

The Quest for Freedom: The NFLPA'S Attempt to Abolish the NFL's Reserve System

Michael E. Lomax
University of Iowa
Iowa City, USA

In the 1970s, the National Football League Players Association (NFLPA) reorganised into a more aggressive players' union, in their quest to abolish the National Football League's (NFL) reserve system. They became the first professional team sports union to register with the National Labor Relations Board, and under the leadership of Executive Director Ed Garvey made concerted efforts to eliminate the compensation rule. Also known as the Rozelle Rule, the compensation rule allowed the commissioner to award compensation, in the form of players, draft picks or money, to a club that lost an unrestricted free agent. In addition to the Rozelle Rule, the NFLPA sought to eliminate the option clause in player contracts and also do away with the waiver system. Despite this more aggressive posture, the NFLPA fared poorly in their attempt to dismantle the reserve system.

This paper analyses the forces that led to the NFLPA player strikes of 1970 and 1974, in the union's effort to abolish the NFL's reserve system. To gain an advantage in their collective bargaining negotiations, the paper also examines the ways players and owners devised public relations campaigns to sway public opinion in their favour. Finally, the paper provides an explanation of why the NFLPA performed so poorly during collective bargaining. Three themes serve to guide the narrative: the evolution of the NFL's reserve system in the 1960s; the impact of the 1968 and 1970 collective bargaining agreements on labour relations; and the 1974 strike and its aftermath.¹

At the forefront was a shift in focus of the NFLPA's demands, from bread-and-butter issues (for example, preseason pay, injury protection and the pension fund) to dismantling the reserve system. The fundamental underpinning of the players association's labour strategy was to emphasise principle over economics. Freedom became the centerpiece of this tactic, as the NFLPA devised a public relations campaign to eliminate the reserve system. The 'freedom issues' called for the termination of the option clause, the Rozelle Rule, the waiver system and abolishing 'frivolous' fines and suspensions. The owners, on the other hand, viewed the players association's demands as an attack upon the structure of the industry and predictably refused to negotiate on the freedom issues, focusing exclusively on economic issues, like the pension fund. In addition, the owners devised their own public relations strategy, emphasising that eliminating the reserve system would lead to anarchy. They

also attempted to convey a perception in the public's mind that the players were greedy and unwilling to compromise on their demands.

Despite this innovative labour strategy and the NFLPA's militant posture, the 1974 strike ended poorly for the players. This 'collapse' was the result of Ed Garvey's inability to achieve the union's three objectives: persuade the rookies and free agents to join their picket line; keep the veteran players together; and disrupt the exhibition season. At the same time, Garvey's inability to operate as a shrewd negotiator at the bargaining table resulted in a stall in negotiations. He also underestimated the owners' resolve in maintaining their hard line position. By mid-August, the NFLPA agreed to a cooling off period, resulting in the veteran players reporting to camp. From that time on, the strike collapsed, as Garvey was unable to secure a collective bargaining agreement, despite scaling down several of the NFLPA's demands. The players association played the 1974 season without a collective bargaining agreement, and the NFL's reserve system remained unchanged.

Prelude to War

In 1962, San Francisco 49ers split-end R.C. Owens played out his option and signed with the Baltimore Colts. The previous year, Owens had an excellent season, finishing fifth in receptions (55) and seventh in touchdown catches (seven). The AFL offered Owens a reported \$50,000 to jump leagues, but Colts owner Carroll Rosenbloom signed the split-end to a lucrative contract. Rosenbloom's signing of Owens set a dangerous precedent of 'uncompensated' free agency at a time when competition for players, particularly college talent, between the NFL and AFL escalated. The owners did not want veteran players becoming free agents and signing with other teams.²

To remedy the situation, NFL owners adopted a compensation rule in 1963. Better known as the 'Rozelle Rule', the compensation rule operated as follows. When a player played out their option and signed with another team, both clubs worked out some form of compensation. If the clubs could not reach an agreement, the commissioner intervened and awarded the club who lost the free agent compensation in the form of players, draft picks or money. As a result, league clubs were reluctant to sign unrestricted free agents, because of the uncertainty of the penalty imposed by Rozelle if the clubs could not work out some form of compensation. Without question, the Rozelle Rule limited the number of unrestricted free agents signing with other clubs. According to *Sports Illustrated* journalist Gwilyn Brown, between 1966 and 1970 42 players became free agents. Eleven of these free agents signed with other clubs, 24 resigned with their old clubs, four did not sign and one went to Canada.³

Two unrestricted free agents required Rozelle to mediate the situation. In 1968, St. Louis Cardinals defensive back Pat Fischer played out his option and signed with the Washington Redskins. Fischer was an outstanding cornerback during his seven years with the Cardinals. In 1964, he led the club

in interceptions (10) and was chosen twice to play in the Pro Bowl. Fischer signed a two-year, no cut contract with the Redskins for the 1968 and 1969 seasons. The Cardinals sought compensation from the Redskins claiming under the Rozelle Rule that they were entitled to either premier wide receiver Charley Taylor or their first round draft choice, defensive back James 'Yazoo' Smith. The Redskins refused this request, and Rozelle intervened to settle the dispute. Rozelle determined that Fischer's services were not as valuable as either Taylor or Smith. Instead, he awarded the Cardinals the Redskins' second round draft choice in 1969 and their third round pick in 1970.⁴

In 1967, San Francisco 49ers wide receiver Dave Parks played out his option and signed with the New Orleans Saints the following year. In 1965, Parks led the NFL in receptions (80), yards (1,344), and touchdowns (12). Because neither club worked out some form of compensation, Rozelle ordered the Saints to give the 49ers their number one draft pick, All-American defensive tackle Kevin Hardy, and their number one choice in 1969. Hardy was already in training camp when Rozelle awarded him to San Francisco. He had reportedly moved to New Orleans and helped promote the sale of season tickets, found an off-season job and looked forward to helping the Saints organisation. It marked the first time a player already in the league was awarded as compensation.⁵

The plight of Dave Parks exemplified the uncertainty involved in signing an unrestricted free agent. The Saints may have reconsidered signing Parks, if they knew they would lose two number one draft picks. Undoubtedly, the Rozelle Rule discouraged most players from testing the free agent waters. The fact that 24 out of 42 players re-signed with their old clubs clearly illustrates this. Moreover, the Rozelle Rule, in conjunction with the basic elements of the NFL's reserve system, the draft, the option clause and the waiver system, provided owners with monopsony control over their player force. Through the draft, one team got the right to negotiate with a college senior and no other club could tamper with him. The standard players contract, the only one he could sign, gave the clubs an option for an additional year of his service, and every new contract extends the option, holding the player in perpetuity. When a player is placed on waivers, and another team claims him, he must go to that team. By the 1970s, the majority of players pondered whether this restraint on the freedom of movement was essential and legal, or even fair.

On 30 December 1956, ten members from ten professional clubs announced the formation of the National Football League Players Association. In its early years, the NFLPA did not want to be viewed as a union. Rather, its early membership referred to themselves as a grievance committee or player welfare group, focusing primarily on 'bread and butter' issues. In addition, the association sought fringe benefits, most notably the pension fund.⁶

Throughout the 1960s, bread and butter issues and fringe benefits remained a bone of contention between management and the players. In 1963,

the association took a more aggressive line of action. They elected Philadelphia Eagles tight end Pete Retzlaff, president; Cleveland Browns All Pro defensive back Bernie Parrish, vice-president; and Pittsburgh Steelers linebacker John Reger, treasurer. Four years after its implementation, the NFLPA had yet to see a copy of the player benefit plan. When the new leadership requested copies of the plan, they discovered that 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. Rozelle snubbed the new leadership when they ask why the players were not told how much was in the plan. It marked the start of growing resentment between the association's new leadership and the commissioner.⁷

Despite this aggressive stance, the NFLPA remained a weak and ineffective organisation. The lack of solidarity among the NFLPA membership continued to be a thorn in the side of this fledgling association. The majority of the All-Pro players persisted in characterising themselves as a grievance committee, instead of a union. They would draw incomes from the NFL owners as coaches and 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. Furthermore, fringe players who were poorly paid were of no more concern to the stars of professional football than they were to the owners. Other obstacles to player solidarity included the lack of communication among the members, weak and ineffective leadership, and the constant turnover of player representatives.⁸

Player solidarity was further exacerbated by the signing war for college talent between the NFL and the AFL. In 1964, the New York Jets signed All American Alabama quarterback Joe Namath to a contract that included a \$400,000 signing bonus. The following years salaries and bonuses escalated. University of Texas All-American Tommy Nobis signed with the Atlanta Falcons for \$600,000, while the Green Bay Packers signed Texas Tech halfback Donny Anderson for \$711,000. These huge salaries and bonuses predictably irritated veteran players, who threatened to play out their options and sign with clubs in the rival leagues. In 1966, to end the war over college players, the NFL and AFL merged. The merger was a bitter pill for the veteran players to swallow. They failed to capitalise on the magnates of both leagues willingness to pay top dollar for college talent to run each other out of business.

On 3 November 1967, the *New York Times* reported that former NFLPA vice-president Bernie Parrish sent invitations to all the NFL players to join a union affiliated with the International Brotherhood of Teamsters. In 1966, after playing seven years with the Cleveland Browns, Parrish asked for his release rather than being placed on waivers. If he had been placed on waivers, Parrish knew the Atlanta Falcons, beginning their first year in the league, would claim him. Parrish felt he made a significant contribution to the Browns' success, and he wanted to play for another NFL team other than the Falcons. Instead, Parrish finished his career with the AFL Houston Oilers.⁹

Parrish mailed a sixteen page brochure to 640 NFL players, calling for the formation of the American Federation of Professional Athletes (AFPA). He included a list of contract demands that called for a minimum salary of \$15,000 to \$20,000, preseason pay of \$500 per game, a pension contribution of five million dollars or a percentage of television income, and lowering the retirement age to 45. He contacted Harold J. Gibbons, vice-president of the Teamsters, Donald Conaway of the American Federation of Radio and Television Artists and Joseph Ames of the AFL-CIO and entered into an agreement to begin organising all professional athletes in one pro player union. According to St. Louis Cardinals linebacker Dave Meggysey, Parrish and Gibbons met with the Cardinals players before the end of the 1967 season and revealed an amazing statistic. Between 1956 and 1967, the profits of the NFL owners had increased 4300 percent, while player salaries had rose only 73.6 percent. After subtracting the cost of living during that period, the actual salary increase amounted to only 48.4 percent. Gibbons outlined the relationship between the new association and the Teamsters. At the close of the meeting, Gibbons passed out authorisation cards and applications for membership in the AFPA. Reportedly, fifteen of the twenty players present signed the cards. By the end of the season, Parrish had visited all but five NFL clubs and had authorisation cards from more than thirty per cent of the players in the league.¹⁰

In early January 1968, at the NFLPA's annual meeting, a confrontation occurred between the players association's leadership and the Parrish-Gibbons team. At issue was whether the NFLPA could conceptualise itself as a union and enter into collective bargaining with the owners, or would the association continue as a grievance committee. Parrish and Gibbons debated with NFLPA counsel Creighton Miller in front of the Los Angeles Rams and several player representatives from other NFL clubs. Parrish argued the necessity of utilising the tools and weapons of labour, National Labor Relations Board (NLRB) recognition, financial strength and a Washington lobby. Furthermore, the players would also benefit from being affiliated with a professionally run union. Miller was reportedly so embarrassed by the debate that he walked out. The following day, the majority of the player representatives asked for Miller's resignation, and Dan Schulman, a Chicago labour lawyer, replaced him.¹¹

On 7 January 1968, the *New York Times* reported that the NFLPA would take formal action to register as a labour union with the United States Department of Labor. Chicago Bears center and NFLPA President Mike Pyle stated that the sixteen player representatives voted unanimously to reject Parrish's efforts to affiliate with the Teamsters. According to Parrish, that same day the owners officially recognised the NFLPA in writing for the first time since its inception in 1956. Because of Parrish, however, the NFLPA was forced to take a militant stand, and the owners, concerned that the players would vote to affiliate with the Teamsters, agreed to bargain for the first time. It marked a definitive turning point in the history of professional football's

labour relations. Prior to this external pressure brought on by Parrish and Gibbons, the owners had been adamant in their refusal to enter into collective bargaining negotiations with the players.¹²

By early July, the NFLPA threatened to strike if their grievances were not settled. This included the pension plan, a minimum salary requirement, and exhibition pay. Several pro football camps were briefly shut down until the owners reached an agreement with the association, resulting in the formulation of the first collective bargaining agreement. Under the two-year agreement, the owners contributed three million dollars for increased pension benefits, administrative expenses, and the cost of a joint study in expectation of a combined pension plan when the NFL and AFL would merge in 1970. The magnates also agreed to continue insurance benefits, including an increase in major medical to \$50,000 for an active player and his family.¹³

The owners established a minimum salary and agreed to the principle of exhibition game pay for the first time. Second-year players received a minimum salary of \$12,000, less exhibition pay, while players with three or more years experience received \$13,000. Second-year players received \$70 for an exhibition game; third-year players \$140, fourth-year players \$210, and players with five or more years received \$280. According to sportswriter Bob Oates, the players supposedly agreed 'never to seek' another exhibition pay raise as part of the agreement. Preseason pay, however, would become a source of conflict in future negotiations.¹⁴

The 1968 collective bargaining agreement set the stage for future negotiations between the players and owners. The threat of a proposed labour union outside of the 'pro football family' coerced the NFLPA into taking more aggressive action in labour negotiations. Concurrently, the APFA led the owners to recognise the NFLPA for the first time and agree to transact a collective bargaining agreement. The rise of APFA, however, suggests that a lack of player solidarity remained among the NFLPA membership. The fact that a reported thirty per cent of the NFL players signed with the APFA and that the player representatives, and not the NFLPA membership, voted to reject Parrish's proposed labour union, suggests that the association was still a divided group. Although the NFLPA secured their first collective bargaining agreement, the continued lack of solidarity would result in the owners maintaining the upper hand in labour negotiations.

Realignment and the 1970 Player Strike

In 1970, both the National Football League and the American Football League entered a new era. The two leagues became the American and National Football Conference of the National Football League. Kansas City Chiefs owner Lamar Hunt and Chicago Bears owner George Halas were selected as presidents of the AFC and NFC respectively, and Pete Rozelle remained in his job as commissioner. After a heated debate, Baltimore, Cleveland and

Pittsburgh agreed to relocate to the AFC. Both conferences were divided into thirteen teams and three divisions: the Eastern, Central and Western Divisions. Realignment completed the last phase of the 1966 merger agreement.

In addition to realignment, the NFL transacted a television deal to have its games broadcasted on all three major networks. Rozelle brokered a deal with CBS and NBC for a reported \$142 million. This broke down to ten million for four Super Bowl games at \$2.5 million each, to be televised exclusively by one network in alternate years, plus \$33 million annually for regular season, preseason, playoff, and all-star games. Of the \$33 million, approximately \$18 million came from CBS and \$15 million from NBC. The 1970 season marked the start of the longest running show in the history of television, *Monday Night Football*. ABC contributed \$8.6 million to broadcast NFL games on Monday night. Thus professional football grossed a reported \$41.6 million in television revenues each season, exclusive of the Super Bowl. Each team received \$1.6 million from television annually.¹⁵

Realignment also resulted in the reorganisation of the National Football League Players Association. Both the NFLPA and AFLPA merged into one association and elected Baltimore Colts tight end John Mackey president. John Mackey was the premier tight end in professional football. According to the *Sporting News*, Mackey was voted the top tight end of football's first 50 years. He assumed the leadership of this newly merged association, which represented 1,300 players on 26 teams.¹⁶

Several players emerged from this newly organised association who figured prominently in the upcoming labour negotiations with the owners. Defensive back Kermit Alexander was a star player with the San Francisco 49ers, who was traded to Los Angeles before the season began. With the 49ers, Alexander led the club in career interceptions with 36 and kick-off return yards with 499. Ken Bowman was the centre on the Green Bay Packers teams that won the first two Super Bowls. Bowman's father was a member of the Teamsters, and he was in the process of completing his law degree at the University of Wisconsin Law School. Former Oakland Raiders fullback Alan Miller was named the association's legal counsel.

On 1 February 1970, the collective bargaining agreement expired. In addition to negotiating a new agreement, the NFL would have to find a new funding source for the pension fund. The Playoff Bowl had been dropped as a result of realignment. According to the *Miami Herald*, the pension fund had suffered because of the decline in the stock market. Most of the money was invested. In essence, as late as 1970 the NFLPA still did not know how much was in the pension fund.¹⁷

On 28 March, John Mackey made public the issues the NFLPA wanted to negotiate with the owners. The association sought increased benefits in the pension plan, modifying the option clause, a larger share of product licensing and improvements in fringe benefits, such as training camp and preseason pay

plus severance pay. Undoubtedly, the new television contract motivated the NFLPA to seek improved fringe benefits. In response, the owners organised a committee to negotiate with the association. The committee consisted of the Atlanta Falcons owner Rankin Smith, Oakland Raiders owner Wayne Valley, Buffalo Bills magnate Ralph Wilson and Dallas Cowboys general manager Tex Schramm. Ironically, Mackey advocated the old NFLPA philosophy; he did not consider the new organisation to be a labour union. Moreover, he foresaw no major problems in the negotiations, which he expected to be amicable. Four months later, Mackey's sentiments changed dramatically.¹⁸

From the outset, the 1970 strike illustrated the use of public relations (PR) as an integral part of labour strategy, to influence public opinion. The strike exemplified Paul Staudohar's assertion that bargaining is complicated by the 'fishbowl' nature of the process. The negotiators cannot seclude themselves to an island setting to settle their differences. Rather, they are caught in the web of print and broadcast media who want to know their every thought and action, to inform fans on the process of negotiations. Media pressure, ironically, could result in a stall in negotiations.¹⁹

Scholars primarily view public relations through the lens of sport marketing. Sport management scholar Bill Sutton argues that public relations plays an essential role in the marketing mix because of its long-term focus and direction and due to its limited organisational control and reliance on public perception and interpretation. Thus a public relations campaign is critical in positioning the product in the consumer's mind through an image-building/enhancement program. There is, nevertheless, no guarantee a consumer will accept the positioning of the product a marketer may present. What scholars overlook, however, is how the early NFL owners utilised PR to sway public opinion in their favour during labour strife. Throughout the 1970 strike, and the subsequent one in 1974, the owners mounted a public relations campaign that placed the NFLPA on the defensive, constantly responding to charges and counter charges that served to confuse rather than clarify negotiations.²⁰

Nothing illustrated this better than the debate in the press regarding whether the owners locked the players out of training camp, or whether the veterans went out on strike. By early July, the *New York Times* reported that Rozelle ordered the rookie training camps close, to prolong the negotiations between the NFLPA and the owners committee to settle their differences. Two days later, the *Miami Herald* reported that the association advised its members to stay away from training camp until further notice. Because of the NFLPA's reported action, Bears owner George Halas announced that the owners agreed to open their camps to rookies and bar the veterans. From the owners' perspective, the veterans had gone out on strike, however, the association declared the magnates' action a lockout.²¹

In addition to this strike/lockout debate, three issues led to the stall in negotiations. The effort to increase preseason pay to \$500 for veterans with five

or more years experience constituted the first matter to be settled. Previously, the owners considered this issue non-negotiable because the players agreed two years earlier not to seek another increase. The association admitted they signed a waiver in 1968, freezing training camp salaries at \$350 a week maximum. They pointed out, however, the no American can legally sign away each rights 'in perpetuity'. A new players association, with a new leadership, moreover, represented the players, replacing the two associations of 1968 representing NFL and AFL athletes separately. Realignment made this merger necessary.²²

The second issue dealt with Pete Rozelle. The NFLPA sought to limit Rozelle's powers by requesting the NLRB include him as a 'joint employer' with the team owners. Association counsel Alan Miller insisted that Rozelle's powers 'have to be subject to negotiation'. Because the commissioner could be hired and fired by the owners, it was problematic to suggest that he would be impartial regarding issues affecting players and, at times, owners. Thus, the NFLPA sought an outside arbitrator to resolve injury grievances. They also wanted an umpire to arbitrate non-injury grievances, such as the case that involved New York Jets quarterback Joe Namath. Because of his business interests in the Bachelor III restaurant and bar, which supposedly involved the 'gambling element', Rozelle ordered Namath to sell his share. Rozelle, would, however, settle issues involving the integrity of the game.²³

The owner's contribution to the pension fund became the third and most controversial issue, leading to a stall in negotiations. Initially, the players requested that the owners contribute \$29 million for a four-year period, or approximately \$7.3 million per year. By mid-July, however, the players reduced their request to \$25.8 million. According to NFLPA counsel Alan Miller, the revised proposal would cost each NFL club roughly \$110,000 per year. The owners, on the other hand, offered to contribute eighteen million dollars, or approximately \$60,000 per club per year.²⁴

Charges and counter charges permeated the labour impasse. When the Rozelle dispute was reportedly settled, the association refuted this claim. John Mackey and Alan Miller blasted the owners for telling 'lies'. Mackey was also critical of Rozelle's lack of involvement in settling the impasse. According to the *New York Times* journalist William Wallace, Rozelle intentionally stayed out of the conflict, classifying it as a player-management dispute.²⁵

To counter these accusations, the NFLPA mounted its own PR campaign. It was reported that several NFL stars held a news conference to give the association their '100 percent' support.²⁶ New York Giants quarterback Fran Tarkenton reportedly said: 'It has never been our intention to use the press as a public forum for our differences with the owners. However, because of several distortions which have appeared in the press, we feel public clarification is now necessary'.²⁷ Other players who pledged their support included Gale Sayers, John Brodie, John Hadl, Larry Grantham, Ernie Wright, Kermit Alexander and Roman Gabriel. For the first time, the NFLPA exhibited a sense of solidarity.

On 23 July, the NFLPA requested the services of the Federal Mediation and Conciliation Services (FMCS) to help resolve the impasse. Mediation is a voluntary impasse resolution procedure designed to assist the parties in reaching an agreement. Mediators are normally neutral third parties who attempt to achieve a compromise by creative thinking and persuasion. They do not, however, have the power to compel a settlement. Gilbert J. Sedin and Ralph C. Patterson were assigned to mediate the conflict.²⁸

From the outset, the owners committee agreeing to Federal mediation was a delaying tactic to break the association's solidarity. A meeting scheduled in Washington, D.C. was cancelled by the owners. According to their lawyer, Theodore Kheel, the owners refused to go to Washington because 'there are some indications that efforts might be made to involved people in political life in Washington'. Although he did not mention any names, Kheel added that such outside interference 'would delay any settlement'.²⁹ The owners committee also refused to attend a second meeting scheduled in Baltimore.

The owners and players did meet in Philadelphia. Prior to the meeting, Lamar Hunt and George Halas mailed a position paper to all the players, stating the actual benefits they would realise under the terms offered by the owners. Pension benefits ranged from \$8,280 for five-year veterans who elect to begin drawing from the fund at age 55, to \$59,940 annually for 15-year men who waited until they are 65. The total package offered would cost eighteen million dollars in insurance and pension benefits over a four-year period, beginning with \$12 per diem in training camp in 1970, plus exhibition game salaries ranging from \$280 for five-year veterans to \$70 for second-year men. This would increase in 1971 to \$330 and \$90, with adjustments in 1972 and 1973 for cost of living increases. The player benefit plan would receive \$4.31 million in 1970 and escalate to \$4.76 million in 1973.³⁰

In response, the NFLPA issued its own position paper. It charged the owners with providing an inaccurate portrayal of the situation and distorting the players' position with erroneous figures. According to the *Sporting News*, the players hired a pension specialist, A.S. Hinson, to compare their benefits with athletes in other sports. According to Hinson, an NFL player received \$360 a month at age 65, while baseball players collected \$618 a month at the same age. NFL players could not collect any pension until they were 65, whereas baseball players could begin drawing theirs as early as age 45. Association counsel Alan Miller stated that the figures did not provide an increase in benefits for players during the seasons 1960 and 1969. There were no provisions for disability benefits for those permanently injured in professional football. Widows and families were excluded. There were no group life insurance benefits, no improved maternity and medical benefits and no improved dental and optical care. The NFLPA's position paper concluded with two questions: are you not justifying our projections in admitting that the clubs 'now have the opportunity to operate on a solid bases'; and if it is true that

teams have suffered significant losses in the past, what justifies the multi-million dollar prices paid for teams in recent years. Undoubtedly, the latter questions were in reference to the recently added expansion franchises, Atlanta, Cincinnati, Miami, and New Orleans. On 29 July, the *Miami Herald* reported that the owners committee and the NFLPA broke off its talks 'indefinitely'.³¹

Although labour negotiations stalled, the owners offered to open the Kansas City Chiefs' training camp to veterans, to give them a chance to prepare for the College All-Star game. The College All-Star game pitted the Super Bowl champion of the previous year against the top college talent across the country. The game was sponsored by the *Chicago Tribune* Charities, and along with its other activities raised eleven million dollars that was distributed to nearly one hundred charitable agencies. Cancellation of this contest could prove to be a public relations nightmare to both players and owners.³²

At first, the NFLPA rejected the owners' gesture. Kansas City Chiefs' player representative Jim Tyrer requested permission from the association to train and play the All-Star game and then walk out of camp if no settlement was reached. Reaction to Tyrer's proposal by association members was mixed. Some clubs approved the idea, while others stated if the Chiefs returned to camp they would also. Therefore, the request was denied.³³

Pressure brought about by the Chiefs, however, resulted in the NFLPA reversing its decision. According to the *Chicago Tribune*, Chiefs' head coach Hank Stram encouraged Tyrer to call the team together for another vote on whether the club should defy the association's decision. Reportedly, Stram met with players and argued that the All-Star game was part of the 1969 season and was thus not part of the 1970 negotiations. After the meeting, the Chiefs voted to play in the All-Star game with or without the NFLPA's blessing. On 24 July, the association agreed to sanction the Chiefs' participation in the game.³⁴

Clearly, delaying their meeting with federal mediators and placing the thorny issue of playing the College All-Star game on the NFLPA's shoulders was meant to cause dissension within the association's membership. Such a revolt by the Chiefs could have broken what little solidarity Mackey and the NFLPA leadership had achieved. In this PR war with the owners committee, it was not in the NFLPA's best interest to receive negative press, especially if they were perceived as the reason for the game's cancellation. Moreover, negative press would have diverted attention away from the root cause that resulted in the impasse, the owners' refusal to bargain with the players. Therefore, the NFLPA's reversal was understandable.

On 30 July, to further test the players' solidarity, the owners opened their camps to any veteran who wished to report. The association deplored the owners' actions, claiming that it would cause a rift between the teams. Reportedly, early reaction by the veterans was to stay away from the camps. There were, however, indications that the NFLPA's player solidarity was beginning to unravel. According to the *Washington Evening Star*, Dallas

Cowboys quarterback Craig Morton said roughly 25 players on the club voted to report to camp. Cowboys' player representative Ralph Neely who supposedly told Mackey that the club was '100 percent' behind the association and would not report to camp later denied this. San Diego Chargers quarterback John Hadl told Morton that his club voted 22-2 to stay away from camp.³⁵

John Mackey called a meeting to determine the NFLPA's next course of action. According to Parrish, association members were divided on whether to report to camp or stay away. Mackey asked quarterback John Unitas to address the meeting several times, but he refused. Green Bay Packers quarterback Bart Starr addressed the meeting and stated: 'I have never been associated with the word militant, but that's the only word I can use. I am a militant this evening and this whole association is going to have to be militant if we don't do something tonight'. Starr was shocked at the bickering among members and pointed out that the welfare of the game was dependent upon their actions. He added: 'This is a game of guards and tackles and, so help me God, I wouldn't be where I am without them. I don't need this pension, but there's a lot of guys before me that do need it'.³⁶ Their wives and children needed that security.

Evidently, Starr's oratory proved effective. On 31 July, the *Washington Evening Star* reported that Mackey announced that the veterans were officially on strike. Yet he did allow for some leeway to settle the impasse. Mackey stated: 'We are willing to bend if we can get the owners back at the negotiating table – if they are also willing to bend'.³⁷

There were, however, some veterans who did report to camp. Baltimore Colts All-Pro linebacker Mike Curtis reported to camp, marking the start of his defiance toward the NFLPA. Curtis indicated that he reported because he liked the Colts' management and felt obligated to appear. New York Jets defensive back Jim Hudson and Buffalo Bills quarterback Dan Darragh also reported to their respective camps. Yet the majority of the veterans refused to report; only 21 players defied the association's strike declaration. As the *Evening Star* noted, the Joe Namaths, Fran Tarkentons, and Roman Gabriels stayed home.³⁸

Undoubtedly, the players' resolve resulted in the owners attempting to reach an agreement. Rozelle, acting as mediator, supposedly locked the two sides in his office until they agreed to a settlement. On 3 August 1970, the *Washington Evening Star* reported that the owners and players reached an agreement after a twenty hour session. Under the four-year contract, the owners and players agreed to a \$19.1 million package, an eleven million increase based on 1969 levels. The owners agreed to an outside arbitrator in injury grievance cases. The players withdrew their demand that Rozelle be labeled a 'joint employer' with the owners and that an umpire be required in non-injury grievances. The commissioner's powers were unaffected by the settlement. Preseason pay remained the same: \$280 with a per diem payment of \$12. With the exception of an increase of one million dollars, the NFLPA agreed to the proposal outlined in the owners' position paper a few days earlier.³⁹

Whereas Mackey praised the association membership for their support during the impasse, the NFLPA was not happy with the agreement. NFLPA vice-president Ken Bowman stated: 'I still don't think either side is happy. I estimated that we came down about 60 percent from our original request and they were up about 40 percent'. He added that the association 'got the best contract but it's still not representative of what it should be'.⁴⁰ *Business Week* appeared to reinforce Bowman's disappointment. While the \$19.1 million benefits package was nearly eight million dollars more than the previous contract, it was hardly one million higher than the owners indicated they were willing to go before the final all-night bargaining session. Moreover, the increase in pension funds also shrank when compared with the estimated ten million dollars gained from the NFL's newly signed television deal.⁴¹

Yet, the August agreement was only a 'handshake agreement'. According to the *Sporting News*, both sides reached a general agreement on the contract and left it to their respective lawyers to put their understanding in writing. Both sides were supposed to exchange their written agreements drawn up by their lawyers and signed them. When Mackey received the copy from the owners committee, he noticed that several changes had been made. Since the NFLPA did not agree to these changes, they refused to sign the agreement.⁴²

The primary stumbling block was over a change in the grievance procedure. According to Mackey, the owners changed the grievance procedure whereby a player would have to wait six weeks to a year before they received their money. The magnates also wanted a broad scope of agreement clause, where the grievance procedure would lead to an impartial arbiter. Undoubtedly, this 'arbiter' would be the commissioner. As Bowman claimed, there was no dissatisfaction regarding the job Rozelle was doing. He added, however, 'if something should come up that would radically change the income picture — pay TV for instance — we would like a voice and not have to put a disagreement into the grievance procedure'.⁴³

On 17 June 1971, the NFLPA and the owners ended their dispute and signed the four-year collective bargaining agreement. Both sides ironed out their differences regarding the grievance procedure. The new contract defined more clearly the jurisdiction of a neutral physician, provided for a selection of a panel of neutral arbitrators, with the commissioner having the right to select three, and provided for general arbitration in injury grievance cases. According to the *New York Times*, it was essentially the same agreement reached by both sides in August 1970.⁴⁴

Although this newly organised NFLPA was more aggressive in their negotiations with the owners, they were still naïve in thinking that the magnates would bargain with them in good faith. The owners' public relations campaign and their delay tactics in meeting with federal mediators were designed to break the association's player solidarity. The strategy was also meant to wear the NFLPA down, so they would concede to the owners' proposal outlined in their

position paper. As the exhibition season drew near, there were indications that fissures emerged within the NFLPA's player solidarity.

The NFLPA did acknowledge that they lost the PR battle with the owners. 'I'm afraid we look like a bunch of greedy slobs', claimed Baltimore Colts player representative Bill Curry, who also served as the NFLPA's voluntary press coordinator.⁴⁵ With Rozelle and his public relations department, armed with a Telex machine, a communication link was established with all 26 team offices. After a complex negotiating session, the owners could have their statement in the hands of newspapers all across the country, before the association 'made it to a typewriter'. Indicative of the owners' effective communication system was the fact that everyone across the US knew that each player on the 1970 Super Bowl champion Baltimore Colts received \$15,000, but no one knew what the owners got. 'Before we stood up on our own legs', claimed one NFLPA member, 'we were effectively painted in the public mind as the villains in the black hats'.⁴⁶

Nothing illustrated how poorly the NFLPA fared in the public relations battle better than a memorandum discovered by journalist Murray Janof. According to Janof, if the memo had been made into a formal press release, the association's position would have been made clearer. For example, in regards to retirement, the players declared the owner's schedule assumed 'no changes in insurance or other benefits'. The money offered would not provide: 'Meaningful benefits for those disabled in football . . . benefits for widows of deceased players . . . improved insurance benefits . . . improved maternity and medical care benefits . . . additional benefits for players who served prior to 1960 . . . [and] increase in benefits for [1960 to 1969 seasons]'. Benefits outlined in the owners' statement 'would accrue only to those beginning their rookie year in 1970 with no past season credits'. In other words, players who played prior to 1970 could not reap the fringe benefits outlined in the new collective bargaining agreement. Janof suggested that the NFLPA hire a public relation man prior to their next round of labour-management negotiations.⁴⁷

Despite these drawbacks, John Mackey declared that the biggest accomplishment during the strike/lockout was that the players remained united. Generally speaking, the association did not fragment into individuals and, for the first time, 1300 players became aware of themselves as an organisation. The 1970 collective bargaining agreement was, however, a bitter pill to swallow. The association was determined to learn from their mistakes and be more aggressive in future negotiations. In the following years, the NFLPA armed themselves for an expected fight with the owners when the agreement expired.

From Bread and Butter Issues to Challenging the Reserve System

The aftermath of the 1970 collective bargaining agreement resulted in a reorganisation of the NFLPA. Simultaneously, the Rozelle Rule became the focus of attention as a result of a grand jury investigation of the NFL's business

practices. When several veterans, who had played out their options, had a hard time finding employment, the NFLPA filed a class action suit against the NFL.

On 14 January 1971, the *Washington Post* reported that the NFLPA received certification from the National Labor Relations Board. Ninety-eight percent of the NFL players who cast ballots voted in favour of being represented by the association. According to NFLPA vice-president Ken Bowman, only fourteen players voted against. Thus the NFLPA became the first association of professional athletes to be certified by the NLRB. Further, certification represented a significant shift in the association's philosophy. They viewed themselves as a union, rather than a grievance committee.⁴⁸

The NFLPA also reorganised its leadership. The association asked for the resignation of its counsel, Alan Miller, on the grounds that he did not seem to have 'their cause sufficiently at hand'. Miller was also accused of being entirely too sympathetic to the owners' side of the issues. Leonard Lindquist, a labour lawyer from the firm Lindquist and Vennum, who also served as an advisor to the NFLPA during the strike/lockout, replaced him. The NFLPA named Edward Robert Garvey as its Executive Director. Garvey received a degree in political science from the University of Wisconsin. He served in several political positions that included a plethora of democratic student organisations. Garvey worked for the law firm of Lindquist and Vennum for two years before taking the position with the players association on 20 May 1971. He received a unanimous vote from all 26 player representatives and was responsible for encouraging the association to register with the NLRB.⁴⁹

In response, the NFL magnates reorganised their owners committee into the newly created NFL Management Council (NFLMC). New York Giants president and Management Council Chairman Wellington Mara stated that the council was organised to develop a more 'continuous communication link' with the players and their association. John Thompson, a former publicity director and assistant general manager with the Minnesota Vikings, was named the executive director and Theodore Kheel became its legal counsel: Publicity Director Terry Bledsoe rounded out the NFL Management Council. The council would hire professional negotiators for the actual negotiation process. Furthermore, as discussed later, the NFLMC served as a buffer between the NFLPA and Commissioner Pete Rozelle.⁵⁰

At the same time, a grand jury in Cleveland, Ohio began an investigation into the NFL's business practices. Questions regarding the NFL's waiver and trade procedures were explored. Subpoenas were issued to former Cleveland Browns players Bernie Parrish and Ross Fichtner, due to their departure from the club 'under unusual circumstances'. New Orleans Saints tight end Dave Parks was also called to testify. According to the *New Orleans Times Picayune*, Parks told newsmen that he was possibly subpoenaed because of the circumstances surrounding his transfer from the San Francisco 49ers to the Saints, described earlier. He added that Rozelle's powers should be curtailed.⁵¹

Sportswriters also brought considerable attention to the NFL's reserve system, particularly the Rozelle Rule. Syndicated columnist Bob Oates highlighted a strategy Rozelle used in settling a dispute involving New England Patriots' number one draft choice Phil Olsen. Olsen became a free agent when the Patriots failed to notify him that his option was being renewed. He was also allowed to keep his \$30,000 signing bonus. When Olsen signed with the Los Angeles Rams, however, Rozelle ruled that the Rams had to compensate the Patriots. In addition, part of this compensation was deferred contingent upon Olsen's performance on the field. When the season ended, Rozelle ordered the Rams to give the Patriots their number one draft choice and reimburse Olsen's \$30,000 signing bonus. According to Oates, this was the most imaginative solution Rozelle had concocted, and would undoubtedly set a precedent for future cases involving compensation.⁵²

Two sportswriters pondered the NFL's assertion that professional football offered players greater freedom of movement than any other professional sport. Larry Felser validated Ed Garvey's argument that indemnifying teams that lose players discouraged interested teams from entering the market to bid for free agents. If, for example, Buffalo Bills head coach Lou Saban could not convince his star running back O.J. Simpson to stay in Buffalo, he probably would play out his option in 1973. Simpson had made it clear that he did not want to stay with, at that time, a mediocre Bills team. More important to Simpson, his endorsement deals with Chevrolet and Royal Crown were due to expire and unless he improved his on-field performance, his contracts might not be renewed. Leonard Koppett reflected on why Rozelle was proud of the fact that only 63 players had changed teams since the merger of 1966. Koppett pointed out that nineteen moves out of six thousand contracts suggested to him that the 'inhibiting effects' of the option plus compensation arrangements was every bit as severe as the players claimed.⁵³

The option clause also came under scrutiny. On 26 February 1972, the *Sporting News* reported that 72 players would become free agents by 1 May. Veteran players like quarterback Bill Kilmer, running backs MacArthur Lane and Donny Anderson and wide receiver Marlin Briscoe played out their options to test the open market. Sportswriter Gwilyn Brown pointed out that while this practice was common, the usual number of players available was eight or ten. Supposedly, the high number of players testing the open market was due to President Richard Nixon's freeze on wage increases, and the growing owner resistance to increase player demands. Not only were the players dissatisfied with their salaries, but also with their working conditions.⁵⁴

Concurrently, the NFLPA instructed its lawyers to probe the possibility of antitrust action against the option clause. On 24 May 1972, the *Minneapolis Star* reported that 32 players filed a class action suit against the NFL in a Minneapolis federal court. The fundamental underpinning of the suit alleged that the Rozelle Rule inhibited eight of its members from negotiating freely in

the marketplace. The eight players who filed suit included Clint Jones, Gene Washington, John Henderson, Charlie West, and Nate Wright of the Minnesota Vikings; Marlin Briscoe of the Buffalo Bills; Dan Connors of the Oakland Raiders; and John Williams of the Baltimore Colts. The combination of the option clause and the Rozelle Rule was 'an anticompetitive device' and that the NFL teams have 'agreed and formed the practice among themselves to boycott and refuse to deal and negotiate with any player who in theory, has become a free agent'. In response, the owners issued a statement suggesting that the problem was one for negotiation rather than the courts.⁵⁵

Clearly the battle lines between the players and the owners had been drawn. The NFLPA's reorganisational efforts resulted in the association becoming more militant, viewing itself as a union rather than a player welfare group. The new leadership shifted the NFLPA's focus from bread and butter issues to challenging the reserve system. As the 1970 agreement was about to expire, both sides armed themselves for their inevitable showdown.

The Quest for Freedom

In 1974, the NFLPA sought to devise a labour strategy that would place them on the offensive. They did not want to get caught up in the public relations tactic that had them constantly responding to accusations made by the NFL owners committee. The association constructed a labour strategy around the notion of 'freedom issues', the dismantling of the reserve system. While monetary issues and fringe benefits were also included among the NFLPA's demands, the freedom issues were their primary concern. The NFL Management Council responded by forging a strategy that focused exclusively on monetary matters, and ignoring the freedom issues. To the NFLMC, the freedom issues were an assault on the 'structure of the game', and would constitute anarchy. By 1 July, both sides were at an impasse, resulting in the players association going out on strike.

On 25 June 1974, the *Miami Herald* printed an article on its sports pages that best exemplified the NFLPA's labour strategy and public relations campaign: 'Players Asking 4 Freedoms'. The four freedoms called for the elimination of the option clause in player contracts, the Rozelle Rule, the waiver system, and abolishing 'fines, curfews, and silly rules'. They also called for Rozelle's removal from the grievance procedures, replacing him with an independent arbitrator. The players association also asked for the adoption of a standard players contract that would eliminate the unrestricted power of the commissioner and the clubs to terminate a man's career. In other words, they asked for a no-cut contract; the club would have to pay a player his entire salary for the length of the contract if he was released.⁵⁶

Monetary and fringe benefits were also included among the NFLPA's list of 57 demands. The association asked for an increase in exhibition pay (\$7,000), a minimum salary of \$20,000 for rookies and \$25,000 for veterans.

Postseason demands included \$25,000 for winning Super Bowl team members. Other issues called for a moratorium on the spread of synthetic playing fields, severance pay of \$5,000 per season when a player retires, and the immediate reinstatement of the payment of insurance premiums by the owners.⁵⁷

To prepare for the upcoming collective bargaining sessions, the NFLPA attended seminars given by the Cornell School of Industrial and Labor Relations. The seminars were designed to instruct the athletes on the virtues of patience, logic and temperament-control essential to meaningful bargaining. Player representatives participated in mock sessions to prepare themselves for the potential heated discussions they may encounter during negotiations with the NFLMC. Participating in these seminars represented a significant departure from the ways the association prepared for its negotiations with the owners. As Houston Oilers center and NFLPA President Bill Curry explained: 'The annual meeting amounted to a golf tournament in Hollywood Beach, [Florida]'.⁵⁸

In response, the NFLMC's tactic was to focus primarily on monetary issues and ignore the freedom demands. From the NFLMC's perspective, the freedom issues were an attack on the structure of the game. Such demands were ludicrous, non-negotiable and would lead to anarchy. As NFLMC chairman Wellington Mara asserted, the players association's demands reflect only one central theme: 'that the experience of generations is worthless . . . that a structure that evolved through the years should be torn down and replaced by nothing'.⁵⁹ Early in the negotiations, the NFLMC offered to continue the payment of insurance premiums beyond the 31 March expiration date, if the players association would give a no-strike pledge until the first game of the regular season. Garvey, however, termed the action 'bad-faith negotiating' and rejected the proposal. It marked the start of both sides agreeing to disagree.⁶⁰

In late May, both sides began their PR campaign in the press. The *New York Times* reported a debate between NFLMC counsel Ted Kheel and former NFLPA president John Mackey. Kheel began the debate by arguing the infeasibility of the association's freedom demands. He pointed out that the players association was proposing to abolish the entire system governing player transfers and trades that had been developed through fifty years of professional football. Kheel found it problematic that the association proposed nothing to replace this 'structure', claiming that the restraints of the market place would be sufficient, as influenced by the law of supply and demand. Market demand would be enough to insure all clubs could compete on even terms. The Management Council's lawyer echoed a sentiment long advocated by magnates in professional team sports: players would sign with those teams offering the best deal and competitive balance would be destroyed. In other words, players would sign with clubs in larger markets, like New York and Los Angeles.⁶¹

Kheel also raised an issue that David Harris characterised as the 'oddest relationship in American labor'. According to Kheel, the inconsistency of management-labour relations in professional team sports stemmed from an

'implicit structural difference' between bargaining and traditional employment. Labour unions in other industries prided themselves on acquiring salary increases for their members, however, in professional sports, unions insist on being prohibited from bargaining on salaries. What Kheel conveniently neglected to mention was that the NFLPA began as a company union and the owners refused to bargain collectively with them until 1968. Therefore, this 'structural difference' was more the owners' creation than the players.⁶²

John Mackey countered Kheel's structure of the game argument with the players' demand for freedom. In an oratory that resembled Frederick Douglas, Mackey was appalled that in the United States 'people can still make economic arguments to justify the taking away of a man's freedom and dignity'. Men like Pete Rozelle and Ted Kheel could argue that athletes were 'well paid' for relinquishing their freedom and that the system would not survive if the players were free to negotiate with more than one employer. Such arguments, according to Mackey, were nonsense. He added: 'If freedom will destroy the NFL, then the NFL should be destroyed'. What would replace it would be a new and better league run by men who understood free enterprise, based upon a player's freedom to negotiate. Mackey took some parting shots at Commissioner Pete Rozelle. It was unacceptable for the commissioner to be judge, jury, and executioner regarding a player's fate. The overall system was unacceptable that allowed one man to deprive a player 'of his livelihood and then act as arbitrator if [he] wishes to appeal the decision'.⁶³

Despite this debate in the press, by late June both the NFLPA and NFLMC were at an impasse. Neither side was optimistic that a quick agreement would be reached. The association had already indicated that if a settlement had not been reached by 30 June, the players would go out on strike. With the deadline pass, the NFLPA prepared to establish picket lines to disrupt training camps and, if need be, interrupt the exhibition season.

The NFLPA mobilised its membership for picketing the NFL training camps. The purpose of picketing the camps was to encourage the rookies and free agents, through the power of moral persuasion and educating them on the issues, to join their picket line. Undoubtedly, as part of their PR tactic, the NFLPA sought to maintain a peaceful picketing strategy. They did not want to disrupt traffic, or prevent the rookies or free agents from entering training camp. At the same time, Ed Garvey filed an unfair labour practice against the owners, indicting them for refusing to bargain in good faith. According to Garvey, the magnates were trying to 'undermine the union'.⁶⁴

The players association also made plans to convey their message of freedom to its membership, free agents, rookies, and the public. The players union sent telegrams to rookies who were scheduled to attend preseason camps in early July in San Diego, Dallas, Houston and Miami urging them to remain home until the strike was settled. The association also made efforts to raise additional money for their labour efforts by selling T-shirts (\$5), bumper

stickers (\$1), and buttons (\$1). They advertised the items in Sunday newspapers saying: 'Fans . . . the NFL players need your support. Our country is based on freedom and individual rights. Support our fight for freedom. We want to be free to play football. We want to play football. We want to be free'. The T-shirt was adorned with a clenched fist, the association's initials, and the slogan, 'No Freedom, No Football'.⁶⁵

The fundamental underpinning of the NFLPA's public relations campaign was to emphasise principle over economics. In other words, 'No Freedom No Football' reinforced Mackey's assertion that the NFL's reserve system took a player's 'freedom and dignity' away from them. This PR strategy was based, however, upon achieving economic goals. The fact that the players sought to dismantle the reserve system was an effort to improve their bargaining position. Moreover, the NFLPA's PR campaign was consistent with their overall labour strategy to utilise the power of moral persuasion and to educate the rookies and free agents on the issue to encourage them to join their picket line.

The NFLPA's strike coincided with the rise of a rival league, the World Football League (WFL). The emergence of the WFL marked the fourth time in the history of professional football's labour relations that some veterans would benefit economically by a rival league bidding for their services. Unlike its predecessor, the AFL, the WFL did not have an entrepreneur who brought the financial stature that Lamar Hunt possessed. John Bassett, the owner of the Toronto Northmen, which eventually relocated to Memphis, an heir to a Toronto-based fortune, was as close as they got. His father was once president of the NHL Toronto Maple Leafs. Most of the other owners were, according to Bassett, 'a lot of people who wanted to play with other people's money'.⁶⁶

A little more than month after the NFL's annual meeting, WFL Commissioner Gary Davidson mounted a player raid of NFL teams. On 31 March 1974, the *Sporting News* reported that the Toronto Northmen had transacted a deal involving more than three million dollars and signed Miami Dolphins superstars Larry Csonka, Jim Kiick and Paul Warfield. All three players would play out their options and jump to the WFL the following year. Predictably, the signings sent shock waves throughout the NFL.⁶⁷

Several signings followed this blockbuster deal. The most notable ones included Oakland Raiders quarterback Ken Stabler, Dallas Cowboys running backs Calvin Hill and Mike Montgomery, Cowboys quarterback Craig Morton and San Francisco 49ers tight end Ted Kwalick. At first, the NFL attempted to halt these player raids by seeking injunctions in the federal courts. The Cincinnati Bengals won an initial round in the courts, when Federal Judge David Porter granted the club a temporary restraining order preventing the WFL from signing their players under contract. The Dallas Cowboys also obtained a temporary restraining order, but it was reversed on appeal. Judge Harold Bateman argued that the WFL's actions did 'not suggest a "raiding scheme"'. He highlighted the WFL brochures that 'plainly states' that players

should honour existing contractual agreements. Thus the reversal enabled Hill to sign with Hawaii, Morton with Houston and Montgomery with Buffalo. The WFL had reportedly signed 33 NFL veterans for future delivery.⁶⁸

The fact that 33 veteran players signed with the WFL illustrated their dissatisfaction with the NFL's reserve system. The rise of the new league resulted in sportswriters, like Larry Felser, to ponder whether the NFL would consider modifying its reserve system, particularly the Rozelle Rule. More important, the NFL found itself being pinched on two sides, the challenge from a rival league and the ensuing strike by the NFLPA.⁶⁹

While the WFL mounted its raid of NFL players, Ed Garvey prepared to lead fifty veterans to establish a picket line at the San Diego Chargers training camp. The Chargers' camp was scheduled to open on 3 July at the U.S. International University (USIU) campus, located ten miles northeast of San Diego, however, Chargers owner Gene Klein undermined the union's efforts by arranging for the rookies and free agents to report a day before the camp opened. Concurrently, school authorities prohibited the NFLPA from picketing on campus. Logistics presented a problem, as USIU was located on a hill and could only be accessed by one road. Thus when the association established their picket line, it was located at the bottom of the hill, a half-mile from the Chargers' dormitories and training field. The only contact between the strikers and the rookies was by telephone.⁷⁰

On 4 July, Garvey, along with NFLPA President Bill Curry, made arrangements with the Chargers' management and university authorities to address the rookies and free agents. Reportedly, three players left camp and joined the picket line. Free agent wide receiver Coleman Zeno and Jerry Dunigan also joined the picket. Unfortunately for Dunigan, he was cut after the second practice. First round draft pick Don Goode, who was expected to make the team as a linebacker, walked out of camp. Yet Goode returned to camp the following day because he would lose his signing bonus if he left camp.⁷¹

The picket line at the Chargers' camp failed to accomplish the NFLPA's primary objective, to encourage rookies and free agents not to report. It was evident that their preparation was poor, because the Chargers' management and USIU school officials out manoeuvred them. According to *Los Angeles Times* staff writer Bob Oates, the owners were of the opinion that the players association lost the rookie war. After all, the association was asking the rookies to make a tough decision, to join a union where membership was contingent upon them making the club. Nevertheless, Garvey called their picketing efforts a success. He reportedly said the union's weapon was 'moral pressure, which takes a while'. Los Angeles Rams player representative Tom Mack reinforced Garvey's claim by pointing out that the picket line served to highlight the problems the players had with the owners during collective bargaining negotiations. Although the NFLPA did not achieve its objective in San Diego, they would press on and attempt to realise their next three objectives:

boycotting the College All-Star game, keeping the veterans together and stopping the exhibition schedule.⁷²

The NFLPA turned its attention towards the two-time Super Bowl champions Miami Dolphins' training camp. The Dolphins were scheduled to play in the College All-Star game in late July. According to the *Los Angeles Times*, Garvey supposedly said that the association should determine whether or not the Dolphins would play in the contest. If the Dolphins played the game with rookies and free agents, the game would be picketed. Moreover, if the two-time Super Bowl champions agreed to play in the All-Star game, like the Kansas City Chiefs did in 1970, it would seriously damage the morale of the rest of the league players.⁷³

Reaction among the Dolphins veterans regarding the All-Star game was mixed. The most outspoken critic among the veterans was wide receiver Howard Twilley. A member of the original Miami Dolphins in 1966, Twilley wrote Garvey and Bill Curry questioning the logic of boycotting the annual Chicago classic. He added, however, that his purpose of questioning their tactics was not to drive a wedge between the NFLPA leadership and the members. Twilley pointed out that the owners did not benefit financially from the game, but the players who participated and the *Chicago Tribune* charities did. 'We shouldn't be asked to make anymore sacrifices than anyone else', Twilley added. 'This [was] a very significant and unprecedented thing [the NFLPA was] asking us to do'. He called for the players association to follow the Chiefs' precedent of playing the game, and if the strike had not been settled, the Dolphins would walk out of camp. Dolphins' guard Bob Kuechenberg concurred with Twilley. Kuechenberg added: 'Public opinion is crucial to our (NFLPA) cause because management gets a better press as it is'. He added: 'I'm wholeheartedly for playing the game, because not playing it would make us look selfish in the public's eye'.⁷⁴

Other Dolphins players were either undecided or against playing the game. Offensive tackle Norm Evans echoed Kuechenberg's sentiment about the bad PR the game's cancellation may cause. Guard Larry Little stated that NFLPA player solidarity was more important than the All-Star game. Defensive tackle Manny Fernandez characterised playing as a 'tricky situation', but would support their player representative Doug Swift's decision to play the game or not. Swift opposed playing the game if an agreement had not been reached.⁷⁵

Although he failed to get a consensus among the Dolphins to boycott the All-Star game, Garvey flew to Chicago to meet with the college players to encourage them not to play the game, if an agreement had not been reached. The All-Stars listened to a debate of the issues between NFLMC representative Jim Finks and Garvey. Approximately three hours later, both men left the room to allow the players to reach a decision. After a reported 'heated discussion', the college All-Stars agreed to honour the NFLPA's picket line until both sides came to an agreement. Speaking for the players, Notre Dame tight end Dave

Casper stated that the All-Stars were putting pressure on the owners and players to arrive at a settlement, and that they (All-Stars) were not taking sides.⁷⁶

On 9 July, Luke Carroll, executive director of the *Chicago Tribune* Charities, Inc., announced that the All-Star game would be cancelled if an arrangement was not worked out within 48 hours. Carroll added that the Charities would not be a party to the dispute between the players association and the owners. 'Beneficiaries of this fine traditional sports events', Carroll continued, 'should not become victims of this dispute'.⁷⁷ Evidently, no compromise was reached. On 11 July, the *Chicago Tribune* reported that the College All-Star game had been cancelled. The dispute between the players and owners had accomplished something that the Great Depression and World War II failed to achieve, cancelling this charitable event.⁷⁸

According to Cooper Rollow, chairman of the *Chicago Tribune* charities, the game was cancelled after the NFLPA failed to give 'its sanction' to the contest. Rollow estimated that the game's cancellation would result in an approximate loss of \$200,000. Garvey said, however, the NFLPA would give the charity enough to match half the receipts made at the 1973 game, or approximately \$100,000. He added if the NFL owners would not match the \$100,000, the union would make good on all \$200,000. It was not clear where the money would come from.⁷⁹

Reaction to cancelling the All-Star game was predictable. Giants' owner Wellington Mara called the NFLPA's actions irresponsible and an 'attack on the traditions of professional football'.⁸⁰ Dolphins coach Don Shula pointed out that his players would suffer more than anybody else because they received one-fourteenth of their season's salary. Howard Twilley stated that the union had nothing to be proud of regarding the game's cancellation. He added: 'I feel quite strongly that canceling the All-Star game will hurt pro football's image and create fan dissidence'.⁸¹

There were some who viewed the game's cancellation differently. Garvey called the cancellation a 'significant development . . . because it showed that first-year players [were] able to understand the issues if they [heard] both sides'.⁸² Manny Fernandez stated that the game should have been canceled years ago, because it 'adds another game to a long hot summer'.⁸³ Dolphins player representative Doug Swift found it ironic how 'overnight the All-Star game [had] been elevated from a midsummer nuisance that NFL owners and coaches have been trying to kill for years to a \$200,000 charity classic'.⁸⁴

Washington Post journalist Barry Furlong analysed the impact of canceling the All-Star game, and the NFLPA's overall labour strategy. Furlong began by stating that the players association picked an excellent time for their strike because of the beginning of the WFL season and the financial drain the owners could endure by the cancellation of the exhibition season. Cancelling the All-Star game was significant due to the NFLPA's willingness to reimburse the lost revenue. Because of the owners' unresponsiveness to matching this

initiative, they projected an image that 'they are their own favorite charity and are not about to go throwing \$106,000 away on needy children'. Furlong concluded that the NFLPA was winning the PR battle in the short term. Yet he felt that the strategic advantage remained with the owners. Whereas the owners would complain about losing profits during the exhibition season, the players would feel the financial pinch once the regular season began. More important, Furlong noted that the players association was pursuing goals that are a 'trifle abstract'. While some of their concerns were worthy ones, they would be difficult to impress upon the fans, compared with dollars-and-cents issues. Whereas the union appeared to be relying on logic, on the inevitability of certain of its goals, the owners were relying on passion. Passion, Furlong concluded, looked like the most promising policy.⁸⁵

Furlong's latter observation appeared to be accurate. Two informal surveys conducted by a Milwaukee sportswriter and a Worcester, Massachusetts radio station revealed that the NFLPA was losing the PR battle with the public. *Milwaukee Journal* sports editor Chuck Johnson conducted a straw poll with his readership. The fans responded to the following question: 'whose side do you, the reader, feel is right in the strike – (a) the players, (b) the owners, or (c) neither'. On 14 July, Johnson reported the findings of his survey. Overwhelmingly, the respondents voted 88.7 per cent in favour of the owners. Of the 264 readers who responded, 252 voted for the owners. Only four per cent voted for the players, while 7.1 per cent felt neither side was right in the strike.⁸⁶ A telephone poll conducted by Worcester radio station WTAG showed that 83 per cent of the respondents sided with the owners. According to the poll, the general consensus was that the players were a group of 'prima donnas', who lost all consideration for the fans.⁸⁷

Milwaukee fans went one step further and wrote letters to the editor. One fan found it extremely difficult to have sympathy for highly paid football players who decided to strike. He also pointed to the failure of Wisconsin people to support 84 striking teachers in a Milwaukee suburb 'whose demands [were] considerably less and whose contribution to society [was] a whole lot greater'. Another fan contended that the NFL would cut its own throat if the owners abolished the reserve system. Finally, one fan suggested that players be paid like union members. 'That way', he continued, 'the union would negotiate wages for position, and the players could not negotiate wages for position, and the players could not negotiate on their own'.⁸⁸

Sportswriters took some shots at the NFLPA, most notably John Steadman. He questioned the mentality of the men who turned their backs on the game. He classified the union's slogan, 'No Freedom, No Football', as 'trite'. He added that Garvey had not garnered the sympathy from the public, because they know 'the players don't care about the fans'. Furthermore, Steadman pointed out the players association should have taken a stand against the owners increasing ticket prices and requiring season ticketholders to buy

exhibition game tickets. That, he concluded, may have brought the NFLPA sympathy and support from the fans, who they wanted to support them.⁸⁹

Cancelling the All-Star game also revealed fissures within the NFLPA's. By mid-July, several veterans began crossing the picket lines. San Diego Chargers quarterback Johnny Unitas reportedly said he would oblige the union and stay out of camp, if they paid his salary. Dallas Cowboys offensive tackle Ralph Neely resigned from the union and reported to camp. New York Jets defensive tackle Steve Thompson reported to camp claiming, 'The Lord told me to honor my contract'. Houston Oilers linebacker Steve Kiner defied the picket line and branded the strikers as 'a bunch of cry babies'.⁹⁰

Why did the NFLPA fare so poorly in their public relations campaign, and why was their player solidarity beginning to break down? The union had, after all, made better preparations for their upcoming battle with the owners than they had in previous negotiations. But the players association was having a more difficult time keeping the veterans together than it did four years earlier.

Essentially, three factors contributed to the NFLPA losing both the PR campaign with the public and its player solidarity. First, the NFLPA missed a golden opportunity to link their cause with the owners increasing ticket prices and requiring season ticketholders to buy exhibition game tickets. Throughout the early 1970s, several sportswriters wrote about NFL owners linking season tickets to exhibition game tickets. Known as 'tie-in' sales, in order for season ticketholders to buy their tickets, they were required to purchase exhibition game tickets as part of the package. To further leverage their ticket sales, several NFL owners established joint promotions with colleges and universities whereby the team and the university would share in the gate receipts. In a game between the Detroit Lions and the Baltimore Colts at the University of Michigan in Ann Arbor, 91,745 fans paid to see a game in which coaches experimented with fringe talent. Both the university and the Lions amassed approximately \$200,000 in gate receipts, and the Colts received \$90,000. Sportswriter Bob Oates estimated that the NFL made on average between three and four million dollars each week through the exhibition season.⁹¹

If the owners realised profits of this magnitude, it was understandable why players asked for more exhibition pay. As Leonard Koppett pointed out, NFL clubs played six exhibition games before a fourteen game regular season. This amounted to a period of preparation that equaled 43 percent of the length of the regular season. Koppett also stated the tie-in of season tickets to exhibition game tickets was resulting in the emergence of a fan rebellion. Clearly, as Steadman pointed out earlier, the NFLPA might have garnered sympathy from the public if they had linked their cause to the owners' ticket leveraging practices. It was a 'dollars-and-cents' issue the fans could have related to.⁹²

The inability to prevent rookies and free agents from entering training camps represented the second factor. Throughout the strike, the owners, college and university authorities, or city officials, or a combination, outmanoeuvred

the NFLPA. Owners would shepherd their rookies and free agents into camp prior to the formation of picket lines, or college and university officials would prohibit strikers from entering the camps. When the players association gained permission to speak to the rookies, NFL management would demand that one of their personnel be represented at the meeting. This practice frustrated New York Giants player representative Charlie Evans, who reportedly said 'You can't expect a rookie to ask questions with management sitting in'.⁹³

The Green Bay Packers' training camp illustrated how effective management was in thwarting the union's picketing efforts. Led by Ken Bowman and player representative Dick Himes, the Packers, along with several veterans from the Chicago Bears and St. Louis Cardinals, attempted to prevent a scrimmage game between the Packers and Bears rookies. Prior to the scrimmage, the Packers management secured a court order to remove the strikers from the Lambeau Field parking lot. The strikers failed to comply with the court order and were promptly arrested. They were released two hours after the game started, and the following day the Packers management dropped all charges. It was evident that management was only interested in prohibiting the strikers from stopping the game. More important, this episode showed how management remained one step ahead of the union.⁹⁴

Ed Garvey's hard line stance in collective bargaining negotiations with the NFLMC constituted the final factor. From the outset, Garvey alienated several veteran players, which no doubt weakened player solidarity. Baltimore Colts linebacker Mike Curtis maintained his antiunion stance, classifying the freedom demands as foolishness. Dallas Cowboys quarterback Roger Staubach claimed that Garvey lost credibility when he walked into a meeting with the owners, and slapped down the union's demands 'in his belligerent, arrogant way, without using any tact'. Staubach added: 'He immediately made them mad and this doesn't seem like a very good way to begin negotiations to me'. Chicago Bears offensive tackle Bob Asher also pointed to Garvey's hard-nosed attitude and inflexibility as a detriment to the NFLPA cause. Moreover, Garvey's unwillingness to make counter offers to the owners' demands made him, not the owners, appear to be unwilling to bargain in good faith. Combined with the union's inability to prevent rookies and free agents from entering the camps, player solidarity began to crumble. In the following weeks, several veterans, including quarterbacks Ken Anderson of the Cincinnati Bengals, Roman Gabriel of the Philadelphia Eagles, Craig Morton of the Dallas Cowboys and Ken Stabler of the Oakland Raiders, entered their respective training camps.⁹⁵

On 19 July, the *New York Times* reported that the owners made their first comprehensive package of proposals in their dispute with the players. Most importantly, they rejected virtually all of the freedom demands. NFLMC Executive Director John Thompson estimated the package would cost owners \$12,455,000 for the 1974 season. That was an increase of nearly four million dollars over their 1973 contribution. The owners proposed the elimination of

per-game and per diem pay and substituted instead a sum equal to ten per cent of the players' base salary. For example, a player with a \$30,000 salary for 1974 would receive an additional \$3,000 preseason pay. Other proposals included rookies receiving \$200 per preseason week and a minimum salary of \$16,000, including the ten per cent preseason increase. Pro Bowl participants would receive a winning share of \$4,000 and losers received \$2,000.⁹⁶

Garvey rejected the owners' proposal. According to Garvey, it was not a serious offer. He added: 'It must be designed to try and tell the press they have something on the table. They've got to have more in mind than that'. Although Garvey's claim may have been valid, rejecting the owners' proposal, and offering no counter proposal, only reinforced Bob Asher's assertion regarding the former's hard-nosed attitude and inflexibility.⁹⁷

The NFLPA mobilised its veterans to picket the Pro Football Hall of Fame game in Canton, Ohio. They secured the support of the United Auto Workers in nearby Lordstown, the Greater Cleveland Labor Federation, the AFL-CIO, and District 27 of the United Steel Workers Union, urging their members to boycott the game. Kansas City Chiefs running back Ed Podolak, free agent Gary Ballman and St. Louis Cardinals offensive tackle Dan Dierdorf joined the UAW pickets at the General Motors Corporation as a gesture of solidarity. The UAW would reciprocate the favour at the Hall of Fame game.⁹⁸

The NFLPA's picket lines would once again be thwarted. Judge William Morris of the Stark County Court of Common Pleas granted a request made by the Hall of Fame Board of Trustees and issued an injunction limiting the number of pickets and restraining them from demonstrating during the enshrinement ceremonies. The injunction allowed for six players at each entrance gate plus two United Auto Workers. The picketers could come no closer than ten feet to ticket windows and gates. Judge Morris also ordered space be provided adjacent to the stadium where the players could demonstrate and 'put across their story to the public'. The court injunction was another example of how the NFLPA's picketing efforts were frustrated. The inability to prevent rookies and free agents from entering training camp, the failure to keep both the veterans together and disrupt the exhibition season, resulted in the union's resolve crumbling.⁹⁹

Although no dramatic developments had taken place in the stalemate to reach a settlement, both sides agreed to meet again in early August in Washington, D.C. The NFLPA drafted a new proposal, reportedly scaling down their freedom demands. Undoubtedly, both sides agreed to meet due to the poor attendance at preseason games, and the daily defections of NFLPA members into training camp. Fans demanded a refund from an exhibition games between the Chicago Bears and the St. Louis Cardinals. According to the *New York Times*, a paltry 15,501 fans paid to see the New York Giants play the Houston Oilers in the Astrodome. A crowd of 28,021 assembled in the 92,000-seat Los Angeles Coliseum to watch the Rams beat the Cleveland Browns, 24-21.

Whereas the owners may have swung public opinion in their favour, the fans sent a clear message to the owners that they would not patronise a sub par product. By 7 August, the NFL released figures claiming that 360 union members were now in camp. Both sides supposedly came to an agreement, but the owners, and not the management council, refused to sanction it.¹⁰⁰

On 12 August, the *New York Times* reported that the NFLPA decided to suspend their strike for fourteen days, in an effort to resolve their labour dispute with the owners. Federal mediator W.J. Usery recommended this 'cooling off period', so both sides could resume productive talks. The decision to ask the membership to report to camp was not unanimous, however. According to Garvey, several members of the executive committee and the player representatives wanted to remain out, but Usery persuaded them to enter camp, claiming an agreement could be reached if there was a cooling off period. By entering camp, the argument went, the burden of compromise and settlement would shift from the players to the owners.¹⁰¹

The cooling off period split the NFLPA into two factions. In Los Angeles, the Rams management asked for and received a commitment from the striking veterans that they would play for the rest of the season. O.J. Simpson stated that he was 'here to stay', while Washington Redskins running back Larry Brown reportedly said, 'I'll be the first one to leave', if Garvey asked the veterans to walk out. Quarterback Bill Kilmer indicated that he, too, would resume the strike. In Minnesota, the Vikings voted 38-0 not to report until contract negotiations were closer, but later relented.¹⁰²

The cooling off period evolved into a purge of veterans and WFL signees. In Houston, Oilers' coach Sid Gillman released seven veteran players upon their arrival to camp. One player, linebacker Paul Guidry, reportedly drove 26 straight hours to get to camp only to find out that he had been released. Another released linebacker, Dick Cunningham, had been persuaded by Gillman to sell his home and art gallery in Buffalo so he could move closer to the Houston facilities. Baltimore Colts general manager Joe Thomas established a team policy to rid its roster of WFL signees. He promptly traded All-Pro linebacker Ted Hendricks, offensive tackle Tom Drougas and center Fred Hoaglin.¹⁰³

Releasing the 'Houston 7' drew the ire from members on Capital Hill. Twelve members of the House of Representatives threatened the NFL owners with a thorough inspection of pro football's antitrust status, if a favourable contract compromise with the NFLPA was not reached as a result of the 44-day strike. In a letter to NFLMC executive director John Thompson, Congressman John Moss (D-Calif.), whose subcommittee had jurisdiction over restraint of trade, stated that there were a half a dozen bills pending that would affect the NFL's antitrust exemptions. The Congressmen were critical of statements made by Oilers' owner Bud Adams and Gillman, who supposedly said, 'they had no intentions of using any veterans who came to the Oilers' training camp'. If the owners and the players did not reach a fair compromise, the subcommittee

would conduct a complete review of the NFL's antitrust status. In response, NFLMC publicity director Terry Bledsoe performed some damage control by claiming the management council had negotiated in good faith. Bledsoe invited Moss or any other congressmen to 'examine the record'. Obviously, the NFLMC could not control the owners and coaches' actions. Purging the veterans, however, represented a blemish on the NFLMC's PR campaign.¹⁰⁴

On 19 August, the *Washington Post* reported that the NFLPA made public a fifteen-point, one-year package, they would recommend to the players if the owners agreed to the new proposals. The union requested an increase in pension and insurance benefits that would cost each club an estimated \$75,000. The players also asked for increases for meals, moving and travel, postseason pay and a minimum salary amounting to 33.8 percent over the 1970 contract, or the equivalent to the rise in the cost of living since that time. The players association also modified its freedom demands. The option clause would be retained for the 1974 season, but abandoned after that except for rookies. Teams could freely trade a player during the first four years of his career, but after that they could negate a trade. A five-year veteran could negate his contract if placed on waivers and then be free to negotiate with any team. Despite the congressional pressure placed on the NFL, the management council rejected the proposal. As Thompson stated, the proposal showed 'how far apart we stand after five months of bargaining'.¹⁰⁵

On 30 August, the *New York Times* reported that the NFLMC made a 'bottom line' offer to the players. The proposal liberalised working conditions, and offered a total of \$25 million over four years to pay for pension and insurance, and a modification of the Rozelle Rule. According to the *Sporting News*, the player representatives rejected the offer by a 26-1 vote. Both sides were no closer to an agreement before the cooling off period began.¹⁰⁶

Owners and coaches continued their purge of veteran players. This time they focused on the player representatives. Atlanta Falcons player representative Ken Reeves was reportedly walking the picket line when Falcons owner Rankin Smith and coach Norm Van Brocklin drove up beside him in an automobile. They supposedly told Reeves to take his picket sign to New Orleans because he had been traded. The Philadelphia Eagles released NFLPA vice-president Kermit Alexander, ending his playing career. On 31 August, the *New York Times* reported that the Houston Oilers placed NFLPA president Bill Curry on waivers 'by mutual consent'. According to Harris, within a year twenty union officers and player representatives had been cut or traded.¹⁰⁷

By November, the NFLPA was in a state of disarray. They would play the 1974 season without a collective bargaining agreement. 'Right now it's like we're behind 20-0 in the fourth quarter', Garvey exclaimed. He added, 'The strike collapsed and we lost'. With Garvey conceding defeat, the NFLPA would look to the Federal Courts in its quest to dismantle the reserve system.¹⁰⁸

Conclusion

The NFLPA's chaotic existence continued into the 1975 season. The union went out on strike again with high aspirations but it ended in frustration. The strike centred primarily around one team, the New England Patriots, and its player representative Randy Vataha. The walkout exemplified the players' impatience with the lack of progress at the bargaining table. Concurrently, Vataha and his teammates were trying to determine whether the players had a competent union. Four other teams, Washington, New Orleans, New York Giants and the New York Jets, also voted in favour of the strike. One exhibition game was cancelled but eleven teams voted not to strike. The twenty-six teams were acting independently, as mini-unions, further eroding player solidarity. W. J. Usery helped end the dispute but there was no change in the status of the Rozelle Rule. Moreover, the question of whether the players had a viable union was answered essentially in the negative.¹⁰⁹

In 1976, the NFLPA looked to the courts to achieve its objective of dismantling the reserve system. *John Mackey v National Football League* challenged the Rozelle Rule under antitrust laws. It alleged that the compensation rule violated the Sherman Antitrust Act by denying players an opportunity to contract freely for their services. The court agreed with this contention. The Rozelle Rule was an unreasonable restraint of trade because it acted as a prohibitive deterrent to player movement in the NFL.¹¹⁰

The *Mackey* ruling was a significant victory for the NFLPA. It allowed for greater mobility for players, much like the arbitration decision in baseball that overturned the reserve clause. Rather than solidifying the their gains, however, the NFLPA essentially gave most of them back during collective bargaining. Under the 1977 collective bargaining agreement, a player whose contract expired or played out his option could test the free agent market. The player's team had a right of first refusal in which it could match the offer of the bidding team and thus retain the player. Nevertheless, the deterrent of signing free agents remained. If the team did not exercise its right of first refusal, the new team had to give up draft choices as compensation.

The NFLPA did win some concessions regarding Rozelle's authority over player grievances and a \$107-million benefit package. The NFL agreed to pay \$13.65 million over ten years to settle damages from the *Mackey v. NFL* lawsuit. This money would be distributed among approximately 3,200 active and former players based on a system devised by the union and based on seniority. The NFL also agreed not to impose arbitrary hair or dress codes.

Why did the NFLPA fare so poorly in collective bargaining negotiations? Previous scholars suggest that a lack of player solidarity has resulted in the association functioning as a weak and ineffective organisation, a valid assertion. Yet the players exhibited an ability to stay together during the 1970 strike/lockout. Although they did not get a collective bargaining agreement to their liking, the players' resolve did result in the owners coming to the table to

reach a settlement. Essentially, three factors contributed to the NFLPA's poor performance in bargaining.¹¹¹

Naively thinking the owners would bargain with them in good faith during the 1970 strike/lockout constituted the first factor. From the beginning, the owner's public relations campaign and their delay tactics in meeting with federal mediators was designed to break down the union's solidarity. Simultaneously, this strategy ultimately wore down the NFLPA to coerce them into acceding to the owner's proposal. Constantly placing the players association in this charge-counter-charge mode diverted attention away from the owners' hard line stance. It also made it difficult for the NFLPA to convey its position in the press to garner support from the fans.

Second, while the NFLPA reorganised its leadership, active players still maintained elite positions. Unlike Major League Baseball, whose leadership was made up of full time professionals, the president and vice-president of the NFLPA were still active players. In essence, the association still maintained some of its company union origins. This made the union vulnerable to constant turnover in leadership positions. Active players were exposed to being cut or released as a result of their union activities. More importantly, the NFLPA could have been better served with labour negotiators with bargaining experience in these positions.

Ed Garvey's inability to operate as a shrewd negotiator at the bargaining table represented the final factor. Unlike his counterpart in baseball, Marvin Miller, Garvey did not come into professional football with bargaining experience. Despite this lack of experience, his objectives in the 1974 strike, persuading rookies and free agents to join the union's picket line, keeping the veterans together and disrupting the exhibition season, seemed plausible. Failing to achieve these objectives, however, resulted in the players association's resolve disintegrating.

The NFLPA's public relation campaign suffered due to Garvey's hard line stance during negotiations. In many ways, the union's rally cry, 'No Freedom, No Football', was both innovative and practical. It was designed to target the lack of player mobility as a result of the NFL's reserve system,— the focal point of the NFLPA's labour strategy. Yet selling their message to the public to garner sympathy for their cause was problematic. The freedom demands became even more difficult to sell when Garvey continually dismissed the owners' proposals as either nonsense or not a serious offer. Regardless of whether Garvey's assertion was accurate, his refusal to budge from the union's original demands made him, and not the owners, appear to be unreasonable during negotiations. By the time Garvey exhibited a willingness to compromise on the union's demands, the veterans had reported to camp. From that time on the NFL Management Council maintained the upper hand in negotiations.

In 1970, the National Football League Players Association began a new era with high aspirations. By the middle of the decade, the union was in tatters. While the NFLPA did garner some satisfaction in striking a blow against the NFL's reserve system in the Federal Courts, the quest for freedom came at a high price.

NOTES:

1. Scholarly research on professional football's labour strike in the 1970s has been virtually nonexistent. Paul Staudohar provides scant references to them in *Playing for Dollars: Labor Relations and the Sport Business* (Ithaca, NY: Cornell University Press, 1996); P.D. Staudohar., *The Sports Industry and Collective Bargaining* (New York: ILR Press, 1989); P.D. Staudohar and J.A. Mangan, eds., *The Business of Professional Sports* (Urbana: University of Illinois Press, 1991). Although it has several drawbacks David Harris chronicles the 1970 and 1974 strikes in *The League: The Rise and Decline Of The NFL* (Toronto: Bantam Books, 1986).
2. B. Parrish and E. Linn, 'Pro Football's Player Mutiny', *Look*, 22 August 1967, p. 70; Harris, *The League*, p. 182; T. Maule, 'Judgment at Baltimore', *Sports Illustrated*, 16, 4 June 1962, p. 47.
3. *New York Times*, 6 March 1974; G.S. Brown, 'Because of a clause a cause', *Sports Illustrated*, 36, 1 May 1972, p. 62.
4. Fischer's statistics in D.S. Neft, R.M. Cohen and R. Korch, *The Sports Encyclopedia: Pro Football*, 11th ed. (New York: St. Martin's Press, 1993). House Judiciary Committee, *Subcommittee On Monopolies And Commercial Law*, serial no. 59, Bills To Protect The Civil And Constitutional Rights Of Professional Athletes, 94th Congress, 1st session, 14 October 1975 (Washington, DC: Government Printing Office, 1977), pp. 110-11.
5. Parks' statistics in Neft et. al., *The Sports Encyclopedia; Subcommittee On Monopolies*, p.25.
6. For a detailed account on the early history of the NFLPA and professional football's labour relations, see M.E. Lomax, 'Conflict and Compromise: The Evolution of American Professional Football's Labour Relations 1957-1966', *Football Studies*, 4:1 (2001), pp. 5-39.
7. In 1959, the NFLPA got owners to agree to establish the Bert Bell Player Benefit Plan. The plan provided association members with hospitalisation, medical care and life insurance. The amount of these benefits was contingent upon years of service. Prior to his death, Commissioner Bert Bell worked out an arrangement where the players would not have to contribute to the plan. Revenues for the plan would be generated from a percentage of championship game receipts, videotapes, pro film highlights and a post-season game between the second place clubs in each division, later referred to as the Playoff Bowl. The plan, however, would not go into effect until 1963. In other words, the player benefit plan would cover players whose career began in 1959, and they would not be eligible to receive benefits until they played their first game in 1963.

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8. As late as 1966, St. Louis Cardinals All Pro defensive back and 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'. See *St. Louis Post-Dispatch*, 4 February 1966.
9. *New York Times*, 3 November 1967.
10. B. Parrish, *They Call It A Game* (New York: The Dial Press, 1971), pp. 258-9; D. Meggysey, *Out Of Their League* (New York: Ramparts Press, Inc., 1971), pp. 178-80. *New York Times*, 10 November 1967. C. Heaton, '\$15,000 Minimum Proposed as Bait To Unionize NFL', *Sporting News* 164, 18 November 1967, p. 16.
11. Parrish, *They Call It A Game*, pp. 260-3. *New York Times*, 7 January 1968.
12. *New York Times*, 8 January 1968. C. Lundquist, 'NFL Player Group Moves to Register As a Labor Union', *Sporting News*, 164, 20 January 1968, p. 18; C. Lundquist, 'AFL-NFL Players Organize Unions, Reject Teamsters', *Sporting News*, 164, 27 January 1968, p. 8.
13. *New York Times*, 3, 4, 6, 11, 15, July 1968. J. Green, 'Strike Threat Grows; Players Reject Offer by NFL Owners', *Sporting News*, 165, 13 July 1968, p. 54; J. King, 'Old Pros of NFL Win in Pension Showdown', *Sporting News*, 165, 27 July 1968, p. 46.
14. *New York Times*, 3, 4, 6, 11, 15, July 1968. Green, 'Strike Threat Grows', p. 54; King, 'Old Pros of NFL', p. 46; B. Oates, 'Strike Threat Looms in NFL Hassle', *Sporting News*, 170, 18 July 1970, p. 66.
15. *New York Times*, 27 January 1970.
16. B. Oates, 'Injured Unitas Will Return, Mackey Predicts', *Sporting News*, 170, 1 May 1971, p. 51; *New York Times*, 22 July 1970; Neft et. al, *The Sports Encyclopedia*.
17. *Miami Herald*, 10 July 1970.
18. *New York Times*, 28 March 1970.
19. P.D. Staudohar, ed., *Diamond Mines: Baseball & Labor* (Syracuse, NY: Syracuse University Press, 2000), p. xxiii.
20. W.A. Sutton, 'Marketing Principles Applied to Sport Management', in L.P. Masterlexis, C.A. Barr and M.A. Hums, eds., *Principles and Practice of Sport Management* (Gaithersburg, MD: Aspen Publishers, Inc., 1998), pp. 51-2. See also B.J. Mullin, S. Hardy and W.A. Sutton, *Sport Marketing*, 2nd ed. (Champaign, IL: Human Kinetics, 2000); M.D. Shank, *Sports Marketing: A Strategic Perspective* (Upper Saddle River, NJ: Prentice Hall, 2002).
21. *New York Times*, 8 July 1970; *Miami Herald*, 10 July 1970.
22. Oates, 'Strike', p. 66.

23. Oates, 'Strike', p. 66; *New York Times*, 14 July 1970.
24. *New York Times*, 15 July 1970; *Kansas City Star*, 16 July 1970; *Miami Herald*, 16 July 1970. For the players' reducing their pension request, see *Atlanta Constitution*, 21 July 1970; *New York Times*, 23, 26 July 1970.
25. *New York Times*, 19 July 1970.
26. *Miami Herald*, 21 July 1970
27. *Washington Evening Star*, 21 July 1970.
28. *New York Times*, 24 July 1970.
29. Kheel quote in *Miami Herald*, 23 July 1970; *Washington Evening Star*, 24 July 1970.
30. *Washington Evening Star*, 24 July 1970; *Atlanta Constitution*, 24 July 1970; *Kansas City Times*, 24 July 1970.
31. 'All-Star Game Seen As a Likely Casualty Of Pro Grid Dispute', *Sporting News*, 170, 1 August 1970, p. 50; M. Janoff, 'Exhibition Slate in Danger, Claims Giants' Boss Mara', *Sporting News*, 170, 8 August 1970, p. 50; *Miami Herald*, 26, 29 July 1970.
32. *Miami Herald*, 25 July 1970. There was a remote possibility that the *Chicago Tribune* Charities would file suit against the NFL for failure to live up to their agreement to play the game. See *Kansas City Times*, 22 July 1970.
33. *Chicago Tribune*, 23, 24 July 1970; *Washington Evening Star*, 24 July 1970.
34. *Kansas City Times*, 24, 25 July 1970; *Chicago Tribune*, 25, 26 July 1970, 5 August 1970.
35. *Washington Evening Star*, 30 July 1970; *New York Times*, 30 July 1970; *Miami Herald*, 30 July 1970.
36. Starr quote in Parrish, *They Call It A Game*, p. 268.
37. *Washington Evening Star*, 31 July 1970.
38. *Washington Evening Star*, 31 July 1970; *New York Times*, 31 July 1970, 3 August 1970; *Miami Herald*, 1 August 1970.
39. *Washington Evening Star*, 3 August 1970; *New York Times*, 4 August 1970.
40. *New York Times*, 4 August 1970.
41. 'Rozelle referees a strike settlement', *Business Week*, 8 August 1970, p. 19.
42. Oates, 'Injured Unitas', p. 51; G.S. Brown, 'Owners Can Be Tackled, Too', *Sports Illustrated*, 34, 22 March 1971, p.18.

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43. Bowman quote in T. Bledsoe, 'NFL Players Bitter; A New Strike Coming?' *Sporting News*, 170, 2 January 1971, p. 13.
44. *New York Times*, 18 June 1971; *Washington Post*, 18 June 1971; 'Signing of Four-Year Contract Ends Players-Owners Dispute', *Sporting News*, 171, 3 July 1971, p. 54.
45. *Miami Herald*, 3 August 1970
46. Brown, 'Owners', pp. 20-1.
47. M. Janoff, 'Business as Usual in NFL As Players Flock to Camp', *Sporting News*, 170, 15 August 1970, p. 48.
48. *Washington Post*, 14 January 1971.
49. Brown, 'Owners', p. 20. *Chicago Tribune*, 10 July 1974; B. Oates, 'Players Back Garvey', *Sporting News*, 171, 26 June 1971, p. 63; Harris, *The League*, p. 80.
50. *New York Times*, 4 November 1971; Harris, *The League*, p. 82.
51. *Cleveland Plain Dealer*, 17, 18, 19, 20 November 1971. C. Heaton, 'Lots of Foggy Areas Mark Grand Jury Probe of NFL', *Sporting News*, 170, 28 November 1970, p. 22; L. Felser, 'Grand Jury Folds Its Tent, Leaving NFL Execs Miffed', *Sporting News*, 173, 10 June 1972, p. 53; *New Orleans Times Picayune*, 14 January 1971; *Washington Post*, 14 January 1971; *New York Times*, 14 January 1971.
52. B. Oates, 'Rozelle's Deferred Decision', *Sporting News*, 172, 14 August 1971, p. 50; 'Rozelle's Record As Arbitrator', *Sporting News*, 177, 10 August 1974, p. 16.
53. L. Felser, 'Recalcitrants on Block?' *Sporting News*, 173, 5 February 1972, p. 26; L. Koppett, 'Press Secretary's Secretary', *Sporting News*, 173, 11 March 1972, p. 4.
54. C.C.J. Spink, 'Must Compensate Team', *Sporting News*, 173, 26 February 1972, p. 14; Brown, 'Because of the clause', p. 62.
55. *Minneapolis Star*, 24 May 1972; *New York Times*, 25 May 1972; Felser, 'Grand Jury', p. 53.
56. *Miami Herald*, 25 June 1974.
57. *Washington Star News*, 17 March 1974.
58. *Miami Herald*, 3 March 1974.
59. L. Felser, 'NFL Owners Fire "Demolition" Charge at Players', *Sporting News*, 177, 27 April 1974, p. 53
60. *New York Times*, 17 March 1974.
61. *New York Times*, 26 May 1974.

62. Harris, *The League*, p. 163.
63. *New York Times*, 26 May 1974. It should be noted that several debates occurred throughout the strike on the pages of several newspapers, primarily between Ed Garvey and a member of the NFL Management Council.
64. *New York Times*, 2 July 1974.
65. *New York Times*, 2 July 1974.
66. Bassett comment in Harris, *The League*, p. 168; N. MacCarl, 'A \$3 Million Security Blanket Nets Big Fish', *Sporting News*, 177, 20 April 1974, p. 41; J. Crittenden, 'Dolphins Galore Threaten Jump to New Circuit', *Sporting News*, 177, 20 April 1974, p. 41.
67. MacCarl, 'A \$3 Million Security', p. 41.
68. Felser, 'NFL Owners', p. 53; 'Latest NFL Weapon – Rash of Court Orders', *Sporting News*, 177, 4 May 1974, p. 50; Bateman comment in *Washington Post*, 25 June 1974.
69. Felser, 'NFL Owners', p. 53.
70. *Los Angeles Times*, 3, 4 July 1974.
71. *Los Angeles Times*, 3, 4 July 1974; *New York Times*, 8 July 1974.
72. Garvey comment in *Los Angeles Times*, 4 July 1974. *Los Angeles Times*, 5 July 1974.
73. *Los Angeles Times*, 6 July 1974.
74. *Miami Herald*, 26 June 1974.
75. *Miami Herald*, 26 June 1974.
76. *Chicago Tribune*, 8, 9 July 1974.
77. *Chicago Tribune*, 9 July 1974
78. *Chicago Tribune*, 11 July 1974.
79. *Chicago Tribune*, 9, 11 July 1974. NFLPA's offer to provide half of the lost revenue in *Washington Post*, 11 July 1974.
80. *Washington Post*, 11 July 1974.
81. *Miami Herald*, 11 July 1974.
82. *Washington Post*, 11 July 1974
83. *Chicago Tribune*, 11 July 1974

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84. *Miami Herald*, 12 July 1974.
85. *Washington Post*, 14 July 1974.
86. *Milwaukee Journal*, 9, 14 July 1974.
87. *New York Times*, 15 July 1974.
88. *Milwaukee Journal*, 14 July 1974.
89. J.F. Steadman, 'Now NFLPA Wants Fans to Help Pay Bills', *Sporting News*, 177, 27 July 1974, p. 62. For other sportswriters critical of the NFLPA, see, for example, W. Twombly, 'Bedcheck Is No Check for Fun-Loving Gridders', *Sporting News*, 177, 27 July 1974, pp. 63; C.C.J. Spink, 'Unrealistic Player Demands', *Sporting News*, 177, 3 August 1974, p. 14.
90. *Washington Post*, 10 July 1974; *New York Times*, 14 July 1974.
91. L. Koppett, 'Football Has Its Problems', *Sporting News*, 172, 11 September 1971, p. 4; 'Demand Less . . . And Get It', *Sporting News*, 172, 18 September 1971, p. 19; B. Oates, 'NFL Cool to Proposal for Fewer Exhibitions', *Sporting News*, 172, 2 October 1971, p. 39; J. Steadman, 'NFL Accused of Arm-Twisting Ticket Tactics', *Sporting News*, 172, 2 October 1971, p. 39.
92. Koppett, 'Football', p. 4.
93. Evans comment in *New York Times*, 11 July 1974.
94. *Milwaukee Journal*, 26, 27 July 1974; *Chicago Tribune*, 26 July 1974.
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107. Reaves being traded to New Orleans in Harris, *The League*, p. 184; *Washington Post*, 21 August 1974; *New York Times*, 31 August 1974. Bill Curry was later signed by the Los Angeles Rams. See J. Steadman, 'Rams Prevent a Messy Case', *Sporting News*, 178, 5 October 1974, p. 51.
108. Garvey conceding defeat in *New York Times*, 15 November 1974.
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