relationship between management and labour. This paper analyses the forces, both internal and external, that shaped professional football's labour relations from 1957 to 1966. A central focus will be on how NFL club owners attempted to develop a special, albeit paternalistic, labour relationship with their players and simultaneously sought the immunity from antitrust laws that Major League Baseball (MLB) enjoyed.²

At the core of the early relationship between management and labour was the players' naivete in thinking that the owners would bargain with them in good faith. External pressure brought on by competition from rival leagues resulted in clubs competing for players and a conflict over the definition of the NFL's version of the reserve clause – the option clause. Conflict over this clause resulted in several double signings that led to court litigation. Simultaneously, competition for players led to paying inflated bonuses and salaries for unproven college talent, leading to another rash of court litigation. While some players benefited economically, they failed to recognise the bargaining power that competition afforded them.

Concurrently, efforts to seek the same immunity from antitrust laws that MLB enjoyed resulted in club owners' sanctioning the formation of the National Football League Players Association (NFLPA). Seeking immunity from antitrust laws was in response to the bidding war for players with the Canadian leagues and the Supreme Court ruling in the Radovich case. Recognition of the NFLPA would win favour with Congressional members to grant the NFL antitrust immunity. Simultaneously, the NFLPA sought to obtain fringe benefits from the owners in the form of health and life insurance, a pension plan and a minimum salary. When the owners failed to recognise the union, however, NFLPA legal counsel Creighton Miller threatened to file a lawsuit against the League. The threat of a lawsuit and the Radovich ruling led NFL Commissioner Bert Bell to recognise the NFLPA, to dismay of owners. Although the owners acknowledged the NFLPA as the players' bargaining agent, Miller's willingness to concede to the owners' wishes – like recognising the draft and the option clause as essential to the NFL's business practices – led to one-sided negotiations that favoured the magnates. Moreover, the early NFLPA considered itself a 'grievance committee' instead of a player union and this gave the owners a considerable advantage in labour negotiations.

By 1960, the NFL faced its most serious challenge from the AFL. A third wave of competition for players led to several double signings, resulting in a plethora of court litigation and the payment of huge bonuses and salaries that were unprecedented at the time. Concurrently, the NFLPA's new leadership took a more aggressive line of action and began investigating what a player could expect to receive upon retirement from the pension plan. The Association

discovered that the plan did not show where an individual player stood in relation to the plan, what his benefits might be and how much was in the fund. This uncertainty led to a growing dissatisfaction among the veterans with the way Commissioner Pete Rozelle administered benefits. The situation was further exacerbated by owners paying huge bonuses and salaries to untried college talent, leading to open revolt among veteran players, who threatened to play out their options and sign with the highest bidder. When the two leagues merged in 1966, it marked the beginning of a hostile relationship between players and owners that lasted over the next twenty years.

The Rise of a Fledgling League

Professional football's early history can best be described as a quest for respectability and stability. The game evolved from the clubs located initially in the tough mining and mill towns of western Pennsylvania and Ohio. In 1920, the American Professional Football Association was formed, a league composed primarily of midwestern clubs. Renamed the NFL two years later, the League expanded slowly into the East, although clubs existed in towns like Rock Island, Illinois and Kenosha, Wisconsin. There was no franchise in New York until 1925. The NFL was very unstable in this early period. Thirty-six different franchises played in the league between 1921 and 1932, with as many as 22 in 1926 alone. Franchises were cheap and unprofitable because the professional game was not popular nor respected. Teams had a hard time surviving, especially clubs in small towns that had a restricted potential audience. The smallest city in 1925 was Pottsville, with 22,000 residents located in the hard-coal region northeast of Philadelphia. The Maroons' population base was too small and the club folded in 1929. By 1934 Green Bay was the only small city left in the NFL.³

Although professional football was still very much a minor sport in the 1930s, NFL owners made several changes to achieve respectability and stability. In 1933, in response to the use of hashmarks in the Chicago Stadium indoor playoff game of the previous year, the NFL passed a rule to move the hashmarks ten yards inside the sidelines. Goal posts were moved ten yards forward from the end lines to the goal lines to help field goal kickers increase scoring and reduce the number of tied games. The adoption of two five-team divisions with a championship game at the end of the season stimulated interest in the sport. In 1934, the College All-Star game was instituted. The champions of the NFL of the previous season would play against the top college talent across the country. Although the first game ended in a scoreless tie, 79,342 fans witnessed the event at Soldier Field in Chicago. That same year, the NFL committed itself to a more wide-open game by permitting forward passing from any spot behind the line of scrimmage.⁴

NFL owners also made several structural changes in the form of collusive agreements that would be a source of controversy in following years. In 1936,

they adopted a draft system, which allowed teams the exclusive right to contract for the services of college players in reverse order of their league standing in the previous season. The draft supposedly equalised competition between clubs, but it also strengthened the owners' bargaining position with potential players. Owners also adopted a 'bonus pick' system, in which a different team each year was permitted to choose a player in advance of the draft. This, along with the draft selection, gave that team two top choices from the college pool instead of one. The option clause, professional football's version of the reserve clause, meant that if a player signed a two-year contract and then refused to re-sign with that club upon expiration, then the player is obliged to play one more year with their old club at a ten percent cut in their salary. Only then does the player become a free agent.⁵

In 1941, the NFL established the commissioner's office. Elmer Layden, head football coach and Athletic Director at Notre Dame, was named the League's first commissioner. The move was in response, in part to NFL president Joe Carr's death in 1939, and the magnates' dislike for his successor, Carl L. Storck, the League's secretary-treasurer. In addition, the owners had the lofty aspiration of forming an umbrella organisation patterned after MLB with a commissioner at the helm. Several regional leagues emerged throughout the 1930s and early 1940s like the Pacific Coast League, the Dixie League and the American Football League. The sport's growth, therefore, facilitated the need for an executive with the authority to settle disputes, impose sanctions, and negotiate contracts with radio and with other leagues. According to *Chicago Tribune* sportswriter and editor Arch Ward, NFL owners were prepared to grant this authority to Layden to handle these duties. Yet, any ambitions owners may have had about developing this organisational structure were thwarted by America's entry into World War II.⁶

While the structural changes provided the NFL with some sense of business stability, football labour policy and philosophy closely paralleled MLB in the late nineteenth and early twentieth century. Football owners, like baseball's barons, looked upon labour as a commodity to be bought and sold in the market and exploited to the fullest. They often employed stern measures to bend players into pliant submission. Many such measures were essential to place the game on a firm business footing, and some no doubt benefited players as well. Nevertheless, the players had no voice. The owners had full autonomy, but competition from rival leagues would challenge their control and at least improve some players' economic well being.⁷

By the end of World War II, the NFL appeared to be on the brink of stability. According to the *Chicago Tribune*, in 1945 the NFL drew 1,918,000 spectators for fifty league and seventeen exhibition games.⁸ This bright forecast, combined with the unprecedented economic prosperity after the war, resulted in a group of prospective sport entrepreneurs forming a second professional league. Led by Arch Ward, the AAFC was backed by owners who

had previously failed to obtain a NFL franchise. They placed franchises in Brooklyn, Buffalo, Chicago, Cleveland, New York, Miami, Los Angeles and San Francisco. The latter three were now viable sites because of transcontinental air service and the need to make just one trip a week. As a result, the NFL Cleveland Rams, against the will of the league owners, moved to Los Angeles, even though it was 2,000 miles from the next closest city. Nevertheless, the cost of jet air travel would remain a concern for the owners until the mid-1950s.⁹

Two factors contributed to the formation of the AAFC, which would also affect professional football's labour relations. The first was the impact of World War II. Ward's efforts to form a rival league coincided with many of the NFL stars serving in the Armed Forces. Additionally, college seniors who would have gone to the NFL went into the service instead. Combined with the college players who remained in college during the war, a reservoir of talent existed that could service both leagues.

Second, the knowledge revolution that emerged in the post-war United States would impact upon football's labour relations. The knowledge revolution was tied with many related problems, all stemming from the great American mania for formal learning and certified wisdom. A logical development of the national faith in science, this revolution was fostered by the GI Bill of Rights that sent millions of men to college and graduate schools in search of certificates that would qualify them for professional careers. Since former servicemen were getting college degrees in great numbers, American youth began to take for granted the idea of four more years of study, thereby making the knowledge industry the nation's most viable enterprise.¹⁰

Professional football would benefit tremendously from the knowledge revolution. Because of its rag tag image prior to World War II, professional football was not considered a suitable profession to pursue as a career. During this time, players used the game as a stepping-stone to more promising careers after their playing days were over. But with the emerging competition for players between the two leagues, not to mention the owners' willingness to pay large amounts for college talent, professional football became a creditable career pursuit. In essence, colleges and universities became a labour pool that could be tapped by both leagues.¹¹

To minimise competition between the leagues, AAFC leaders tried to reach an agreement with the NFL to respect each other's player contracts. In April 1945, John Keeshin, owner of the Chicago Rockets, and Cleveland Browns head coach Paul Brown met with NFL Commissioner Elmer Layden to try to reach common ground. Layden dismissed the AAFC upstarts: 'Let them get a football and play a game, and then maybe we'll have something to talk about'.¹² Soon after, newly appointed AAFC Commissioner Jimmy Crowley warned the NFL that the AAFC 'originally resolved not to tamper with National League players, but since the NFL snubbed us we see no reason why

we can't hire their players'.¹³ By that time it was reported that the AAFC had signed more than 150 players, including four former NFL stars. One of the first established NFL stars to sign with the new League was Chicago Bears tackle Lee Artoe who switched for \$15,000.¹⁴

Competition for players eventually led to a rash of litigation, the most notable being Notre Dame All-American quarterback Angelo Bertelli. On 23 May 1946, the *Los Angeles Times* reported that Ted Collins, owner of the NFL Boston Yanks, signed the Maxwell Trophy winner away from the Los Angeles Dons of the AAFC.¹⁵ Upon graduation, Bertelli was originally drafted by the Yanks, but in the summer of 1945 the Dons signed him to a two year \$10,000 contract and advanced him \$1,000 as a bonus. On 6 June the Dons were granted a temporary order, restraining Bertelli from playing with any club other than the Dons for the next two years.¹⁶

Two weeks later, Federal Judge Alfred C. Coxe granted Boston a stay – a legal manoeuvre temporarily postponing the restraining order – until 9 July. Collins' lead attorney, William A. Shea, stated that the Yanks' defence would be that the Dons 'do not come into court with clean hands'.¹⁷ In other words, the clean hands doctrine dealt with the concept of equity in which the claimants (the Boston Yanks) had not engaged in any unethical conduct prior to signing Bertelli. Shea added that all legal battles with the new league would be based purely on which league had the stronger contracts. He intended to prove that the AAFC had 'dirty hands', alleging the new circuit signed 109 players under these pretenses. Despite the legal maneuverings, the court ruled that the Dons' contract was binding and that Bertelli was obligated to the AAFC club.¹⁸

Despite the double signings, the rise of the AAFC appeared to whet the appetite for the professional game on a national level. In 1946, attendance reached 1,578,537 for 58 championship and eight exhibition games. The AAFC champion Cleveland Browns drew 689,393 fans, eclipsing the old professional attendance record of 521,000 set by the Green Bay Packers in 1945. In contrast, the NFL's attendance leaped to 2.6 million. Combined, both leagues drew over four million fans, an increase of over one hundred per cent. This increased spectatorship was unparalleled in professional sports at that time.¹⁹

Several double signings occurred in the following years, but what is important to recognise was the impact the competition for players had on shaping professional football's labour relations. Because this was the era before agents negotiated player contracts, college and veteran players failed to capitalise fully on their newfound bargaining position. Some would, however, benefit economically when two leagues bid for their services. On the other hand, when the owners engaged in these bidding wars it drove salaries up. It also led them into poor business practices that could have destroyed any sense of stability they may have experienced.

The AAFC suffered from other internal problems. The league's most successful franchise, the Cleveland Browns, won the championship every year.

Their success destroyed competition, resulting in a negative effect on attendance in other league cities. The Chicago Rockets had to compete against the NFL Bears and Cardinals. Only the Bears were able to show a profit in Chicago. The New York and Brooklyn franchises staved off failure by merging. The Miami Seahawks lasted only one season and the franchise was transferred to Baltimore the following year.

By the end of the 1949 season, the economic hardship was more than the AAFC could endure and the league folded. Three AAFC franchises – Baltimore, Cleveland, and San Francisco – were absorbed into the NFL. With the Rams moving to Los Angeles and the San Francisco 49ers incorporated into the League, the NFL expanded its structure to the West Coast, thus making it a national league. Competition for players ceased, but just when it looked like the NFL was entering a period of peace and prosperity, another war, over veteran players, emerged from a new rival – the Canadian leagues.

Striving for Economic Stability and Labour Conflict

In 1950, Bert Bell emerged as the most dominant commissioner of a professional sports league. Bell had worked closely together with NFL owners George Halas, Arthur Rooney, John V. Mara, and George Preston Marshall through many years of shoestring operations. Bell was a descendent of a prominent Philadelphia family. His father had been attorney general of Pennsylvania, after serving with Walter Camp on the Intercollegiate Rules Committee for football. Bell was a captain and quarterback of the University of Penn football team from 1915 to 1919, with a year out for overseas service with the Army during World War I. He later coached at Penn and Temple University. In 1933 Bell organised a seven-man syndicate and bought the Frankford Yellow Jackets and renamed them the Philadelphia Eagles. Three years later, after losing \$80,000, the syndicate dissolved. The Eagles went on the auction block and Bell bought them for \$4,500. Later, he swapped them for the Pittsburgh Steelers, which he later sold when he became commissioner. In 1946, Bell succeeded Elmer Layden as commissioner and signed a three-year contract for \$20,000 annually. The following season the owners tore up that contract and presented a new one for five years at the same salary. In 1949, they renewed Bell's contract to a ten-year term with a \$10,000 raise.²⁰

Since none of the AAFC franchises absorbed into the NFL competed in an existing league market, the 'merger' restored the NFL's monopoly. Bell began laying the foundation for professional football's successful marriage with television. At first the television industry approached pro football cautiously, particularly NBC and CBS who virtually ignored the NFL. Teams that wished to have their games televised had to devise their own networks. In 1951, the Chicago Bears paid two networks to carry their games, suffering a reported loss of \$1,750. However, that same year the DuMont network televised five regular season games. By 1954, DuMont increased its regular season coverage to

twelve games. That same year when DuMont's average audience rating rose to nearly 37 per cent of all households that had sets turned on, major advertisers and big networks began taking notice of the NFL. Sports historian Ben Rader points out that by then television was carrying the sport far beyond the franchise cities, to such remote outposts as Bippus, Indiana, and Bangor, Maine. In 1956, NBC seized the rights to televise the NFL title game from DuMont, while CBS began to air regular season games. For their rights, CBS paid slightly over a million dollars annually.²¹

The symbiotic business relationship between the NFL and television marked the start of professional football becoming America's most popular sport. Although professional football trailed baseball by some distance in terms of public interest and its place in the American psyche, it began to challenge the preeminent position that the national pastime long enjoyed. With teams located on the west coast, the NFL had achieved a national character nearly a decade before baseball. In addition to expanding the League's territorial market, television generated substantial revenue that placed the sport on sound economic ground.

A final factor that led to the NFL being placed on a sound economic footing dealt with the disposition of its weak franchises. Before the 1949 season began, the Baltimore club had to fight off an attempt to oust the Colts as a condition for peace with the NFL. Although they were never directly approached to cease operations, the Colts presented a strong front at the AAFC league meeting. Facing the threat of an antitrust suit, the AAFC could not force the Colts out of business, and a costly battle between the Leagues dragged on throughout the year. The NFL wanted assurances that Baltimore would have enough financial support. In response, Abraham (Shorty) Watner – who made a fortune operating a cemetery, a trucking firm and a railroad – assumed ownership. The Colts agreed to pay the Washington Redskins \$150,000 for invading their territory. Baltimore had a dismal season on the field, losing all seven of their preseason games and their first six regular season games, finishing with a 1-11 record. By the end of the 1950 season, it became obvious that the Colts were in deep financial trouble.²²

On 18 January 1951, at the NFL's annual winter meeting, Watner asked the other NFL owners for help. The Baltimore owner hoped NFL owners would come through for the club like the AAFC owners did, though at Marshall's urging, the NFL owners turned Watner down. It resulted in the Baltimore owner handing the franchise back to the league. However, Watner failed to tell his shareholders of his actions, resulting in the stockholders filing suit to have the franchise reactivated. As a result, Baltimore had no team in 1951.

The city of Baltimore was not entirely out of the NFL picture. In 1952, it appeared that New York Yankees owner Ted Collins would sell his club to Baltimore interests. Instead, Collins sold the Yankees to businessmen in Dallas, Texas. The sale proved ill advised, and the franchise collapsed before the end

of the season, The league took over the club and the Texans operated as a road club in Hershey, Pennsylvania. Facing a lawsuit by the Baltimore stockholders for reinstatement of its franchise, Bert Bell turned the Dallas club over to Baltimore in 1953, but the move was contingent upon the stockholders selling 15,000 season tickets. Baltimore accomplished this during the Christmas season of 1952 and by the time the campaign ended, \$300,000 was in the bank awaiting an owner. Carroll Rosenbloom became the Colts's new owner.²³

It was within this context that the NFLPA was formed. Three Cleveland Browns' players Abe Gibron, Dante Lavelli, and George Ratterman, who suggested it to Creighton Miller, conceived the idea of a union of players. A former college player at Notre Dame in the 1940s, Miller had served as the first general manager of the Browns before he graduated from law school in 1946. He became the general counsel for the Browns and represented the club until 1953. At first, Miller rejected the idea of a union, stating that he did not think management was ready for it. Yet, by 1956, Miller changed his view and formed the NFLPA. A possible reason for this change in position was that professional football players had no group benefits. Players had no health or life insurance, no pension, no minimum salary and no pay for preseason games. Even worse, there was no protection for injured players. An injury to all but star players could result in losing their job and salary. Moreover, by the end of the 1956 season, twelve NFL teams grossed a reported \$12.3 million for a net of \$1,159,747 (before taxes), a profit margin of 8.9 per cent.²⁴

Former Cleveland Browns defensive back and NFLPA vice-president Bernie Parrish offered a different explanation for the formation of the player union. According to Parrish, the notion of a union was actually devised by a group of owners led by Carroll Rosenbloom of the Baltimore Colts, Dan Reeves of the Los Angeles Rams and Cleveland Browns head coach Paul Brown. Working in conjunction with Bert Bell, the owners sought to organise the players without the efforts of an outside agitator. Several factors occurred that validate Parrish's argument.²⁵

The first was the war over players between the NFL and the Canadian leagues from 1951 to 1956. Both the Big Four (Toronto, Montreal, Hamilton and Ottawa) and Western Inter-Provincial (WIP) (Winnipeg, Saskatchewan, Calgary, Edmonton and the BC Lions in Vancouver) Leagues benefited from the post-war economic prosperity and felt strong enough to compete for talent with their American rivals. At issue was the controversial option clause in player contracts and how NFL owners and players defined it. From the owners' perspective, a player was still bound by the option clause to their club. On the other hand, players saw the option year as an opportunity to sell their services to the highest bidder. Since the AAFC folded, Canadian clubs provided NFL players with the opportunity to improve their economic condition.

The war began when the Winnipeg Blue Bombers signed Los Angeles Rams tackle Dick Huffman in 1951. Seeking to maintain their 'property', Rams

owner Dan Reeves secured a permanent order in a US Court restraining Huffman from playing with any team other than the Rams. However, the Bombers won the rights to Huffman in a Canadian court and the former Rams tackle remained with Winnipeg.²⁶

Several other signings occurred in subsequent years, causing friction between leagues. In 1952, Heisman Trophy winner Billy Vessels opted for Canada instead of playing for the Dallas Texans. Quarterback Eddie LeBaron and defensive end Gene Brito sought economic rewards north of the border. When the British Columbia Lions signed All-Pro tackle Arnie Weinmeister of the New York Giants in 1954, NFL owners retaliated and began signing Canadian-based players. The Giants signed halfback Alex Webster, the most valuable player of the Big Four in 1954.²⁷

In 1955, the warring leagues attempted to settle their dispute over players, only to be thwarted by another rash of player raids.²⁸ NFL owners empowered Bell to negotiate a peaceful resolution with the Canadian leagues. When several NFL players signed contracts with Canadian teams, Bell announced a policy of 'every man for himself in the scramble for football talent'.²⁹ The most controversial signings included Cleveland Browns stars Mac Speedie and Ken Carpenter by WIP clubs. However, by 1956, the Big Four and the WIP, through their newly organised Canadian Football Council, reached an agreement with Bell to respect each other players under contract.³⁰

Much like the AAFC war, NFL players benefited, economically at least, when rival leagues competed for their services, however, such practices proved destructive for the league as a whole. After all, the NFL had survived the Great Depression, World War II, and two wars over player talent. It was in the owners' best economic interests to discourage a talent war and players exercising their option year to improve their financial condition. Nor did the owners want players to play out their options and become free agents. In any event, the 'gentlemen's agreement' between the NFL and Canadian leagues did restrict player movement within each organisation. After 1956, there were no disputes over players between the NFL and the Canadian leagues.

A second factor that validates Parrish's argument was the increased pressure upon professional sports from Congress and the infamous ruling in the *William Radovich v. National Football League*. This challenge to baseball's reserve clause and franchise relocation, primarily the Dodgers and Giants moving West, resulted in members on Capitol Hill re-examining the team sports industry business practices. At the same time, the case made the NFL vulnerable to antitrust laws. Recognising the need for antitrust exemption, Bell tried to establish friendly diplomatic relations with congressional members. A condition for these relations was the formation of a players association, a forum in which players could air grievances and settle disputes,

On 30 December 1956, the *New York Times* reported that ten members of ten professional clubs announced the creation of the NFLPA.³¹ Led by Los

Angeles Rams quarterback Norm Van Brocklin, New York Giants halfback Kyle Rote, and Creighton Miller, this coalition presented a type written statement of six player grievances. The players asked the league for a minimum salary of \$5,000, expense money in training camp, a \$12 a day minimum for board and lodging while on the road, an injury clause guaranteeing a full season's salary, a shorter training season and formal recognition of the association. Ready to concede that the owners for the most part had taken a paternalistic attitude toward the players, Miller emphasised that the players believed that the benefits should be put in writing rather than leaving it to the discretion of the owners. Moreover, in Miller's view recognition of the players association would serve as a means of resolving issues concerning players within 'the pro football family'.³²

At the annual league meeting in February, the owners refused to recognise the NFLPA, and Bell stated that the NFL would 'not recognize anybody as a bargaining agent'.³³ Despite this, the owners did agree to most of the player demands. In formalising these requests, Bell indicated the owners were putting in writing, 'what they have been doing over a period a years'. In addition, the owners authorised Bell to arbitrate any disputes that were not amicably settled between player and club.³⁴ According to the *New York Times*,³⁵ rejecting the players association raised some eyebrows since an informal poll of the owners disclosed six in favour of the player group, four noncommittal but not opposed, and one, George Preston Marshall, against it. George Halas opposed the player union and his Chicago Bears refused to join the group because they were supposedly satisfied with their treatment. Green Bay and San Francisco reportedly aligned with Marshall and Halas to defeat the association.³⁶

Concurrently, Bell and the owners awaited the Supreme Court ruling in the Radovich case. William Radovich began his career in 1938 with the Detroit Lions. In 1946, he asked to be traded to Los Angeles to be close to his dying father and was refused. Radovich then jumped leagues and signed with the Los Angeles Dons of the AAFC. In 1948, Radovich had a chance to become a player-coach with the San Francisco Clippers of the Pacific Football League. Because of a five-year ban by the NFL, which had a working agreement with the minor league, he was blacklisted. Radovich contended, 'this blacklisting effectively prevented his employment in organized football and was the result of a conspiracy . . . to monopolize interstate commerce in professional football'.³⁷ The Radovich case was dismissed in a San Francisco Federal Court, and the court's action was upheld on appeal. When the case reached the Supreme Court, the NFL argued that the Federal Baseball Club exemption ought to cover football as well.³⁸

The Supreme Court disagreed, however. On 25 February 1957 the Supreme Court ruled 6-3 in favour of placing professional football under antitrust laws. A critical point was how the NFL utilised its option clause. Chief Justice Earl Warren asked was there a difference in function of the reserve

clause in baseball and football.³⁹ Warren pointed out that any man going into professional baseball was a free agent. It was only after they signed a contract they were restricted by the reserve clause. On the other hand, in football a player had no option. They were bound to the team that drafted them out of college. Moreover, the Court also ruled that the volume of interstate business involved in organised football brought it within the 'purview of the Sherman Act, the basic antitrust statute'.⁴⁰ While it may have been inconsistent to include football and not baseball under the Sherman Act the Court ruled, it was up to Congress, not the Court, to remedy the situation.

It appeared that the Supreme Court justices were absolving themselves of the responsibility of granting professional football the same antitrust exemption as baseball. The irony was that the whole issue of granting antitrust exemption to a professional sport league began with the Supreme Court in the first place. The 1922 Holmes decision granted MLB immunity from antitrust laws. However, antitrust law, with its open-ended language subject to interpretation, was, and still is, not easy to apply to oddball organisations like professional sports leagues. Was the NFL a single company with dozens of branch offices? Or was the NFL a consortium of competing companies? If the NFL was a single company then it was free to determine where to put its operations just as McDonalds can open and close its restaurants. But if the NFL was viewed as a collection of competing businesses, they should be barred from fixing prices, driving competitors out of their markets and otherwise colluding to the disadvantage of consumers. Moreover, as Marvin Miller accurately points out, the NFL did not have a court precedent on the books that MLB had. Because professional football had no history, the justices simply looked at the evidence and reached a logical conclusion.⁴¹

Reaction among the NFL elite was predictable. Bert Bell 'thought that under the Constitution of the United States all people were regarded as being equal'.⁴² The commissioner added that, 'Evidently, under the Supreme Court decision, baseball, a team sport, is different from football a team sport'. George Halas pointed out that the ruling would have no effect on the structure of professional football, in terms of player contracts, options, or player selections are concerned, however, he added that, 'They [the Supreme Court] seem to be confused by the size of the "ball" to be played with'.⁴³ George Preston Marshall defended the draft stating that it was 'the greatest thing that ever has been done to protect the interest of the public'.⁴⁴ The most insightful response came from William Radovich. He indicated that the reserve clause was 'necessary but it should be treated by club owners as something more than just a tool to beat the players' salary down'.⁴⁵

In response to the Radovich ruling, Bell, along with several former NFL stars, lobbied Congress as a means of garnering support to grant football an exemption from antitrust laws. On 20 March 1957, Bell appeared before the Judiciary Committee, outlining the significance of pro football's restrictive

practices. Of particular interest was the option clause in player contracts. Technically, a player was a free agent after they played out their option year. When asked if any player exercised their option in 1956, Bell replied there were none. Pressed as to whether that did not indicate the clubs had a continuing hold on players, Bell stated that players were 'satisfied'. He added that some players had played out their options in the past and signed with Canadian teams. Bell conveniently neglected the fact that the interpretation of the option clause was a source of conflict between the NFL and Canadian teams. Several former NFL stars also testified before the Judiciary Committee. Led by former Chicago Bears star Red Grange. They argued that Congress should exempt the NFL from antitrust regulation. NFLPA player representatives Chuck Bednarik, of the Philadelphia Eagles, and Jack Jennings, of the Chicago Cardinals also gave similar testimony.⁴⁶

Bell garnered some support from members on Capitol Hill, in terms of granting the NFL exemption from antitrust laws, however, he made no headway with Judiciary Committee chairman Emanuel Celler. From the outset, Celler had insisted that baseball and football were big businesses, and he introduced legislation to bring both sports under antitrust laws. Celler was also disturbed by the antiunion sentiment expressed by the commissioner. Bell stated that he believed players would be better off negotiating individually rather than collectively, but Celler disagreed. He argued that players should be able to form an association for 'collective bargaining' with the league owners. Moreover Celler added: 'The owners should see the light. It leaves a bitter taste in our [Congress] mouth when they refuse to recognize collective bargaining rights of the players'. He added that before the owners could 'with good grace ask for some relief they should put their own house in order'.⁴⁷ The formation of a players' union would place the NFL in a good standing with Congress.

To further exacerbate Bell's efforts, Creighton Miller disputed most of the rosy account regarding professional football's labour relations. Miller told the Judiciary Committee that he had been refused an 'audience', although more than ninety per cent of the players had joined the association. He added that Bell had reneged on a promise to obtain owner recognition of the union, if the players endorsed contract clauses on the player draft and on options. In response to the Celler rebuke and Miller's testimony, Bell did an about face and recognised the NFLPA. Responding to Congressman Celler's willingness to 'modify his views', Bell stated he would begin negotiation immediately with the player group. Citing his powers as commissioner to act in connection with matters 'detrimental to the National Football League', Bell added that his decision was not subject to revocation by the member clubs.⁴⁸

Reaction to Bell's reversal was mixed. The most adamant opponent against recognition was George Preston Marshall. From the beginning, Marshall had fought aggressively against the formation of the NFLPA, stating it 'was the most ridiculous thing he had ever heard'. Furthermore, he

challenged Bell's authority to recognise the player group. According to Marshall, recognition was a matter for the club owners to decide, and they had previously rejected the association. Green Bay Packer general manager Vern Lewellen and Paul Brown also opposed recognition. Brown, who had been a staunch supporter of unionisation, questioned the legality of Bell's decision.⁴⁹

Despite this opposition, the majority of NFL owners supported Bell's decision to recognise the NFLPA. However, neither Bell nor the owners wanted players to fully comprehend the benefits of collective bargaining. Bell was adamant in his initial opposition to recognition because he thought players would profit better in negotiations on their own. But because of the position for recognition by Congressional members, like Celler and Kenneth Keating, Republican from New York, and because of Miller's testimony refuting much of Bell's testimony, it appeared that the NFLPA was a fact of life in professional football.⁵⁰

On 21 November 1957, as a means of increasing the pressure on the owners, Miller revealed plans for a \$4,200,000 lawsuit under antitrust laws. He added that the suit would be dropped if club owners agreed to the NFLPA's demands at their annual league meeting in December.⁵¹ Miller pointed out that the most important demand was formal recognition. The threat of a lawsuit took Bell completely by surprise. After all, he had just recognised the player group before Congress. Carroll Rosenbloom, a staunch supporter of recognition, was dismayed over what he referred to as 'threats and intimidation' employed by Miller.⁵²

The threat of a lawsuit under antitrust laws proved effective. On 2 December, the owners unanimously granted all the NFLPA's demands, exhibition pay, minimum salary, injury protection clause and recognition. Parrish contends that recognition was purposely withheld. According to Parrish, the 'owner-oriented' press carefully excluded it from their stories, and more importantly Miller said nothing about it either. Formal recognition of an employees' organisation by an employer brings them both under the federal labour laws that govern collective bargaining demands, without producing certified audited records of their books to substantiate their claim.⁵³

While Parrish's argument is valid, there are also several drawbacks. First, his notion of the press carefully excluding the owners' recognition of the NFLPA was erroneous. The majority of the major newspapers – the *New York Times*, *Los Angeles Times*, *Washington Post* and the *Chicago Tribune* – indicated that the owners recognised the association. The *New York Times*, for example, stated that owners recognised the NFLPA as the formal representative of the players. Yet there was some ambiguity regarding this notion of 'formal recognition'. *Chicago Tribune* sportswriter David Condon reported that Bell indicated there was no formal motion to recognise the association because it was not on the agenda, however, according to Bell, the meeting gave approval to everything he did, which included formal recognition of the NFLPA before

Congress. Yet there was still dissension among owners in terms of recognising the association. Marshall and Halas, two of the most powerful owners, opposed the NFLPA and took measures to block its efforts. The external pressure from Congress and the Radovich ruling made formal recognition essential and within the owners' best interest. It should be noted, however, that despite this recognition Bell failed to obtain immunity from antitrust laws.⁵⁴

The notion of the press being 'owner-oriented' is also overstated. *Washington Post* sportswriter Shirley Povich adopted a pro-union stance in his editorials.⁵⁵ No doubt this position was fueled by his long running feud with George Preston Marshall. Povich pointed to the increase in attendance at home games as a means of validating unionization. In 1955, the Detroit Lions averaged 56,000 in home attendance, while the Los Angeles Rams averaged 66,000 at more than three dollars per seat. *Los Angeles Times* sportswriter Paul Zimmerman placed the blame for the Radovich ruling at the feet of Bert Bell. According to Zimmerman, 'Radovich probably never would have considered the point of a suit if Bell hadn't reached way down into the California pro loop to chastise him'.⁵⁶ A more accurate assessment would have been that the press for the most part was very conservative in its reporting of pro football's labour issues, choosing instead to remain neutral.

What is of greater interest is why Creighton Miller was so conservative in his efforts to get the owners to grant the player demands. He appeared to be collaborating with the NFL elite, as opposed to being a shrewd negotiator acting in the best interests of his clients. By compromising with Bell to gain recognition, Miller supported the very restrictive practices the owners used to strengthen their bargaining position with the players. As Radovich pointed out, the owners should not be permitted to use the reserve clause as a means of beating the players' salaries down.

On 23 July 1958, testifying before Senator Estes Kefauver's subcommittee on Antitrust and Monopoly, Miller and Bill Howton, split end and Green Bay Packers player representative, mentioned the need for additional protections against abuse by club management. An All-American at Rice University, Howton was elected the NFLPA's first president. In 1952, his rookie season, Howton led the NFL in reception yardage. In 1956, he led the NFL in reception yards and caught a league leading twelve touchdown passes. Howton indicted Bell for 'giving [the NFLPA] a lot of conversation and no results on player demands ranging from bubble gum contracts to extra pay for pre-season games'. Furthermore, he took the owners to task for ignoring the players' request for pension, hospitalisation, and other benefits in their contracts. Despite these accusations, Howton and Miller ended up endorsing the college draft and option clause with no recommendation to modify them. Miller said, 'in my opinion, it would be virtually impossible for any complainant to prove that the basic lifeblood for professional football – the draft and reserve clause – are not reasonable necessary'. Throughout his eleven-year tenure as NFLPA

player representative, Miller repeated the same line to reporters that he gave to Congress. What Miller failed to recognise was that the real issue was the owners' abuse of these practices calling for a need for some protection for the players. The NFLPA should have provided this protection.⁵⁷

Miller also missed a golden opportunity brought about by the Radovich ruling and support from members of Congress for unionisation. The Radovich ruling provided the necessary leverage to negotiate a settlement that would have been more favourable for the players. Miller's threat of a lawsuit proved effective in gaining 'formal recognition'. Because of his desire to gain the same antitrust exemption as baseball, Bell had succumbed to the pressure of congressional members in recognising the association. In essence, Congress was trying to send a message to Miller and the players that it was in their best interest to bargain collectively. Neither the players nor Miller got the message.

The de-emphasis of the NFLPA as a union from various factions of players constituted the final factor. Several players, the majority of them All-Pros, wanted the association to be viewed more as a grievance committee as opposed to a player union. Chicago Cardinals player representative Jack Jennings did not see many areas where collective bargaining was necessary. Los Angeles Rams quarterback Norm Van Brocklin stated that 'Bell thinks we're organizing a union, we're not'.⁵⁸ Van Brocklin added that he did not believe in unions. Other star players, like Joe Schmidt, Norb Hecker, and Y.A. Title, endorsed Miller's definition of the association as a 'grievance committee' or a 'players' welfare group'. Most of these players would draw incomes from the NFL owners as coaches or television announcers following their playing careers. They constantly warned the players about the dangers of an 'outsider' who would not understand the problems of pro football and would ruin the game. Moreover, as Parrish points out, players who were poorly paid were of no more concern to the stars of professional football than they were to owners. This lack of solidarity would hurt the NFLPA in future negotiations.⁵⁹

The NFLPA suffered from other obstacles in its early years. Geographically, players were spread thinly across the country. Just like their careers, their association lives were short. There was little continuity in the association's leadership. Players were not elected as team representatives until their third or fourth year, resulting in a constant turnover.⁶⁰

In 1959, Bill Howton pressured owners to put in effect a pension and insurance benefit plan. At first Bell and the owners stonewalled the plan, stating that it was economically unfeasible, however, under the threat of a lawsuit and the owners' efforts to win favour with congressional members, the magnates announced the creation of the Bert Bell Player Benefit Plan. Former football star and insurance agent Bill Dudley devised a benefit plan that involved a \$213,000 contribution from the league and \$125,000 from players. A player had to play four years in the league plus one game in their fifth year to be eligible for the plan. Once they were eligible, they could receive anywhere

from \$5,000 to \$20,000 in hospitalisation, medical care, and life insurance, contingent upon years of service. A player could borrow \$1,000 for either an illness or being in 'financial distress'. At age 65, a player's pension payment was based upon the number of years they played in the league.⁶¹

Funding the pension and insurance plan became a fundamental obstacle to its implementation. The NFLPA proposed four possible solutions to raise funds. An extra post-season game constituted the first solution. Although Bell did not object to this proposal, he pointed out that there were no guarantees that it would be successful. In other words, there were no assurances that the post-season game would generate enough gate receipts and television revenue to finance the plan. Next, the players proposed that a portion of the revenues from either the College All-Star game or the Pro Bowl be set aside for the fund. However, Paul Shisler, a representative for the Los Angeles Newspaper Association, which sponsored the Pro Bowl, stated that all proceeds went to charity. Proceeds from the College All-Star game, sponsored by the *Chicago Tribune*, also went to charity. Playing a two-out-of-three championship series represented the final solution. A major concern for this suggestion was that it would extend the season too long and probably eliminate the Pro Bowl.⁶²

Despite these obstacles, the NFL owners unanimously approved the Bert Bell Player Benefit Plan, though this 'victory' came at a high price to veteran players. According to the *Milwaukee Journal*, Bell worked out a finance plan where neither players nor owners would make a financial contribution.⁶³ Instead, revenues would be generated from the new television contract that would be negotiated in 1961, a percentage of championship game receipts, video tapes, pro film highlights and a possible post-season game between the second place clubs in each division. Yet the plan would not go into effect until 1963! In other words, Bell's benefit plan would begin in 1959 and the players would not be eligible to receive benefits until they played their first game in 1963. The NFLPA had subsequently sacrificed the majority of its membership to stick its foot in the fringe benefit door. Moreover, it was still unclear exactly where the money would come from to finance the plan. This compromise came to haunt the NFLPA in the ensuing years.⁶⁴

Nevertheless, the NFLPA considered the agreement a victory and proceeded to rest on its laurels. Throughout the early 1960s it restricted its activities largely to retirement benefits and working conditions. Its only role in the NFL's salary structure was setting minimum levels and establishing standardised pay for exhibition games, a minor part of football economics. By 1960, the rise of a new league resulted in the NFL facing its most serious challenge, which dramatically reshaped the game's labour relations.⁶⁵

The Emergence of a New Rival and The Threat of Revolt

The formation of the AFL presented another dilemma for the NFL. The AFL created more opportunities for players to pursue professional football as a

career in the United States, however, NFL owners viewed this new league as a rival, leading to destructive competition over the acquisition of players. While professional football was becoming a multi-million dollar industry by the mid-1960s, the unlimited competition for players was leading both leagues to possible ruin. Further, the huge bonuses and salary payments to unproven college players could lead to a possible rebellion among veteran players.

The mere presence of the AFL expanded professional football's player force. Eight teams were added to professional football's organisational structure, resulting in the creation of 264 new jobs. In response to the new league, the NFL bolstered its league format from twelve to fourteen teams, adding the Dallas Cowboys in 1960 in direct competition against the AFL Texans and the Minnesota Vikings the following year. In addition, NFL player rosters were expanded from 35 to forty.

The formation of the AFL illustrated how boosterism transformed professional football. Boosterism in sport has had a long history. The use of sport had long been a valuable tool in the advancement of a community's reputation. Boosters took on the task of promoting their communities in order to attract capital investment and political visibility. They were eternal optimists, growth-oriented and willing to take risks. Promoters in the post-World War II era were drawn to football because of its potential to generate instantaneous visibility and support. The attachment of boosters to football gave prospective owners significant power and a high degree of operational autonomy.⁶⁶

Both Lamar Hunt and Kenneth S. (Bud) Adams typified the civic booster seeking to capitalise upon the football craze. In the 1950s, the name Hunt was synonymous with wealth. Lamar's father, Texas oilman H.L. Hunt, was considered the richest man in America, with a net worth of two billion dollars in 1954 and an after tax income of \$54 million a year. Hunt was the youngest of six children, and the foundation for his wealth was a trust established by his father in 1935. The trusts of Lamar and his brothers and sisters controlled the Placid Oil Company. By 1978, the worth of Placid reserves alone was in excess of \$2 billion with a gross of \$300 million.⁶⁷

Bud Adams was the son of the chairman of the board of the Phillips Petroleum Company. In 1947, Adams incorporated the Ada Oil Company, the forerunner of the publicly held American Stock Exchange-listed Adams Resources & Energy Inc. This energy company engaged in oil and gas exploration, marine and land transportation, and marketing crude oil and petroleum products. Ada resources became one of the largest distributors of petroleum products for the Phillips Petroleum Company in the Western Hemisphere. In addition to petroleum products, Adams's business interests included farming and ranching in California and Texas, real estate, a travel agency, and automobile dealership and leasing.⁶⁸

On 14 August 1959 Hunt and Adams announced the formation of a new league. Much like the owners of the AAFC, both men were thwarted in their

efforts to obtain NFL franchises. The AFL would have franchises in eight cities: Boston, Buffalo, Dallas, Denver, Houston, Los Angeles, New York and Oakland. AFL owners selected Joe Foss as the League's commissioner. A former World War II Marine Corp pilot, Foss embarked on a political career after his tour of duty, serving two terms in the South Dakota House of Representatives. In 1954, he was elected Governor, an office he held for two terms. Recognised for his honesty and candor, Foss's first task was to sell the league to the American public, and he worked diligently to accomplish this. He logged over 200,000 miles in his first year on the job, appearing before local Kiwanis and Rotary clubs, at sport booster banquets and at almost every convention that would invite him.⁶⁹

The relationship that emerged between the leagues was an antagonistic one. Charging that the NFL was attempting to put them out of business, the AFL filed a \$10 million anti-trust suit against the senior circuit. The basis of the suit was the alleged monopoly control the NFL had over players and the league moving into Dallas and Minneapolis, as means of driving the AFL out of business. More important, this animosity resulted in both leagues engaging in destructive competition over the acquisition of college talent, rather than on the sale of the finished product – the game on the field.⁷⁰

In the early 1960s, the NFL did not respond quickly to the newfound bargaining power of the college players. As a result, the AFL paid top money and won a substantial number of college stars in its early years. For example in 1960, the Houston Oilers signed Louisiana State University (LSU) Heisman Trophy winner Billy Cannon to a contract that reportedly brought him \$100,000 over a three year period, an automobile, a chain of filling stations near his home, and a \$10,000 gift certificate for his wife. Other generous contracts, even if they did not match the one that lured Cannon from the Los Angeles Rams, landed several All-American stars. They included fullback Charlie Flowers of the University of Mississippi (from the New York Giants), tackle Don Floyd of Texas Christian (beating the Baltimore Colts), halfback Johnny Robinson of LSU for the Dallas Texans (away from the Detroit Lions), and many other first rate football players for the new league.⁷¹

The Billy Cannon case illustrated how many of these college players did not recognise their potential bargaining power. Much like the AAFC era, this was also a period before lawyers and agents negotiated contracts for players, giving the owners a decided advantage. Cannon originally signed with the Rams only to receive a better offer from the Oilers. On 30 December 1959 Cannon returned the three contracts and bonus check for \$500 to the Rams and signed with the Oilers at the conclusion of the Sugar Bowl game. In response, the Rams sued Cannon to establish the validity of the contract he signed, and have the court issue an injunction prohibiting him from playing with Houston. On 21 June 1960 Cannon was awarded to the Oilers on the grounds that NFL Commissioner Pete Rozelle approved only one of the three contracts.⁷²

Several double signings occurred, and in response to this practice, Rozelle met with AFL Commissioner Joe Foss to secure a 'gentlemen's agreement' not to tamper with each other's players under contract. On 26 January 1960, the owners selected the former Rams general manager as the new commissioner after the death of Bert Bell. Rozelle sought to establish the same agreement Bell worked out with the Canadian leagues in the mid-1950s. In other words, neither the NFL nor AFL would encourage players to play out their options and become free agents.⁷³

Simultaneously, several veteran players supposedly explored 'the possibility of playing out their options in order to bargain with the new league', and that 'the release of any favorable news of the pension might hold many players in the [NFL]'. Before his death, Bell had not indicated exactly how the benefit plan would be funded. To prevent this prospective player exodus, Rozelle announced the creation of a playoff bowl, a game in which the second place finishers from each division would play in this post-season game and 75 per cent of the net proceeds went to the benefit plan. Representatives of Miami's Orange Bowl committee sold their city to the owners as the site for the game. In addition, \$600,000 out of the sale of television rights to the championship game would also be contributed to the pension fund. However, according to Parrish, Rozelle negotiated a portion of the playoff bowl game receipts for the owners and League office and the players were left uncertain as to how much of the proceeds went into the benefit plan. This negotiation exemplified the kind of naivete on the part of the players in thinking that the owners would bargain with them in good faith. The pension and insurance plan was left in the hands of a newly elected commissioner whose only concern was serving the wishes of the owners. Miller excluded himself from the negotiations stating, 'I'm only the counsel to give legal advice, not the leader of the Association'.⁷⁴ The players were in no position, due to a lack of leadership, to negotiate with the owners on even terms.

Despite averting a potential mass player exodus one player, Chicago Bears tight end Willard Dewveall, did exactly what the commissioner sought to discourage. At the end of the 1960 season, Dewveall played out his option and signed with the Houston Oilers. According to sports writer Edwin Shrake, Dewveall, who had a business in Houston, was never really a significant player, and he was going to leave the Bears regardless. Ironically, Dewveall led the Bears in receptions in 1960, but because of the gentlemen's agreement between the leagues, and the fact that college players had yet to receive huge bonuses, the Dewveall defection did not raise any controversy.⁷⁵

In 1962, San Francisco 49ers split-end R.C. Owens played out his option and signed with the Baltimore Colts. What made the Owens situation significant was that it could have potentially undermined Rozelle's efforts to establish a gentlemen's agreement between the NFL and AFL. In 1961, Owens had an excellent season with the 49ers, finishing fifth in receptions (55) and

seventh in touchdown catches (seven). Unlike Dewveall, the AFL offered Owens a reported \$50,000 to jump leagues. Simultaneously, both leagues awaited the outcome of the ten million dollar antitrust suit filed by the AFL. In May 1962, Baltimore Colts owner Carroll Rosenbloom signed Owens to a lucrative contract, setting a dangerous precedent of 'uncompensated' free agency. However, the Owens signing was overshadowed by the AFL's antitrust suit. In the United States District Court of Maryland, Judge Roszel Thomson ruled that the AFL had no monopoly case against the NFL.⁷⁶

By the mid-1960s, professional football's economic prosperity, and the NFL's more aggressive policy in signing college talent led to a war between the leagues. Despite the controversy surrounding both leagues, professional football as an industry experienced tremendous economic prosperity. According to television ratings, from 1961 to 1963 the sporting audience had increased by fifty per cent.⁷⁷ The NFL had become the biggest single sports showcase in the television industry. By 1964, both leagues signed lucrative television contracts. Pete Rozelle signed a \$14 million pact with CBS that was nearly three times the contract of 1962. Under the new contract, each NFL franchise received over \$1 million a year. In 1963, NFL Films Inc. and NFL Properties served as the league's marketing arm aimed to expand its potential audience. Ed Sabol persuaded Rozelle to set up this quasi-independent company, whose ownership resided in the clubs collectively. By 1965 NFL Films amassed a reported revenue of close to \$1 million. NFL Properties controlled all merchandise licensing for the clubs, from the vast NFL Training Table Foods promotion to the Green Bay Packers' tie clasp. In 1965, NFL Properties generated \$600,000 for league clubs. NFL attendance increased from four million in 1960 to six million in 1964. By 1965, the NFL sold over \$15 million in tickets before its first regular season game.⁷⁸

The AFL's television contract was the mastermind of the New York Titans new owner, David 'Sonny' Werblin. In 1963, Werblin assumed ownership of the Titans, renamed it the Jets, and resurrected this floundering franchise. He negotiated a sweet deal with NBC, after the network lost the bidding war for the NFL rights. NBC agreed to pay the AFL \$42 million over five years, or roughly \$850,000 annually per team, for the television rights. In addition, the AFL sold \$5 million worth of season tickets before the kickoff of its first regular season game.⁷⁹

Concurrently, several internal changes occurred that placed the AFL on the brink of stability. Recognising that Dallas would not support two professional football franchises, Lamar Hunt moved his Texans to Kansas City.⁸⁰ Al Davis began his move to become the managing general partner of the Oakland Raiders. He inherited a fortune in 1960, and instilled much needed revenue into the weak Raiders franchise.⁸¹ By 1965, local civic leaders and businessmen in Denver sold a substantial number of tickets to keep the Broncos in the Mile High City. The AFL had become a long-term reality.⁸²

The draft at the end of the 1964 and 1965 seasons marked the renewal of hostilities between the rival leagues. University of Alabama All-American Joe Namath highlighted the bonus and salary battle by signing with the Jets for a then unprecedented \$400,000. Namath overshadowed a number of other players, such as Heisman Trophy winner John Huarte of Notre Dame, who received contracts for as much as \$200,000. The following year salaries and bonuses escalated even further. University of Texas All-American Tommy Nobis signed with the expansion Atlanta Falcons for \$600,000, while Green Bay signed Texas Tech halfback Donny Anderson for \$711,000. Halfbacks Mike Garrett of Southern California and Johnny Roland of Missouri received more than \$300,000 from the Kansas City Chiefs and St. Louis Cardinals.⁸³

Competition for college talent created difficulties for all of professional football. The inflated salaries for rookies naturally irritated the veteran players. The average salary for veterans in both leagues was a reported \$20,000, far less than that given Namath or other rookies. Cleveland Browns quarterback Frank Ryan typified the general sentiment of veteran players when he said, 'I guess I'll have to ask for a raise of about \$980,000. If a fellow who hasn't even pulled on his cleats in pro ball is worth \$400,000, then I must be worth a million dollars'.⁸⁴ Washington Redskins quarterback Sonny Jurgensen praised Namath for the deal he secured, but added that owners were going to have to do something to rectify the situation. Jurgensen added, 'You know it gives a player an odd feeling to go out there on the field to play with or against a boy who has no experience and is getting \$100,000 for one year'.⁸⁵ Meanwhile a ten-year veteran who had 'played well gets only maybe \$18,000'.⁸⁶

At the same time, members of the NFLPA began leveling charges at NFL Commissioner Rozelle. NFLPA vice-president Bernie Parrish alleged that a growing dissatisfaction was gaining momentum among players.⁸⁷ The major complaint revolved around the lack of player representation with regards to the administration of the league's player benefit plan, the pension fund. The *New York Times* reported that the player pension plan had \$50,000 in the bank in 1960 and three years later, the owners increased the fund to \$450,000.⁸⁸ According to the *Milwaukee Journal*, the majority of the benefit money came from network broadcasting rights from the championship game each year, and in 1963 the NFL received \$926,000 for the game.⁸⁹ Under the terms of the improved benefit plan, a five-year player would receive an estimated \$437 a month at age 65. A ten-year man received an estimated \$656 and a fifteen-year man would draw \$821 a month. In addition, players received medical benefits and life insurance ranging from \$10,000 to \$20,000.⁹⁰

Improvements to the player benefit plan coincided with the NFLPA taken a more aggressive line of action. In 1963, the Association elected Philadelphia Eagles All-Pro tight end Pete Retzlaff, president; Parrish, vice-president; and Pittsburgh Steelers linebacker John Reger, treasurer. Four years after its approval, the NFLPA had yet to see a copy of the Player Benefit Plan. Retzlaff

wrote a letter to Rozelle requesting several copies of the plan, citing the Welfare and Pension Plan Disclosure Act, which states: 'the administrator of a plan shall publish in accordance with Section 8 of this Act to each participant or beneficiary covered there under a description of the plan and an annual financial report'.⁹¹ According to Parrish, Rozelle distributed the Trust Agreements to the players, but it did not show where an individual player stood in relation to the plan, what his benefits might be, and how much was in the plan. Retzlaff and Parrish met with Rozelle to find out why players had not been told where they stood and how much they could expect to earn at retirement. Rozelle snubbed Retzlaff and Parrish, marking the start of a growing resentment between the commissioner and the Association's new leadership. It should be noted that the numbers in press reports were only estimates and players were still uncertain as to their actual benefits.⁹²

The following year, the NFL owners improved the Player Benefit Plan again because of the League's record \$1.8 million television income from the 1964 championship game. The pension plan was extended to cover 110 retired players, coaches, trainers, and equipment men. Insurance benefits were increased with each player receiving a \$20,000 life insurance policy and a \$20,000 accidental death policy. The NFLPA requested and received a raise in pay from \$50 to \$100 per person for playing in preseason games. However, the owners rejected the Association's second request for player representation on the board of trustees, which administered the pension plan.⁹³ Moreover, the numbers bantered about in the press were only estimates, and according to the *New York Times*, Rozelle admitted that he speculated what a player could expect to receive at age 65. But the numbers did serve as a public relations campaign to sway public opinion in favor of the owners.⁹⁴

The uncertainty of actual benefits and the rejection of player representation on the trustee board intensified the growing dissatisfaction between Rozelle and players. Rozelle negotiated a deal in which a large percentage of revenue from sources allocated to the pension fund went to owners instead. The *St. Louis Post-Dispatch* reported that around \$300,000 from the 1964 championship game was deducted without informing the NFLPA.⁹⁵ Apparently this revenue was earmarked for the pension plan. Simultaneously, the NFLPA discovered that owners had included a new provision. The clause stipulated that a player would lose his pension if they played out their option and signed a player contract with 'another league'. Obviously, the provision was in response to the Dewveall defection, the AFL's attempt to sign R.C. Owens, and the competition for college talent. Such actions prompted Parrish to call for Rozelle to be replaced by former Cleveland Browns head coach Paul Brown. Parrish alleged that Rozelle was not acting in the best interests of players and called for his removal. Newly elected NFLPA president and Baltimore Colts defensive end Ordell Brasse supported Parrish's accusations, although he stopped short of calling for Rozelle's ousting.⁹⁶

The NFL owners' attempt to improve the Player Benefit Plan served two purposes. First, it was a means of appeasing the veteran players and to discourage them from playing out their options and signing with the AFL. Since the players did not contribute to the pension the supposedly improved fringe benefits were an incentive to remain in the NFL. Second, the improved benefit plan was essentially a public relations campaign to garner favour with Congress. The plan showed how the players benefited without the need for collective bargaining. The owners still sought the same immunity from antitrust laws MLB enjoyed. Rozelle was successful in lobbying Congress for passage of the Sports Broadcasting Act of 1961, which enabled the league to sell its broadcast rights as a single package. However, the NFL was still vulnerable to antitrust law regarding the draft and the option clause. Immunity from antitrust laws would resolve these issues.⁹⁷

By February 1966 rumors began to circulate that an outside agitator may attempt to organise the players into a union. The *New York Times* reported that members of the Detroit Lions held a secret meeting with aspirations of asking the Lions for \$2 million in salaries and bonuses.⁹⁸ Charles T. O'Brien, an assistant to the International Brotherhood of Teamsters president, Jimmy Hoffa, attended the meeting where the Lions players aired their grievances. According to the *Times*, O'Brien stated a definite willingness to undertake the task if the opportunity presented itself. The fact that the Lions sought an outside union representative illustrated a lack of confidence in their own association, despite the more aggressive efforts of Retzlaff, Parrish and Reger. Their efforts were frustrated by the antiunion sentiment among the veteran players. St. Louis Cardinals player representative Larry Wilson reportedly said: 'The subject of forming a union has been discussed in the past at meetings of our association. It was decided two years ago that we did not want a union'.⁹⁹ Both the owners emphasising the benefits of players negotiating individually with clubs and a lack of both solidarity among the veterans themselves and strong leadership proved costly at a time when the magnates and the college players reaped the spoils of economic prosperity.¹⁰⁰

The situation was further exacerbated when three AFL stars who played out their options, defensive linemen Ernie Ladd and Earl Faison of San Diego and kicker Pete Golgolak of Buffalo, indicated they would sign with NFL clubs. In May 1966, the New York Giants signed Golgolak to a three-year \$96,000 contract. Houston owner Bud Adams commented, 'This can mean only one thing – retaliation from our League'.¹⁰¹ Al Davis succeeded Joe Foss as AFL Commissioner and created a retaliatory scheme for raiding the NFL's key players – get all their quarterbacks. Oakland reportedly signed Roman Gabriel of the Los Angeles Rams for 1967, with a down payment of \$100,000. Houston promised John Brodie of the San Francisco 49ers \$750,000 over a ten-year period. After talking with the Miami Dolphins, Alex Karras found the Lions willing to give him a new seven-year contract at approximately \$30,000 a year.

The owners' worst fears were realised; veteran players chose to bargain with rival teams as free agents in the same manner as the rookies. It was a culmination of the AAFC and the Canadian league wars all over again, only on a much larger scale. While veteran players were jubilant at their bargaining positions, it was a different matter for the men who owned the franchises.¹⁰²

Much like the battle for players in the All-America Football Conference and Canadian League wars, the owners in the NFL and AFL recognized the need to cooperate as a means of bridling the huge bonuses and salaries for unproven college talent. Concurrently, the owners also needed to make efforts to curb the unrest among the veterans. Unlike with the AAFC, however, the merger of 1966 resulted in the absorption of the entire AFL into the NFL's organisational structure. The merger left a bitter pill for the veterans to swallow and marked the beginning of a hostile relationship between players and owners that extended well into the 1980s.

The merger would be implemented over a four-year period from 1966 to 1970. Player contracts that owners planned to execute were suspended. Beginning in 1966, a world championship, renamed the Super Bowl, would be played at the end of each season. Two franchises would be added by 1968, one to each league and stocked by that league, but the franchise payments would go to the NFL. Both the AFL New York Jets and Oakland Raiders would pay an eighteen-million-dollar indemnity payment to the NFL. This payment was for those teams residing in the same territory with the Giants and 49ers. Beginning in 1970, all 26 teams would compose the NFL with Pete Rozelle as its commissioner. The merger also provided for a common draft. This meant that only one team could negotiate for the rights to the player it selected from the available college talent. Thus was ended the fierce bidding for player talent, a primary objective for the amalgamation.¹⁰³

After the merger, Rozelle turned to Congress to seek a limited exemption from antitrust action against the amalgamation. As the spokesman for professional football, Rozelle argued that the merger could not take place unless Congress exempted it from antitrust laws. Without this exemption, the teams would be vulnerable to treble damage suits by dissatisfied players in both leagues and businessmen who sought prospective franchises. These fears were warranted. One group in Chicago immediately began antitrust action on the grounds that the merger denied them a new franchise. San Francisco 49ers quarterback John Brodie refused to accept the fact that the merger nullified his prospective deal with the Houston Oilers. He threatened to sue professional football for \$1 million plus \$100,000 in legal fees. Desperate for peace and unwilling to face the delicate antitrust questions certain to be raised by Brodie's suit, the two leagues chose to settle out of court. Neither league needed another Radovich case at a time when they sought Congress's blessing to consummate the merger. Brodie received a settlement that reportedly gave him \$921,000 over a twelve-year period plus \$75,000 in legal fees.¹⁰⁴

Rozelle was successful in having legislation passed in the Senate, but not in the House. On 26 September 1966 the Senate passed a bill to exempt the agreement from antitrust action. In the House, however, League owners faced their old nemesis once again, Emanuel Celler. The New York Congressman did not necessarily oppose the merger. He did object to Congress blindly rescuing football club owners from what he called their own 'folly of inflated player contracts'. Further, several other representatives, such as Robert W. Kastenmeier from Wisconsin, supported Celler, primarily with the argument that the merger cost college players a chance to bargain fairly with professional clubs. Evidently there was no concern about the veterans' ability to bargain fairly with the owners. As early as 1957, members of Congress attempted to educate the players on the merits of collective bargaining.¹⁰⁵

To rectify the stalemate, the Senate picked up the bogged-down merger legislation and unanimously passed it as an amendment to the investment credit bill. Through the efforts of Senators Everett Dirksen of Illinois and Russell Long of Louisiana, and Representative Hale Boggs of Louisiana, football's antitrust bill was added as a rider to a measure known as the 'Suspension of Investment Credit and Accelerated Depreciation'. In other words, it was attached to President Lyndon Johnson's anti-inflation tax package, a bill that was assured of congressional passage. Amending the antitrust bill to the tax legislation enabled the Senate to bypass Celler's subcommittee, since only a vote on the House floor was needed for final passage. Late in October 1966, the House and Senate approved the measure and President Johnson signed into law. The marriage between the NFL and AFL bore the stamp of legality.¹⁰⁶

Epilogue

While the merger ended the giant bonuses and salaries for rookies, the amalgamation scarred the veteran players who remembered how club owners spent money from 1964 to 1966.¹⁰⁷ From their perspective, the veterans were denied their fair share of the bonanza that resulted from the new television contracts and increased attendance. As early as 1967, rumours circulated regarding the formation of a certified union, as a means of obtaining better salaries and benefits. Once again the teamsters were interested in representing the players, but in January 1968 the NFLPA decided to act as its own union. That same year the NFLPA registered with the National Labor Relations Board as 'a de facto union'. The association also threatened to strike if their grievances were not settled. This included the pension plan, a minimum salary requirement, and exhibition pay. But while the NFLPA appeared to be more aggressive in its negotiations with the owners, it still suffered from a lack of solidarity on the part of its members and poor leadership.¹⁰⁸

Professional football's post-war labor relations were a culmination of competition for players, Bert Bell's effort to seek immunity from antitrust laws and the veteran players naively thinking that the owners would bargain with

them in good faith. While college and some veteran players benefited economically when rival leagues bid for their services, they did not fully capitalise upon their newfound bargaining power. Competition for players and Bell's efforts to seek antitrust immunity did result in the formation of the NFLPA and the development of some fringe benefits, like the pension plan, but it still took a degree of external pressure in the form of lawsuits for the Association to be recognised and to create a player benefit plan. Moreover, the players' desire to be viewed as a grievance committee instead of a player union placed the owners in a considerable advantage in labour negotiations. The NFLPA failed to recognise the advantages of collective bargaining because of the antiunion sentiment among the veteran players.

With the merger of the NFL and AFL in 1966, professional football's labour relations was enormously bitter on both sides. The structure that emerged between management and labour evolved into one of the oddest relationships in American labour history. As David Harris accurately points out, sports unions were the only unions in the United States that did not negotiate their members' salaries.¹⁰⁹ Player contracts were negotiated on an independent contractor basis, club-by-club and player-by-player. As the threat of a strike in 1968 illustrated, the players were still fighting over the same grievances they presented to owners in the late 1950s. By 1970, labour relations would become even more combative with the emergence of a more militant NFLPA president, John Mackey of the Baltimore Colts, and a more aggressive executive director in Ed Garvey.

NOTES

1. Paul Staudohar has conducted the majority of scholarly works. See Paul D. Staudohar, *Playing for Dollars: Labor Relations and the Sport Business* (Ithaca, NY: Cornell University Press, 1996); Paul D. Staudohar and James A. Mangan, eds., *The Business of Professional Sports (Sport and Society)* (Urbana: University of Illinois Press, 1991); Paul D. Staudohar, *The Sports Industry and Collective Bargaining* (New York: ILR Press, 1989); Paul D. Staudohar, 'McNeil And Football's Antitrust Quagmire', *Journal of Sport and Social Issues*, 16, December 1992, pp. 103-11; Paul D. Staudohar, 'Professional Football and the Great Salary Dispute', *Personnel Journal*, 61, September 1982, pp. 673-79; Paul D. Staudohar, 'The Football Strike of 1987: The Question of Free Agency', *Monthly Labor Review*, 111, August 1988, pp. 26-31; Robert C. Berry, William B. Gould and Paul D. Staudohar, *Labor Relations in Professional Sports* (Dover, Mass.: Auburn House Publishing Co., 1986). Economic studies include: John Fixel, Elizabeth Gustafson and Lawrence Hadley, eds., *Sport Economics: Current Research* (Westport, CT: Praeger, 1999); James Quirk and Rodney D. Fort, *Pay Dirt: The Business of Professional Team Sports* (Princeton, NJ: Princeton University Press, 1992); James Quirk and Rubin Saposnik, 'The Great Football Wars', in Gerald Scully, ed., *Advances in the Economics of Sports* (New York: JAI Press, 1992); Roger G. Noll, 'The Economics of Sports Leagues', in Gary Uberstine, ed., *The Law of Professional and Amateur Sports* (New York: Clara Boatman, 1988). Scholarly law articles include: Steven M. Straus. 'Sport in Court:

The Legality of Professional Football's System of Reserve and Compensation', *UCLA Law Review*, 28, 1980, pp. 252-90; Robert B. Terry, 'Application of Antitrust Law to Professional Sports' Eligibility and Draft Rules', *Missouri Law Review*, 16, 1992, pp. 103-10; Myron Grauer, 'Recognition of the National Football League as a Single Entity under Section 1 of the Sherman Act: Implications of the Consumer Welfare Model', *Michigan Law Review*, 82, 1983, pp. 1-59; Lewis Kurlantzick, 'Thoughts on Professional Sports and the Antitrust Laws: Los Angeles Memorial Coliseum v. National Football League', *Connecticut Law Review*, 15, 1983, pp. 183-208. Other works that address professional football's labour relations include: Donald Chipman, Randolph Campbell and Robert Calvert, *The Dallas Cowboys and the NFL* (Norman: University of Oklahoma Press, 1970); Frank A. Scott, James E. Long and Ken Somppi, 'Free Agency, Owner Incentives, and the National Football League Players Association', *Journal of Labor Research*, 4, 1983, pp. 257-64; David Harris, *The League: The Rise and Decline of the NFL* (Toronto: Bantam Books, 1986). Although the work has several drawbacks Bernie Parrish chronicles the evolution of the National Football Players Association in *They Call It Game* (New York: The Dial Press, 1971).

2. I draw from the work of sport historian Stephen Hardy. It is an effort to analyse the evolution of professional football's labour relations from a perspective that is closer to business and economic history. In this way, I analyse how club owners may have insulated themselves from outside forces and thereby either filtered, misread, or distorted the arguments of their constituents. In this study this would include members of Congress, as well as owners from rival leagues. In addition, this study focuses less on the changing issues in the social environment, and more around the standard, ongoing issues with the sport industry. As such I analyse professional football's labor relations from the inside out, as opposed to the outside in. See Stephen Hardy, 'Entrepreneurs, Organizations, and the Sport Marketplace: Subjects in Search of Historians', *Journal of Sport History*, 13, Spring 1986, pp. 14-33.
3. For a scholarly account on the early evolution of professional football, see Marc S. Maltby, *The Origins And Early Development of Professional Football* (New York: Garland Pub. Inc., 1997). Although it has several drawbacks, Keith McClellan provides some useful information in the evolution of the early professional game in *The Sunday Game: At the Dawn of Professional Football* (Akron, OH: The University of Akron Press, 1998). Other scholarly studies include: J. Thomas Jable, 'The Birth of Professional Football: Pittsburgh Athletic Clubs Ring in Professionals in 1892', *Western Pennsylvania Historical Magazine*, 62, 1979, pp. 131-47; William Gudelman and Stephen R. Crouch, 'The Stolen Championship of the Pottsville Maroons: A Case Study in the Emergence of Modern Football', *Journal of Sport History*, 9, Spring 1982, pp. 53-64; Kevin Britz, 'Of Football and Frontiers: The Meaning of Bronko Nagurski', *Journal of Sport History*, 20, Summer 1993, pp. 101-26; Carl Becker, 'The "Tom Thumb" Game: Bears vs. Spartans, 1932', *Journal of Sport History*, 22, Fall 1995, pp. 216-27. Popular sources on the early evolution of professional football include: George Halas, *Halas by Halas: The Autobiography of George Halas* (New York: McGraw-Hill, 1979); Robert W. Wheeler, *Jim Thorpe: World's Greatest Athlete* (Norman: University of Oklahoma Press, 1979); Tex Maule, *The Game*, Rev. ed., (New York: Random House, 1967); Tom Bennett, *The NFL's Official Encyclopedic History of Professional Football* (New York: MacMillan Publishing Co., 1977).

4. Bennett, *Official Encyclopedic History*, pp. 32-42.
5. Bennett, *Official Encyclopedic History*. It should be noted that the bonus pick was not instituted until 1947. See *New York Times* 27 January 1955; Al Hirschberg, 'He Calls the Signals for Pro Football', *New York Times Magazine*, 23 November 1958, 35.
6. *Chicago Tribune*, 16, 17, 18 January 1941, 4 February 1941, 5,7 April 1941; *New York Times*, 18 January 1941, 7 April 1941.

Harold Seymour, *Baseball: The Early Years* (New York: Oxford University Press, 1960); David Q. Voigt, *American Baseball: From Gentleman's Sport to the Commissioner System* (Norman: University of Oklahoma Press, 1966); Lee Lowenfish, *The Imperfect Diamond: A History of Baseball's Labor Wars* (New York: Da Capo Press, 1980); Robert F. Burk, *Never Just A Game: Players, Owners, and American Baseball to 1920* (Chapel Hill: University of North Carolina Press, 1994). For economic analyses, see James B. Dworkin, *Owners Versus Players: Baseball and Collective Bargaining* (Boston: Auburn House Pub., 1981).
8. *Chicago Tribune*, 29 December 1946.
9. Maule, *The Game*, pp. 15-18.
10. Christopher Jencks and David Reisman, *The Academic Revolution* (New York: Doubleday, 1968), pp. 126-30; Christopher J. Lucas, *American Higher Education: A History* (New York: St. Martin's Griffin, 1994), pp. 227-32.
11. Ernest Cuneo, 'Present at the Creation: Professional Football in the Twenties', *American Scholar*, 56, Autumn 1987, pp. 487-501.
12. Maule, *The Game*, p. 17.
13. Maule, *The Game*, p. 17.
14. Robert W. Peterson, *Pigskin: The Early Years of Professional Football* (New York: Oxford University Press, 1997) pp. 148-49.
15. *Los Angeles Times*, 23 May, 6 June 1946.
16. *New York Times*, 23 May 1946.
17. *New York Times*, 26 June 1946.
18. *Los Angeles Times*, 14 September 1946.
19. *Chicago Tribune*, 29 December 1946.
20. Hirschberg, 'He Calls the Signals', 37; *New York Times*, 12 October 1959.

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21. Benjamin G. Rader, *In Its Own Image: How Television Has Transformed Sports* (New York: The Free Press, 1984), pp. 83-99. See also Ron Powers, *Supertube: The Rise of Television Sports* (New York: Coward-McCann, Inc., 1984), pp. 45-51; Joseph Durso, *The All-American Dollar: The Big Business Of Sports* (Boston: Houghton Mifflin Co., 1971), pp. 47-66.
22. Maule, *The Game*, pp. 47-50; David S. Neft, Roland T. Johnson, Richard M. Cohen and Jordan A. Deutsch, *The Sports Encyclopedia: Pro Football* (New York: Grosset & Dunlap, 1974), pp. 156, 162; Jon Morgan, *Glory for Sale: Fans, Dollars, and the New NFL* (Baltimore, MD: Bancroft Press, 1997), pp. 28-32.
23. *New York Times*, January 7, 12, 13, 1953. *Washington Post*, January 7, 12, 13, 1953.
24. 'National Football League Players Association: NFLPA History The Early Years, 1956-67', NFLPA Public Relations Dept., in Pro Football Hall of Fame, Canton, Ohio. NFL revenue figures in Bernie Parrish and Ed Linn, 'Pro Football's Player Mutiny', *Look*, 22 August 1967, 66.
25. *New York Times*, 30 December 1956; *Washington Post*, 30 December 1956. 'Union Now?' *Newsweek*, 24 December 1956, 48. Parrish, *They Call It A Game*, p. 227.
26. *Los Angeles Times*, 1, 18 August 1951; 11 September 1951.
27. Billy Vessel, Eddie LeBaron, and Gene Brito opting for Canada in David S. Neft, Roland T. Johnson, Richard M. Cohen and Jordan A. Deutsch, *The Sports Encyclopedia: Pro Football* (New York: Grosset & Dunlap, 1974), p. 168. On the Weinmeister signing, see *New York Times*, 22 January 1954; 19, 22 May 1954. Giants signing Alex Webster in *New York Times*, 30 January 1955.
28. *New York Times*, 27 January 1955; 23 January 1956.
29. *New York Times* March 18, 1955.
30. *New York Times*, 16 February 1956.
31. *New York Times*, 30 December 1956.
32. *Cleveland Plain Dealer*, 27 February 1957.
33. *New York Times*, 29 January 1957.
34. *The National Football League Minutes*, 31 January, 1, 2 February 1957, 10, in Pro Football Hall of Fame, Canton, Ohio.
35. *New York Times*, 3 February 1957.
36. *Washington Post*, 25 December 1956.
37. Harris, *The League*, p. 79.

38. *Washington Post*, 9 October 1956; 18 January 1957; *New York Times*, 18 January 1957.
39. *Washington Post*, 18 January 1957.
40. *Washington Post*, 26 February 1957.
41. More historical research is needed regarding the relationship between professional sports leagues and antitrust laws. Currently, the primary focus has been on the 1922 Holmes decision. See Harold Seymour, *Baseball: The Golden Age* (New York: Oxford University Press, 1970); Norman L. Rosenberg, 'Here Comes the Judge! The Origins of Baseball's Commissioner System and American Legal Culture', *Journal of Popular Culture*, 20, Spring 1987, pp. 129-46; Kent Krause, 'Regulating the Baseball Cartel: A Reassessment of the National Commission, Judge Landis, and the Anti-Trust Exemption', *International Journal of the History of Sport*, 14, April 1997, pp. 55-77; G. Edward White, *Creating The National Pastime: Baseball Transforms Itself 1903-1953* (Princeton, NJ: Princeton University Press, 1996). Miller points out that the Radovich case was strikingly similar to Curt Flood's case in 1970. The difference was that Flood had history working against him. Marvin Miller, *A Whole Different Ball Game: The Sport And Business Of Baseball* (New York: Birch Lane Press, 1991), pp. 170-202.
42. *New York Times*, 26 February 1957.
43. *Chicago Tribune*, 26 February 1957.
44. *Washington Post*, 27 February 1957.
45. *Washington Post*, 26 February 1957.
46. *Washington Post*, 21 March 1957; *New York Times*, 26 July 1957.
47. *Washington Post*, 26 July 1957.
48. *New York Times*, 1 August 1957; *Washington Post*, 2 August 1957.
49. *Washington Post*, 2 August 2 1957; *New York Times*, 2 August 1957; *Chicago Tribune*, 2 August 1957.
50. Speaking in the absence of the Rams's owners, general manager Pete Rozelle felt the 'entire league' would recognize the players association. See *Los Angeles Times*, 2 August 1957.
51. *New York Times*, 22 November 1957.
52. *New York Times*, 23 November 1957.
53. *New York Times*, 3 December 1957; Parrish, *They Call It A Game*, 231-32.

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54. *New York Times, Washington Post, Los Angeles Times, Chicago Tribune*, 3 December 1957. It appeared that Condon got the story correct. According to the NFL's league minutes, recognition of the NFLPA was not on the agenda. See *National Football League Special Meeting*, 2 December 1957, in Pro Football Hall of Fame, Canton, Ohio.
55. *Washington Post*, 25 December 1956.
56. *Los Angeles Times*; 27 February 1957.
57. *Washington Post*, 24 July 1958; Parrish, *They Call It a Game*, p. 232.
58. Parrish, *They Call It A Game*, p. 234.
59. Parrish, *They Call It A Game*, p. 234.
60. Parish, *They Call It a Game*, p. 234.
61. *New York Times*, 5 December 1957, 28 January 1958, 23 January 1959; *Washington Post*, 28 January 1958; *Milwaukee Journal*, 23 January 1959; *Washington Evening Star*, 23 January 1959.
62. *Washington Evening Star*, 23 January 1959.
63. *Milwaukee Journal*, 24 April 1959.
64. *New York Times*, 24 April 1959. *Washington Evening Star*, 24 April 1959.
65. *New York Times*, 5 December 1957, 28 January 1958; Parrish, *They Call It A Game*, pp. 235-38; Harris, *The League*, p. 163. 'National Football League Players Association'; Parrish and Linn, 'Pro Football', p. 67.
66. Steven A. Reiss, 'The Baseball Magnates and Urban Politics In the Progressive Era, 1895-1920', *Journal of Sport History*, 3, 1974, pp. 41-62; Steven A. Riess, 'Power Without Authority: Los Angeles and the Construction of the Coliseum', *Journal of Sport History*, 8, Spring 1981, pp. 50-65; Thomas G. Hines, 'Housing Baseball and Creeping Socialism: The Battle of Chavez Ravine, Los Angeles, 1949-1959', *Journal of Urban History*, 8, February 1982, pp. 123-43; Greg Lee Cater, 'Baseball in St. Louis, 1867-1875: An Historical Case Study in Civic Pride', *Missouri Historical Society Bulletin*, 34, 1975, pp. 253-63.
67. The majority of works written about the AFL have been popular sources. See, for example, Bob Curran, *The \$400,000 Quarterback or: The League That Came In From The Cold* (New York: MacMillan, 1965); Harry Wismer, *The Public Calls It Sport* (Englewood Cliffs, NJ: Prentice Hall, Inc., 1965); George Sullivan, *Touchdown: The Picture History of the American Football League* (New York: G.P. Putnam's Sons, 1967); Joe McGuff, *Winning It All: The Chiefs of the AFL* (New York: Doubleday & Co., 1970). Hunt's biographical sketch in Harris, *The League*, pp. 100-104.

68. Bud Adams File, Pro Football Hall of Fame, Canton, Ohio.
69. Sullivan, *Touchdown*, p. 19.
70. *New York Times*, 27 February 1962; Tex Maule, 'Judgment at Baltimore', *Sports Illustrated* 16, 4 June 1962, p. 47.
71. Chipman et. al., *The Dallas Cowboys*, pp. 107-08.
72. *Los Angeles Times*, 12 January 1960; 17 February 1960; 21 June 1960. In an interview with Bob Roesler of the *New Orleans Times Picayune*, Cannon stated he would not play with the Rams and hope that the NFL club saw fit to trade him. See *New Orleans Times Picayune*, 12 January 1960.
73. *Los Angeles Times*, 9 February 1960. *New York Times*, 9 February 1960.
74. Parrish, *They Call It A Game*, p. 235.
75. Edwin Shrake, 'The Fabulous Brodie Caper', *Sports Illustrated* 24, 29 August 1966, p. 18. Dewveall leading the Bears in receptions in Neft et. al., *Sports Encyclopedia*, p. 229.
76. Parrish and Linn, 'Pro Football', p. 70; Harris, *The League*, p. 182; Maule, 'Judgment', p. 47.
77. William Leggett, 'The Million-Dollar Deal', *Sports Illustrated*, 20, February 1964, p. 17.
78. Rader, *In Its Own Image*, pp. 91-93. Increase in NFL attendance in 'New Way to Get Rich Quick – in Football', *US News & World Report* 58, 18 January 1965, p. 65. Season tickets sales in the NFL in 'Pro Football kicks off to a profit', *Business Week*, 28 August 1965, p. 32. For accounts on the emergence of NFL Films and NFL Properties, see 'Calling the NFL's biggest plays', *Business Week*, 29 October 1966, pp. 72-76; Chipman et. al., *The Dallas Cowboys*, pp. 101-102; Harris, *The League*, pp. 299, 318.
79. Rader, *In Its Own Image*, p. 93. For Werblin assuming control of the Titans, see Curran, *\$400,000 Quarterback*, pp. 150-66; see also Robert H. Boyle, 'Show-Biz Sonny And His Quest For Stars', *Sports Illustrated*, 23, 17 July 1965, pp. 68-72. Season tickets in the AFL in 'Pro Football', p. 32.
80. McGuff, *Winning It All*, pp. 62-86.
81. Walter Bingham, 'I Don't Need Money, I Need Points', *Sport Illustrated* 19, 4 November 1963, pp. 27-29; Curran, *\$400,000 Quarterback*, pp. 190-92.
82. Edwin Shrake, 'Love Affair With A Loser: Denver Broncos', *Sports Illustrated*, 22, 17 January 1966, pp. 26-7; Sullivan, *Touchdown*, pp. 84-6.

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83. *New York Times*, 3 January 1965; Sullivan, *Touchdown*, pp. 24-5. 'Battle of the Bucks', *Time*, 84, 11 December 1964, pp. 68, 70.
84. *Los Angeles Times*, 5 January 1965.
85. *Los Angeles Times*, 5 January 1965.
86. *Los Angeles Times*, 5 January 1965.
87. Parrish, *They Call it a Game*.
88. *New York Times*, 24 May 1963.
89. *Milwaukee Journal*, 24 May 1963.
90. *St. Louis Post-Dispatch*, 24 May 1963; *Washington Evening Star*, 24 May 1963.
91. Parrish, *They Call It A Game*, pp. 238-9.
92. Parrish, *They Call It A Game*, pp. 238-9.
93. *New York Times*, 22 May 1964.
94. *New York Times*, 21 May 1964; *Milwaukee Journal*, 21 May 1964; *Washington Evening Star*, 21 May 1964.
95. *St. Louis Post-Dispatch*, 14 January 1965.
96. Parrish, *They Call It A Game*, pp. 238-48. Parrish and Linn, 'Pro Football', p. 67. *New York Times*, 14 January 1965; 17 January 1965; *Milwaukee Journal*, 14, 17 January 1965; *Washington Evening Star*, 14, 17 January 1965. For the NFLPA discovering the clause that stipulated they would lose their pension if they signed with another league in 'National Football League Players Association'.
97. cf. Ira Horowitz, 'Sports Broadcasting', in Roger G. Noll, ed., *Government and the Sport Business* (Washington, D. C.: The Brookings Institution, 1974), pp. 281-83; Rader, *In its Own Image*, pp. 89-91.
98. *New York Times*, 4, 5 February 1966.
99. *St. Louis Post Dispatch*, 4 February 1966.
100. *Milwaukee Journal*, 4 February 1966; Wilson quote in 5 February 1966; *Washington Evening Star*, 4, 5 February 1966; *Detroit Free Press*, 4, 5 February 1966.
101. *New York Times*, 18 May 1966.
102. For accounts on the Ladd and Faison playing out their option and Davis plan to raid the NFL for players see, Edwin Shrake, 'Big rookie bonuses start a battle', *Sports Illustrated*, 24, 24 January 1966, p. 44; Shrake, 'Fabulous Brodie Caper', pp. 18-20.

103. Chipman et. al., *The Dallas Cowboys*, p. 123; Sullivan, *Touchdown*, p. 29.
104. *New York Times*, 9 September 1966; *Washington Post*, 13 September 1966. Shrake, 'Fabulous Brodie Caper', pp. 19-21, 66.
105. *Washington Post*, 27 September 1966.
106. It should be noted that as early as 1964, Senator Dirksen had attempted to pass the Sports Bill Legislation. See 'Senate Antitrust Committee Okays Favorable Sport Bill', *Sporting News*, 11 July 1964, 32; Oscar Kahan, 'NCAA Seeking Ban On Pro-Sport Draft Of College Students', *Sporting News*, 18 July 1964, 12. *Washington Post*, 15 October 1966; 22 October 1966; 9 November 1966.
107. Parrish, *They Call It A Game*, pp. 249-74.
108. *New York Times*, 8, 11 January 1968.
109. Harris, *The League*, p. 163.