

**HEROES GET REMEMBERED, BUT LEGENDS NEVER DIE:
PROPERLY RECOGNIZING THE CONTRIBUTIONS OF NEGRO
LEAGUE VETERANS**

ABSTRACT

In May 2024, Major League Baseball (MLB) and the Major League Baseball Players Association (MLBPA) unveiled the Negro League Financial Assistance Plan with the stated goal of recognizing the contributions of Negro League (League) athletes to the game of baseball. The plan is designed to benefit those who played in the Leagues and are still alive. Yet, the final season of the Leagues which are recognized as major leagues was in 1948. Not many who played are still alive to benefit from this plan.

Even those players who have long passed should be acknowledged to fully recognize their contributions. The only way to achieve MLB's goal is to allow League veterans' families to access this plan. This Comment proposes a policy in which the joint partnership between MLB and the MLBPA does just that. The proposal calls for annual benefits to be passed to the families of those who have passed. The benefits available to them are designed to run parallel to those already made available to MLB alumni.

Recognizing legends even after their death is essential to passing on their legacy, and helping their families is part of that. After all, the vast majority of these legends have passed away because they have been wrongly overlooked for so long. MLB's professed commitment to correcting these wrongs is best achieved by the enactment of this policy.

Keywords:

I. INTRODUCTION: HONORING LEGENDS AND THEIR LEGACIES

On July 25, 1966, Ted Williams stood before a collection of some of the greatest baseball players and pioneers the world has ever seen.¹ He was being inducted into the Baseball Hall of Fame in Cooperstown, New York.² Ted Williams, the man who wrote the book on hitting, who hit over 500 home runs despite missing five of his peak seasons to fly thirty-nine combat missions during World War II and the Korean Wars, took the opportunity that his induction speech presented.³ Before the entire baseball world, he prayed “that someday the names of Satchel Paige and Josh Gibson in some way can be added (to the Hall of Fame) as a symbol, the great Negro (league) players that are not here, only because they were not given a chance.”⁴

Today, Williams, who is still considered by many to be the greatest pure hitter of all time, has been surpassed statistically by one of the men he mentioned that day.⁵ On May 24, 2024, Major League Baseball (MLB) officially recognized the accomplishments of over 2,300 Negro League (League) players, including Josh Gibson.⁶ Gibson is now baseball’s all-time leader in batting average, slugging percentage, and on-base plus slugging percentage.⁷ Gibson, often

¹ *1960-1969 Inductions*, NAT’L BASEBALL HALL OF FAME, <https://baseballhall.org/hall-of-famers/past-inductions/1960-1969> (Nov. 19, 2024).

² *Id.*

³ See TED WILLIAMS & JOHN UNDERWOOD, *THE SCIENCE OF HITTING* (1971). ; See Ted Williams, NAT’L BASEBALL HALL OF FAME, <https://baseballhall.org/hall-of-famers/williams-ted> (Nov. 19, 2024).

⁴ Hayden Bird, *Ted Williams used his Hall of Fame speech to advocate for African American players*, BOSTON (July 25, 2017),

<https://www.boston.com/sports/boston-red-sox/2017/07/25/ted-williams-used-his-hall-of-fame-speech-to-advocate-for-african-american-players/>.

⁵ PBS American Masters, *Ted Williams*, PUBLIC BROAD. SERV. (July 23, 2018),

<https://www.pbs.org/wnet/americansmasters/ted-williams-greatest-hitter-ever-lived-documentary/10293/>.

⁶ Rachel Treisman, *The Negro Leagues are officially part of MLB history — with the records to prove it*, NAT’L PUB. RADIO (May 29, 2024, 12:00 PM),

<https://www.npr.org/2024/05/29/g-s1-1525/mlb-negro-leagues-stats-josh-gibson#:~:text=Election%202024-,MLB%20adds%20Negro%20Leagues%20stats%20to%20its%20records%2C%20putting%20Josh,new%20all%2Dtime%20batting%20leader.>

⁷ Sanjesh Singh, *Who is Josh Gibson? A look back at the baseball slugging legend taking over MLB records*, NAT’L BROAD. CO. DFW (May 30, 2024, 5:07 PM),

[https://www.nbcdfw.com/news/sports/mlb/who-is-josh-gibson-mlb-batting-leader/3554322/#:~:text=What%20statistics%20does%20Josh%20Gibson,of%201.177%20\(surpassed%20Ruth's%201.164\).](https://www.nbcdfw.com/news/sports/mlb/who-is-josh-gibson-mlb-batting-leader/3554322/#:~:text=What%20statistics%20does%20Josh%20Gibson,of%201.177%20(surpassed%20Ruth's%201.164).)

called “the Black Babe Ruth”, was recognized by his contemporaries in both the League and MLB to be the greatest hitter of his era.⁸

Unfortunately, Gibson passed away suddenly from a stroke at only thirty-five years old in 1947, just a few months before Jackie Robinson broke the color barrier.⁹ Since then, his legacy and legend have only grown.¹⁰ In that time, however, the overwhelming majority of his adversaries and teammates in the Leagues have also passed.¹¹ Willie Mays, widely known as the greatest all-around player to ever step on a baseball field, is one of those adversaries. Mays played for his hometown Birmingham Black Barons as a teenager before being signed by the New York Giants.¹² Mays passed away on June 18, 2024, just days before the Cardinals and Giants played a game in Birmingham to remember the legacy of the Leagues and Mays himself.¹³

In the weeks leading up to the game, the MLBPA and MLB made several announcements to preserve the legacy of the Leagues.¹⁴ Among these is the Negro League Financial Assistance

⁸ *Josh Gibson*, MAJOR LEAGUE BASEBALL, <https://www.mlb.com/history/negro-leagues/players/josh-gibson> (Nov. 19, 2024).

⁹ Chris Iorfida, *He died at just 35 in 1947. Now Josh Gibson is baseball's batting average champ*, CANADIAN BROADCASTING CORPORATION (May 29, 2024, 11:12 AM), <https://www.cbc.ca/news/world/negro-league-records-gibson-1.7217869>.

¹⁰ *See generally* Frederic J. Frommer, *It's been 50 years since Josh Gibson and Buck Leonard made Hall of Fame history*, WASHINGTON POST (Aug. 6, 2022, 7:45 AM), <https://www.washingtonpost.com/sports/2022/08/06/josh-gibson-buck-leonard-hall-fame/> (showing the impact of his legacy fifty years later).

¹¹ Joseph King, *Bill Greason, the oldest-living Negro Leaguer, takes another trip around the bases at 100*, MISSISSIPPI PUB. BROAD. (Sept. 5, 2024), <https://www.mpbonline.org/blogs/news/bill-greason-the-oldestliving-negro-leaguer-takes-another-trip-around-the-bases-at-100/#:~:text=Bill%20Greason%2C%20the%20oldest%20living,and%20legendary%20centerfielder%2C%20Willie%20Mays.>

¹² *Id.*

¹³ Dayn Perry, *Willie Mays dies at 93: MLB legend will get fitting sendoff at Rickwood Field, where his career took shape*, CBS SPORTS (Jun. 18, 2024), <https://www.cbssports.com/mlb/news/willie-mays-dies-at-93-mlb-legend-will-get-fitting-sendoff-at-rickwood-field-where-his-career-took-shape/#:~:text=Mays%20died%20at%20the%20advanced,big%2Dleague%20baseball%20career%20began.>

¹⁴ *See* Chris Shaeffer, *Negro Leagues Baseball Museum gearing up for state-of-the-art makeover*, MAJOR LEAGUE BASEBALL (Aug. 1, 2024), <https://www.mlb.com/news/negro-leagues-baseball-museum-youth-grant-new-home#:~:text=Thursday's%20announcem%20comes%20on%20the,Negro%20Leagues%20event%20in%20June.>

Program.¹⁵ Announced on May 22, 2024, the plan promises to be “an expansion of existing financial assistance programs made to support living League players.”¹⁶ The plan is set up to complement the existing Major League Baseball Players Pension Plan and pre-existing non-vested benefits programs.¹⁷ While a joint committee of MLB and MLBPA officials are still working to establish the eligibility criteria for the program, officials have said that around fifty more players will benefit from the program's expansion.¹⁸ Though the joint MLB and MLBPA announcement introduces the plan as a breakthrough in MLB’s effort to recognize a large part of the game’s history finally, it falls well short of the mark, highlighted by the fact that only an estimated this announcement will benefit fifty or so players, many of whom are well into their nineties or older.¹⁹

Part I of this Comment will introduce the Leagues, from the founding of the Negro National League by Rube Foster in 1920, to the integration of the American and National Leagues in 1948.²⁰ It will also cover the steps taken by MLB to recognize the legacies of the Leagues and its players.²¹ More specifically, this Comment will compare MLB’s pension plan with the financial assistance programs that have been used to help League veterans, as well as

¹⁵ *MLB and MLBPA Announce Expansion of Financial Programs to Support Living Negro Leagues Players*, MAJOR LEAGUE BASEBALL (May 22, 2024), <https://www.mlb.com/press-release/press-release-mlb-and-mlbpa-announce-expansion-of-financial-programs-to-support-living-negro-leagues-players#:~:text=Additional%20financial%20benefits%20are%20available,financial%2C%20medical%20and%20other%20assistance>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*; *MLB expanding financial assistance for Negro League players*, ENTERTAINMENT AND SPORTS PROGRAMMING NETWORK (May 22, 2024, 7:17 PM), https://www.espn.com/mlb/story/_/id/40199553/mlb-expanding-financial-assistance-negro-leagues-players.

¹⁹ *MLB expanding financial assistance for Negro League players*, ENTERTAINMENT AND SPORTS PROGRAMMING NETWORK (May 22, 2024, 7:17 PM), https://www.espn.com/mlb/story/_/id/40199553/mlb-expanding-financial-assistance-negro-leagues-players.

²⁰ *See infra* Part I Section A.

²¹ *See infra* Part I Section B.

MLB's effort to include League statistics into their own recordbooks as they are elevated to major league status.²²

Part II of this Comment analyzes the shortcomings of MLB's approach to helping League veterans with the 2024 Negro League Financial Assistance Plan, which only benefits living veterans of a league that concluded play in 1948.²³ It breaks down the disparity in the numbers between who the MLBPA and MLB say the plan will help, and the actuality of the severely limited number of people who it could actually help.²⁴

Part III corrects this shortcomings ignored by MLB while proposing a policy that enables family members of League veterans who have long since passed to benefit financially.²⁵ The proposal is based on precedents set by previous MLB plans while running analgous to the pension plan that MLB alumni have access to.²⁶ Their pension plan heavily relies on service time to operate, and Part III establishes a method for determining League players own service time by numbers and qualifiers produced by MLB.²⁷ It also sets out in detail how each term of the policy was reached while addressing counterarguments to it.²⁸

Part IV presents the case of Bill Greason, a League and MLB veteran who is one of the two living people able to benefit from the 2024 plan from the MLBPA and MLB.²⁹ Shedding light on his career and life shows why his brilliant story was able to capture so much attention during the Rickwood game in Birmingham, Alabama.³⁰ But it also perfectly encapsulates the short shelf life of MLB's 2024 financial assistance plan, while demonstrating the benefits of the

²² *Id.*

²³ *See infra* Part II Section A.

²⁴ *Id.*

²⁵ *See infra* Part III Section C.

²⁶ *Id.*

²⁷ *See infra* Part III Section D.

²⁸ *Id.*

²⁹ *See infra* Part IV.

³⁰ *Id.*

policy that is proposed in this comment.³¹ Mr. Greason's story expresses the necessity of that policy to remember the legends of the Leagues, and to ensure their legacy never dies.³²

A. A History of Exclusion and Resilience

Though professional baseball had been an integrated sport since its creation in 1846, the American Civil War saw the prohibition of African Americans from the sport.³³ Though several players, such as Moses Fleetwood Walker of the Toledo Blue Stockings, played professionally in the 1880s, the game stayed largely segregated.³⁴ Some of the reasoning behind this can be attributed to the efforts of Cap Anson, baseball's first superstar, in the late 1800s, and Kennesaw Mountain Landis, a federal judge who was appointed the first commissioner of baseball after the infamous 1919 World Series.³⁵ Judge Landis' staunch anti-integration attitude permeated through the National (NL) and American (AL) Leagues until his death in 1944.³⁶

Amidst this environment, Rube Foster organized the Negro National League, or NNL, in 1920.³⁷ Though there had been African American teams previously, those teams had been marred by infrastructure issues.³⁸ The NNL, offered a new solution to these problems by putting together high-caliber teams in urban centers with significant Black populations while being able to provide players with competitive wages.³⁹

³¹ *Id.*

³² *Id.*

³³ Quinton McDonald, *The Negro Baseball Leagues (1920-1950)*, BLACKPAST (Aug. 21, 2021), <https://www.blackpast.org/african-american-history/institutions-african-american-history/the-negro-baseball-leagues-1920-1950/>.

³⁴ Farrell Evans, *6 Decades Before Jackie Robinson, This Man Broke Baseball's Color Barrier*, HISTORY (January 22, 2024), <https://www.history.com/news/moses-fleetwood-walker-first-black-mlb-player>.

³⁵ Ron Fimrite, *His Own Biggest Fan*, SPORTS ILLUSTRATED, July 19, 1993.

³⁶ Watson, Bruce, *The Judge Who Ruled Baseball*, 31 SMITHSONIAN MAGAZINE 7, 120-132 (Oct. 2000).

³⁷ *See supra* note 1.

³⁸ *Id.*

³⁹ *Id.*

The NNL and other leagues prospered over the next few years with their newfound stability, highlighted by the first “Colored World Series” in 1924.⁴⁰ That series signaled a kind of breakout for the Leagues, as Bullet Rogan’s Kansas City Monarchs of the NNL topped Biz Mackey’s Hilldale Daisies.⁴¹ The matchup proved to be a spectacle, with five future Hall of Famers playing a tightly fought series.⁴²

While the level of financial success in the numerous Leagues varied, one thing that never changed was the high level of play, and the statistics bear that out.⁴³ After the establishment of the NNL in 1920, League clubs won 29 games against MLB clubs, while losing thirty-one and tying two.⁴⁴ After seeing the similar level of competition between MLB and NNL teams, Commissioner Landis forbade teams from playing NNL clubs while representing their teams in the AL and NL.⁴⁵

Outside of the head-to-head matchups, the numbers between the League and Major League clubs are nearly identical from 1920 to 1948.⁴⁶ On the hitting side, there was only a 1.8% difference in batting average, a 2.4% difference in on-base percentage, a 4.5% difference in slugging percentage, and a 3.4% difference in on-base plus slugging percentage.⁴⁷ On the pitching side, there was only a 2.8% walks plus hits per inning pitched difference between the two leagues, but a 28.3% difference in strikeouts per nine innings.⁴⁸ Only during the years of

⁴⁰ Anthony Castrovine, *100 years ago: Negro Leagues hold their first World Series*, MAJOR LEAGUE BASEBALL (Oct. 27, 2024), <https://www.mlb.com/yankees/news/1924-negro-leagues-world-series-100-years-later>.

⁴¹ Pete Grathoff, *Negro Leagues Baseball Museum announces celebration of KC’s first championship team*, THE STAR (Feb. 21, 2024, 1:55 PM), <https://www.kansascity.com/sports/mlb/kansas-city-royals/article285738306.html>.

⁴² Rhiannon Walker, *The first Negro World Series*, ANDSCAPE (Oct. 19, 2016), <https://andscape.com/features/the-first-negro-world-series/>.

⁴³ SEAN FORMAN ET AL., THE NEGRO LEAGUES ARE MAJOR LEAGUES: ESSAYS AND RESEARCH FOR OVERDUE RECOGNITION 14–21 (Cecilia M. Tan et al. 2022).

⁴⁴ *Id.* at 14.

⁴⁵ *Id.* at 15.

⁴⁶ SEAN FORMAN ET AL., THE NEGRO LEAGUES ARE MAJOR LEAGUES: ESSAYS AND RESEARCH FOR OVERDUE RECOGNITION 16–21 (Cecilia M. Tan et al. 2022).

⁴⁷ *Id.* at 18.

⁴⁸ *Id.*

World War II, where League teams found themselves facing a large manpower shortage, was there a markedly large hitting advantage enjoyed by MLB.⁴⁹ The Leagues, on the other hand, had pitchers that consistently walked fewer (though record-keeping on walks was more lax) and struck out far more hitters.⁵⁰

The death of Commissioner Landis started a new chapter in both the Leagues and MLB.⁵¹ With his death, the press began to call for the desegregation of professional baseball.⁵² Some of the game's best players had returned from World War II with a new perspective as well after the Overseas Invasion Service Expedition, a ragtag group of baseball players led by League stars Willard Brown and Leon Day, upset the heavily 71st Division of the Third Army, who had nine MLB players on their roster, to win the GI World Series.⁵³

After World War II, MLB clubs began to become more open to the idea of desegregating their rosters.⁵⁴ Teams started to organize tryouts with League players, though many never materialized.⁵⁵ Unfortunately, many tryouts were only put together to ease the pressure from the media.⁵⁶ The Pirates, Indians, and Red Sox all compiled lists of players to invite, including Josh Gibson, Parnell Woods, and others, only to turn their backs on them.⁵⁷

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Matt Kelly, *A 20th Century Baseball Institution*, THE NEGRO LEAGUES, <https://www.mlb.com/history/negro-leagues/history> (Nov. 11, 2024).

⁵² *Breaking the Color Line: 1940 to 1946*, LIBRARY OF CONGRESS, <https://www.loc.gov/collections/jackie-robinson-baseball/articles-and-essays/baseball-the-color-line-and-jackie-robinson/1940-to-1946/> (Nov. 11, 2024).

⁵³ John Rosengren, *GI World Series of 1945 Featured Diverse Heroes of the Diamond*, NATIONAL BASEBALL HALL OF FAME, <https://baseballhall.org/discover/gi-world-series-of-1945-featured-diverse-heroes-of-the-diamond> (Nov. 11, 2024).

⁵⁴ Leslie Heaphy, *The Impact of World War II on the Negro Leagues*, SOCIETY FOR AMERICAN BASEBALL RESEARCH, <https://sabr.org/journal/article/impact-of-world-war-ii-on-the-negro-leagues/> (Nov. 11, 2024).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

It was not until the signing of Jackie Robinson on October 23, 1945, that this would change.⁵⁸ Branch Rickey signed Robinson to a contract with the Montreal Royals, an affiliate of the then Brooklyn Dodgers.⁵⁹ Robinson officially broke baseball's color barrier on April 15, 1947.⁶⁰ He was followed shortly thereafter in 1947 by Newark Eagles star Larry Doby, the Kansas City Monarchs' Hank Thompson and Willard Brown, and Dan Bankhead from the Memphis Red Sox, who joined Robinson with the Dodgers.⁶¹ The signing of these players was not only a triumph for baseball, but a momentous point in the Civil Rights Movement.⁶²

The integration of MLB spelled the beginning of the end for the Leagues.⁶³ The siphoning of top talents onto big league rosters led to economic hardship for the rest of the league, as fans began flocking to teams like the Dodgers instead of the Eagles.⁶⁴ Without young stars like Ernie Banks and Hank Aaron beginning their legends in the Leagues, they were plucked from rosters as soon as they showed promise.⁶⁵

⁵⁸ Arthur Mann, *Jackie Robinson and the Dodgers: The Inside Story*, THE SATURDAY EVENING POST (May 1, 2017), <https://www.saturdayeveningpost.com/2017/05/jackie-robinson-dodgers-inside-story/>.

⁵⁹ *Id.*

⁶⁰ Bob Nowatzki, *The First Time Jackie Robinson Broke Baseball's Color Barrier*, REDISCOVERING BLACK HISTORY (Apr. 14, 2021), <https://rediscovering-black-history.blogs.archives.gov/2021/04/14/the-first-time-jackie-robinson-broke-color-barrier/>.

⁶¹ Martin Stezano, *4 Black Baseball Players Who Followed Jackie Robinson's Lead in 1947*, HISTORY (Oct. 5, 2023), <https://www.history.com/news/jackie-robinson-black-baseball-players-1947>.

⁶² *Breaking the Color Barrier: The Legacy of Jackie Robinson*, HISTORIC BASEBALL, <https://historicbaseball.com/breaking-the-color-barrier-the-legacy-of-jackie-robinson/#:~:text=One%20of%20the%20most%20momentous%20events%20in%20the.critical%20turning%20point%20in%20the%20Civil%20Rights%20Movement> (Nov. 11, 2024).

⁶³ Anthony Castrovince, *Integration came at a cost for Negro Leagues*, MAJOR LEAGUE BASEBALL, <https://www.mlb.com/history/negro-leagues/features/integration-came-at-a-cost> (Nov. 11, 2024).

⁶⁴ *Id.*

⁶⁵ Cesar Brioso, *We may wake up some morning with no ball club: Integration assured demise of Negro league baseball*, USA TODAY (Feb. 15, 2023, 9:22 AM), <https://www.usatoday.com/story/sports/mlb/2023/02/04/negro-league-baseballs-demise-assured-once-mlb-integrated-1947/11082330002/>; Rob Ruck, *How Baseball's Negro Leagues Defied the Stereotypes of Segregation*, SMITHSONIAN MAGAZINE (Feb. 13, 2020), <https://www.smithsonianmag.com/history/how-baseballs-negro-leagues-defied-stereotypes-segregation-180974201>.

League teams were never allowed to negotiate with MLB teams for the services of their star players.⁶⁶ MLB owners believed their contracts were invalid because they lacked a reserve clause, which had been standard practice for professional teams since 1879.⁶⁷ Ignoring the contracts players had already signed with League teams also meant MLB clubs didn't have to compensate them for the signing rights.⁶⁸

Knowing integration would likely mean the end of the Negro Leagues, Newark Eagles owner Effa Manley wrote to MLB Commissioner Happy Chandler voicing concerns over contracts to avoid any possible litigation.⁶⁹ Manley had seen her star pitcher Don Newcombe signed away as she negotiated for his renewal with the Eagles.⁷⁰ Even after contacting both Branch Rickey and Happy Chandler, hardly anything changed. The closest MLB clubs came to compensating teams for their players was when Bill Veeck, owner of the Cleveland Indians offered Effa Manley and the Eagles \$10,000 for the contract of Larry Doby.⁷¹ Knowing the position she was in, Manley responded to this offer by saying:

Mr. Veeck, you know if Larry Doby were white and a free agent, you'd give him \$100,000 to sign with you merely as a bonus. However, I realize I'm in no position to be bargaining with you. If you feel you're being fair by offering us \$10,000, I suppose we should accept.⁷²

⁶⁶ Rob Ruck, *How Baseball's Negro Leagues Defied the Stereotypes of Segregation*, SMITHSONIAN MAGAZINE (Feb. 13, 2020), <https://www.smithsonianmag.com/history/how-baseballs-negro-leagues-defied-stereotypes-segregation-180974201>.

⁶⁷ Jake Kobrick, *Baseball's Reserve Clause and the "Antitrust Exemption"*, FEDERAL JUDICIAL CENTER, <https://www.fjc.gov/history/spotlight-judicial-history/baseballs-reserve-clause#:~:text=The%20clause%2C%20first%20implemented%20by,him%20for%20a%20new%20contract> (Dec. 11, 2024).

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Doby, Lawrence (Larry) E.*, ENCYCLOPEDIA OF CLEVELAND HISTORY, <https://case.edu/ech/articles/d/doby-lawrence-larry-e#:~:text=In%201947%20Doby%20led%20the%20Eagles%20to%20the%20with%20the%20Indians%20and%20remained%20with%20the%20team> (Nov. 11, 2024).

⁷² EFFA MANLEY & LEON HERBERT HARDWICK, *NEGRO BASEBALL...BEFORE INTEGRATION*, 74-75 (Robert Cvornyek ed., 2006).

Manley’s prediction ended up being prophetic, as the Negro National League folded in 1948 after its final World Series between the champion Homestead Grays and Birmingham Black Barons.⁷³ While League baseball would be played well into the 1970s, most fans had turned to Major League Baseball after integration, and the top talents had made the migration as well.⁷⁴ Teams like Manley’s Newark Eagles just did not have the deep pockets to compete with well-established MLB teams. As Manley said, “Baseball is a rich man’s game. Ruppert had his beer, Wrigley had his gum, Abe and I have only each other.”⁷⁵

B. Reviving the Spirit of Negro League Baseball

In the late 1990s, a reawakening began around the spirit of the Leagues as the fiftieth anniversary of baseball’s integration approached.⁷⁶ The decade saw a new wave of League players inducted into the Baseball Hall of Fame, including Leon Day in 1995, Bill Foster in 1996, Willie Wells in 1997, Larry Doby and “Bullet” Joe Rogan in 1998, and Joe Williams in 1999.⁷⁷ The Negro League Baseball Museum in Kansas City was founded in 1990 and continued to work toward the prominence it now enjoys today under the leadership of Hall of Famer Buck O’Neil.⁷⁸ On the fiftieth anniversary, Major League Baseball decided to retire the number 42 for all teams to celebrate Jackie Robinson’s breaking of the color barrier.⁷⁹

⁷³ See *supra* note 25 ; *1948 World Series Homestead Grays over Birmingham Black Barons (4-1)*, BASEBALL REFERENCE, https://www.baseball-reference.com/postseason/1948_NLBWS.shtml (Nov. 11, 2024).

⁷⁴ Dave Davies, *The Negro League revolutionized baseball — MLB’s new rules are part of its legacy*, NATIONAL PUBLIC RADIO (July 10, 2023, 10:57 AM), <https://www.npr.org/2023/07/10/1184587949/negro-league-baseball-mlb-sam-pollard>.

⁷⁵ Martin Weiss, *The ‘Ripple of Hope’ Project Urges MLB To Provide Benefits & Lost Wages To Family Members Of The 25 Hall Of Fame Negro League Players*, MLB BRO (Sep. 30, 2023), <https://mlbbro.com/2023/09/30/the-ripple-of-hope-project-urges-mlb-to-provide-benefits-lost-wages-to-family-members-of-the-25-hall-of-fame-negro-league-players>.

⁷⁶ See *1990 - 1999*, NATIONAL BASEBALL HALL OF FAME, <https://baseballhall.org/hall-of-famers/past-inductions/1990-1999> (Nov. 19, 2024).

⁷⁷ *Id.*

⁷⁸ *Making the Negro Leagues the Center of Attention*, NEGRO LEAGUES BASEBALL MUSEUM, <https://www.nlbm.com/buck-oneil-center/> (Nov. 19, 2024).

⁷⁹ Craig Muder, *April 15: 1997: Jackie Robinson’s Number Retired*, NATIONAL BASEBALL HALL OF FAME, <https://baseballhall.org/discover-more/stories/inside-pitch/jackie-robinson-number-retired-throughout-baseball> (Nov. 19, 2024).

Perhaps most importantly for purposes of this Comment, the MLBPA Pension Plan was expanded by Major League Baseball to include League Players who had appeared in at least four seasons combined across The Leagues and MLB.⁸⁰ However, it came with several distinctions.⁸¹ That expansion allowed for a lifetime benefit for those who qualified in the amount of \$10,000 annually and stopped there.⁸² That plan was estimated to benefit about ninety players at the time of its inception.⁸³

At that point, alumni of the MLBPA had access to a generous retirement plan.⁸⁴ As one of the most powerful unions in the country, the MLBPA has since continued to craft an incredible retirement plan through collective bargaining.⁸⁵ Forty-three days on a team's active roster is enough to give a player a 401(k) and MLB pension benefits.⁸⁶ That pension increases based on the player's service time in the league, or the longer they play, with every additional forty-three days adding another 2.5% on top of it.⁸⁷ At 4 years, the player and their family gain full access to the MLBPA's health care plan.⁸⁸ At ten years, a player has maximized their pension plan.⁸⁹ The

⁸⁰ Mark Inabinett, *Major League Baseball expands pension program for former Negro League players*, ALABAMA LOCAL NEWS (May 22, 2024, 3:25 PM), <https://www.al.com/sports/2024/05/major-league-baseball-expands-pension-program-for-former-negro-league-players.html#:~:text=In%201997%2C%20MLB%20expanded%20its,starting%20with%20the%201947%20campaign.>

⁸¹ Dan Steinberg, *MLB Agrees to Make Payments to Negro League Players*, WASHINGTON POST (May 22, 2024, 3:25 PM), <https://www.washingtonpost.com/archive/sports/2004/05/15/mlb-agrees-to-make-payments-to-negro-league-players/b6cbc033-3390-4416-ad5b-81a63afe2256/>.

⁸² *Id.*

⁸³ Murray Chass, *Pioneer Black Players To Be Granted Pensions*, NEW YORK TIMES (Jan. 20, 1997), <https://www.nytimes.com/1997/01/20/sports/pioneer-black-players-to-be-granted-pensions.html>.

⁸⁴ Jacob Turner, *MLB Retirement Plan (2024 Edition)*, MOMENT PRIVATE WEALTH, <https://www.momentprivatewealth.com/post/mlb-benefits-explained> (Nov. 19, 2024).

⁸⁵ Charles Bevis, *A Home Run by Any Measure: The Baseball Players' Pension Plan*, SOCIETY FOR AMERICAN BASEBALL RESEARCH, <https://sabr.org/research/article/a-home-run-by-any-measure-the-baseball-players-pension-plan/> (Nov. 19, 2024).

⁸⁶ *Supra* note 66.

⁸⁷ *How Every Major League Baseball Player Can Qualify for the MLB Pension Plan*, BIP WEALTH (Mar. 21, 2024), <https://bipwealth.com/mlb-pension-plan/#:~:text=After%20hitting%2043%20days%20of,them%20for%20the%20max%20payout.>

⁸⁸ *Supra* note 66.

⁸⁹ *Id.*

current maximum pension is currently set at \$275,000 annually.⁹⁰ Most retirement benefits begin at the age of sixty-two, but players can start their benefits as early as forty-five at a prorated amount.⁹¹

It was expanded by the MLB again in 2004 to grant monthly payments to another twenty-seven League players who were not included previously.⁹² This time, the plan allowed for players to receive either \$833.33 a month for four years or \$375 a month for life.⁹³ The first option would pass on to a surviving spouse while the second would not.⁹⁴ The first would also give players a guaranteed \$40,000 payout at a rate of \$10,000 per year, whereas the second does not guarantee anything.⁹⁵

The most recent expansion came in May of 2024, this time including living players who played in fewer than four seasons in The Leagues.⁹⁶ It is meant to complement the existing MLB Players Pension Plan, just as previous programs had.⁹⁷ Details on the expansion are scarce, and a committee of MLB and MLBPA officials are still working to establish the eligibility criteria.⁹⁸ MLB's estimates show around 50 additional living players that will be able to benefit.⁹⁹

Commissioner Rob Manfred calls the expansion “an opportunity to further recognize the[] contributions” of those who “persevered because of their love of the game despite the discrimination and segregation they faced.”¹⁰⁰ Whereas previous plans made available for League players were funded by charitable contributions by MLB, this expansion was negotiated with the

⁹⁰ *Id.*

⁹¹ *Supra* note 69.

⁹² *Supra* note 63.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *27 Negro League players to get pensions*, DESERET NEWS (May 16, 2004, 12:00 AM), <https://www.deseret.com/2004/5/16/19829277/27-negro-league-players-to-get-pensions/>.

⁹⁶ *Supra* note 13.

⁹⁷ *Id.*

⁹⁸ *Supra* note 17.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

MLBPA.¹⁰¹ It is not clear if post-1948 players will be included, though that would present its own issues.¹⁰² It is also not clear whether there will be a death benefit that is analogous to the MLBPA pension plan.¹⁰³

C. *MLB's Recognition and its Limitations*

In 2020, MLB corrected what Commissioner Rob Manfred called “a longtime oversight” when it officially elevated the Leagues period from 1920 to 1948 to major league status.¹⁰⁴ This announcement officially incorporated stats and records from the period to be included with those from the two modern major leagues and other defunct leagues.¹⁰⁵ It also signaled something that many people already knew; the level of competition in the Leagues was at the same level as the NL and AL at the time.¹⁰⁶

MLB's announcement included seven different leagues: (1) the Negro National League from 1920–1931, (2) Eastern Colored League from 1923–1928, (3) American Negro League in 1929, (4) East-West League in 1932, (5) Negro Southern League in 1932, (6) Negro National League II from 1933-1948, and (7) the Negro American League from 1937-1948.¹⁰⁷ These leagues, collectively the Leagues, represented the pinnacle of African-American baseball from 1920 to 1948.¹⁰⁸

¹⁰¹ Max Effgen, *Expansion of Negro League Player financial assistance*, BITTERCUP BASEBALL, <https://bittercupbaseball.com/2024/05/30/expansion-of-negro-league-player-financial-assistance/> (Nov. 19, 2024).

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *MLB officially designates the Negro Leagues as 'Major League'*, MAJOR LEAGUE BASEBALL (Dec. 16, 2020) <https://www.mlb.com/press-release/press-release-mlb-officially-designates-the-negro-leagues-as-major-league>.

¹⁰⁵ *Negro Leagues are elevated to major league status. What does it mean for baseball?* PUBLIC BROADCASTING SERVICE (Dec. 16, 2020, 6:25 PM), <https://www.pbs.org/newshour/show/negro-leagues-are-elevated-to-major-league-status-what-does-it-mean-for-baseball>.

¹⁰⁶ *See supra* note 28.

¹⁰⁷ *See supra* note 23.

¹⁰⁸ Tony Gleason, *'The Genesis of Greatness': MLB Recognizes the Negro Leagues as Major Leagues*, PEPPERDINE UNIVERSITY GRAPHIC (Oct. 27, 2024), <https://pepperdine-graphic.com/the-genesis-of-greatness-mlb-recognizes-the-negro-leagues-as-major-leagues/#:~:text=The%20MLB%20recognizes%20seven%20leagues%20between%201920%20and,League%20%28II%29%20%281933-1948%29%20and%20Negro%20American%20League%20%281937-1948%29>.

MLB chose 1948 as the cutoff date because it was then that the top players in The Leagues began to migrate over to the AL and NL.¹⁰⁹ After the conclusion of the final Negro League World Series in that year, two storied franchises in the Homestead Grays and New York Black Yankees left the NNL.¹¹⁰ The remaining NNL teams were forced to merge with the six Negro American League clubs just to survive.¹¹¹ Teams that were left were forced to play an even more limited schedule, with league games almost exclusively being played on weekends.¹¹² This effectively signaled the end of the Leagues.¹¹³

With a definitive period set by MLB, baseball researchers began the demanding task of compiling stats and records from that time.¹¹⁴ A committee was put together to suss out inconsistencies in the numbers, including situations where players such as Josh Gibson and Willie Mays were credited with home runs in games without a formal box score to balance the statistics.¹¹⁵ Researchers noted that 95% of games from the 1920s had complete box scores, but coverage of games dropped off drastically during the Great Depression.¹¹⁶ Full coverage would never fully recover before integration.¹¹⁷

Once an estimated 72% of records had been completed, Commissioner Manfred felt comfortable including them with other major league statistics in May of 2024, just a week after

¹⁰⁹ *Id.*

¹¹⁰ Alan Cohen, *The Negro Leagues Beyond 1948, and The Adventures of a Boy Named Willie*, SOCIETY FOR AMERICAN BASEBALL RESEARCH, <https://sabr.org/journal/article/the-negro-leagues-beyond-1948-and-the-adventures-of-a-boy-named-willie/> (Nov. 11, 2024).

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ See The Seamheads Negro Leagues Database DB: A Brief Introduction, SEAMHEADS (Dec. 28, 2020), <https://www.seamheads.com/NegroLgs/>.

¹¹⁵ *MLB incorporates Negro Leagues statistics, shakes up record books*, ENTERTAINMENT AND SPORTS PROGRAMMING NETWORK (May 28, 2024, 8:26 PM), https://www.espn.com/mlb/story/_/id/40236327/mlb-incorporates-negro-league-statistics-shakes-record-books.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

the expansion of the Negro League Financial Assistance Program.¹¹⁸ While new players and statistics are being discovered almost daily, some of the fog surrounding the myth of the Leagues has been cleared, allowing for a more complete picture of the high level of baseball that was being played.¹¹⁹ Players such as Oscar Charleston, Turkey Stearnes, and so many more, are now included at the top of the major league record charts, along with the other all time greats.¹²⁰

Perhaps most importantly for purposes of this Comment, the research committee put together a table of qualifiers to include a player's season in the record books.¹²¹ This table takes the average number of official games per season for each recognized league and determines the number of games, plate appearances, and innings pitched a player must have to qualify.¹²² The committee recognizes that "due to inconsistent recordkeeping of the times, and the incomplete nature of ongoing research, there may not be sufficient data to determine minimum qualifiers for given league and season."¹²³

II. DISCUSSION: THE NEED FOR FAMILY INCLUSION — BRIDGING THE GAP

While the plan put forth by MLB is a step in the right direction, it comes at a time when that step needs to be a leap.¹²⁴ It has been over three-quarters of a century since the last major league season of the Leagues.¹²⁵ Many of the players have passed and are not able to financially benefit from the narrow specifics of MLB's plan.¹²⁶ In order to truly recognize the contributions

¹¹⁸ *Id.*

¹¹⁹ *See* First set of findings from the Negro Leagues Statistical Review Committee, MAJOR LEAGUE BASEBALL (May 29, 2024),

<https://www.mlb.com/news/mlb-negro-league-stats-added-after-statistical-review-committee-announces-findings>.

¹²⁰ *See generally* Career Leaders & Records for Batting Average, BASEBALL REFERENCE,

https://www.baseball-reference.com/leaders/batting_avg_career.shtml (Nov. 19, 2024)(displaying several Negro League players near the top of the career record holders).

¹²¹ *Supra* note 101.

¹²² *Id.*

¹²³ *Id.*

¹²⁴ Author's original thought.

¹²⁵ *Supra* note 93.

¹²⁶ *Supra* note 11.

of these players, as Commissioner Rob Manfred has sought to do, families must be included in MLB's plan.¹²⁷

A. *Shortcomings of the Current Plan and the Age Issue*

If ever there was a player who deserves to have their contributions to the game of baseball recognized, it is Ron Teasley.¹²⁸ Teasley played just two official League games in his career, those coming with the New York Cubans in 1948 at the age of twenty-two, though he started playing against League stars such as Satchel Paige when he was as young as thirteen.¹²⁹ After his play in 1948, Teasley was signed by the Brooklyn Dodgers, just a year after Jackie Robinson.¹³⁰ Though he was credited for his quality play at first base, the Dodgers inexplicably cut him to make room for "players of a higher classification."¹³¹ Like many other star players such as Leon Day and Willie "The Devil" Wells, Teasley headed to play in Canada after leaving the Dodgers.¹³²

Experiences like his were far too common for the stars of The Leagues. Even future Hall of Famer Jackie Robinson and National League Rookie of the Year Sam Jethroe were led on by teams like the Boston Red Sox before being sent away as some kind of publicity stunt.¹³³ The past treatment of League players shows MLB's intentions are based in good faith, but this plan doesn't begin to help those who had to tolerate this treatment. The stated goal of the Negro

¹²⁷ *Infra* Part III, Section C.

¹²⁸ Author's original thought.

¹²⁹ Ron Teasley, BASEBALL REFERENCE, <https://www.baseball-reference.com/players/t/teaslro01.shtml> (Nov. 11, 2024); Jerry Crasnick, *A Trip Back in Time*, MAJOR LEAGUE BASEBALL PLAYERS, <https://www.mlbplayers.com/ron-teasley> (Nov. 11, 2024).

¹³⁰ Jerry Crasnick, *A Trip Back in Time*, MAJOR LEAGUE BASEBALL PLAYERS, <https://www.mlbplayers.com/ron-teasley> (Nov. 11, 2024).

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Major League Baseball Refuses to Integrate After Black Players Were Abused*, A HISTORY OF RACIAL INJUSTICE, <https://calendar.eji.org/racial-injustice/apr/16#:~:text=On%20April%2016%2C%201945%2C%20the,time%20again,st%20hiring%20Black%20players.%E2%80%9D> (Nov. 11, 2024).

League Financial Assistance Program is to further recognize the contributions of the players in the Leagues.¹³⁴ Tony Clark, the executive director of the MLBPA, believes the plan will help veterans of the Leagues “receive an annual financial benefit based on their time in the Leagues.”¹³⁵ But the plan is only intended to support living players.¹³⁶ By MLB’s estimates, the plan is expected to benefit approximately fifty additional living players.¹³⁷ But, experts in the field recognize this as an issue.¹³⁸

Sean Gibson, the great-grandson of Josh Gibson, is the co-founder of the Negro Leagues Family Alliance, along with other families of legendary players.¹³⁹ He notes that MLB’s estimations may be inflated by the failure to authenticate the actual League experience by those who claim to have played.¹⁴⁰ Particular examples, such as people who claim to have played in The Leagues despite being born around the time of MLB’s integration, illustrate just how complicated this problem can be.¹⁴¹ The scant records from League teams make it hard to verify or debunk the claims of many and in years past, this would have been a major issue.¹⁴² This has become an easier task since MLB officially elevated the Leagues to major league status in 2020.¹⁴³ Since then, groups of researchers such as the Seamheads Negro Leagues Database have made great strides in authenticating box scores from the league.¹⁴⁴

¹³⁴ *MLB and MLBPA Announce Expansion of Financial Programs to Support Living Negro League Players*, MAJOR LEAGUE BASEBALL (May 22, 2024), <https://www.mlb.com/press-release/press-release-mlb-and-mlbpa-announce-expansion-of-financial-programs-to-support-living-negro-leagues-players#:~:text=Under%20this%20joint%20initiative%2C%20players.eligibility%20criteria%20for%20the%20program>.

¹³⁵ *Id.*

¹³⁶ *MLB expanding financial assistance for Negro Leagues players*, ESPN (May 22, 2024, 7:17 PM), https://www.espn.com/mlb/story/_/id/40199553/mlb-expanding-financial-assistance-negro-leagues-players.

¹³⁷ *Id.*

¹³⁸ Interview with Sean Gibson, Co-founder, Negro League Family Alliance (Oct. 3, 2024).

¹³⁹ *Players’ Families*, NEGRO LEAGUE FAMILY ALLIANCE, <https://www.negroleaguesfamilyalliance.com/players-families> (Dec. 11, 2024).

¹⁴⁰ *Supra* note 116.

¹⁴¹ *Id.*

¹⁴² *Id. supra* note 96.

¹⁴³ *Id.*

¹⁴⁴ *Supra* note 86.

Mr. Gibson believes that using these resources to verify those claims would show far fewer than fifty new players being financially benefited by the new program.¹⁴⁵ To put the issue of aging League veterans into perspective, the major league portion of the Leagues concluded play in 1948, just three years after World War II.¹⁴⁶ As of 2024, only 66,143 of the 16.4 million Americans who served during World War II are still living.¹⁴⁷ That's around 0.4% of World War II veterans that are still alive.¹⁴⁸ It is estimated that around 3,400 players played in The Leagues from 1920 to 1950.¹⁴⁹ If we were to extend the same percentage to League players with the understanding that it concluded play three years later and estimations include three seasons of play that are outside of the scope of the Negro League Financial Assistance Program, that would leave us with fourteen players that are still living from the seasons that are deemed major leagues.¹⁵⁰ This supports Mr. Gibson's belief that MLB's estimations on the number of additional players being benefited by this program are off, and by quite a bit.¹⁵¹

MLB's estimates are directly contradicted by the MLBPA, who claim that only two players from the 1920–1948 era of play are still around.¹⁵² Those two players are Ron Teasley, who is now ninety-seven, and Bill Greason, who just struck one hundred years of age.¹⁵³ While criteria for the new program have yet to be established, both of these players should benefit from

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *WWII Veteran Statistics: The Legacy of the WWII Generation*, NATIONAL WORLD WAR II MUSEUM, <https://www.nationalww2museum.org/war/wwii-veteran-statistics> (Dec. 11, 2024).

¹⁴⁸ *See id.*

¹⁴⁹ *The Negro Baseball Leagues, 1920-1950*, BLACKPAST, <https://www.blackpast.org/the-negro-baseball-leagues-1920-1950/#:~:text=In%20all%2C%20approximately%203%2C400%20players,operating%20between%201920%20and%201950> (Dec. 11, 2024).

¹⁵⁰ Author's original thought.

¹⁵¹ *Supra* note 116.

¹⁵² Jerry Crasnick, *A Trip Back in Time*, MAJOR LEAGUE BASEBALL PLAYERS, <https://www.mlbplayers.com/ron-teasley> (Dec. 11, 2024).

¹⁵³ *Ron Teasley*, BASEBALL REFERENCE, <https://www.baseball-reference.com/players/t/teaslro01.shtml> (Dec. 11, 2024); *Bill Greason*, BASEBALL REFERENCE, <https://www.baseball-reference.com/players/g/greasbi01.shtml> (Dec. 11, 2024).

the program where they weren't able to before.¹⁵⁴ That is because this new iteration extends the annual benefit to players who played fewer than four seasons in the Leagues or MLB.¹⁵⁵

While Ron Teasley and Bill Greason may now be able to receive financial benefits from their time playing in what is now a recognized major league, the question becomes for how long?¹⁵⁶ With so few League veterans still alive, the problem with MLB's financial assistance program is clear.¹⁵⁷ For MLB to complete their goal of carrying on the legacy of the Leagues, the benefits their offering must be extended even further to the families of veterans.¹⁵⁸ Thus, all that is needed is a plan that runs parallel to the Major League Baseball Players Benefit Plan, or MLBPPB.¹⁵⁹

It is important to note that there are currently 519 known MLB alumni that qualify for the MLB Pension Plan that have not been able to receive those benefits.¹⁶⁰ These players paid their MLBPA dues, but have not been able to benefit financially as they should.¹⁶¹ Just as the exclusion of League players from Major League record books and benefits was an oversight, so too is the exclusion of these players from the MLB Pension Plan.¹⁶² While this is an important grievance that should be rectified, it is outside the scope of this Comment.¹⁶³ A full additional Comment could be written on this issue that should be addressed.¹⁶⁴

¹⁵⁴ Mark Feinsand, *MLB, MLBPA expand financial assistance to support living Negro Leagues players*, MAJOR LEAGUE BASEBALL (May 22, 2024), <https://www.mlb.com/news/mlb-mlbpa-financial-programs-expansion-former-negro-leagues-players>.

¹⁵⁵ *Id.*

¹⁵⁶ Author's original thought.

¹⁵⁷ Author's original thought.

¹⁵⁸ Author's original thought.

¹⁵⁹ Author's original thought.

¹⁶⁰ See Douglas J. Gladstone, *A BITTER CUP OF COFFEE: HOW MLB AND THE PLAYERS ASSOCIATION THREW 874 RETIREES A CURVE* (2010)(discussing the lack of pension plans for players extensively); Max Effgen, *Expansion of Negro League Player financial assistance*, BITTER CUP BASEBALL, <https://bittercupbaseball.com/2024/05/30/expansion-of-negro-league-player-financial-assistance/> (Dec. 11, 2024).

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ Author's original thought.

¹⁶⁴ Author's original thought.

III. POLICY PROPOSAL: A MODEL CBA AMENDMENT

Extensive research has been done to find a complete copy of the MLBPBP, but there seem to be no publications of the plan. By piecing together bits and pieces from sources with insight for the purposes of this Comment, a clearer picture begins to take shape. However, it is important to recognize that specifics are not readily available.

A. The MLBPA Pension Plan: A Model for Equity

The MLBPBP pension plan doesn't just provide for the player but also provides for their surviving spouse and beneficiaries.¹⁶⁵ While federal law requires a minimum spousal benefit of a 50% survivor's annuity, the MLBPBP goes further, giving 100% of the player's retirement benefit to their widow.¹⁶⁶ It also contains contingencies that allow the benefits to support the surviving spouse and beneficiaries after their death.¹⁶⁷

At the very least, the 2004 expansion shows a history of benefits being passed to spouses.¹⁶⁸ However, it still does not have the same contingencies that allow beneficiaries other than a surviving spouse to recover anything after the player's death.¹⁶⁹ With most possible veterans who would be able to benefit financially from this plan, and presumably most of their spouses as well, it is essential that other heirs can recover as well to accomplish MLB's goal of carrying the legacy of the Leagues into the future.¹⁷⁰

B. A Path to Comprehensive Recognition

¹⁶⁵ Joseph C. Mahon, *Playing ball with Survivor Benefits*, WEALTH MANAGEMENT (Jun. 19, 2012), <https://www.wealthmanagement.com/wealth-planning/playing-ball-survivor-benefits>.

¹⁶⁶ *Id.*

¹⁶⁷ Charlie Bevis, *A Home Run by Any Measure: The Baseball Players' Pension Plan*, SOCIETY FOR AMERICAN BASEBALL RESEARCH (1992), <https://sabr.org/research/article/a-home-run-by-any-measure-the-baseball-players-pension-plan/>.

¹⁶⁸ Dan Steinberg, *MLB Agrees to Make Payments to Negro League Players*, WASHINGTON POST (May 14, 2004), <https://www.washingtonpost.com/archive/sports/2004/05/15/mlb-agrees-to-make-payments-to-negro-league-players/b6cbc033-3390-4416-ad5b-81a63afe2256>.

¹⁶⁹ *Supra* note 144.

¹⁷⁰ Author's original thought.

There are two ways in which to make the Negro League Financial Assistance Program as effective as possible.¹⁷¹ The first is codification as an official financial resource program of the MLBPA.¹⁷² Before illustrating exactly what that would look like, it is important to first set the essential terms of the policy.¹⁷³

The policy advocated for in this Comment will be structured in a way that best accomplishes the stated goal of MLB in recognizing the contributions of those in the Leagues, including players who have passed.¹⁷⁴ Since details about the current plan are scarce, the advocated policy will be based on details provided in the 1993, 1997, and 2004 plans, with adjustments to perfect the intent of the policy and keep it current.¹⁷⁵

C. Proposed Negro League Financial Assistance Policy

Definitions

Service Time - service time is the number of days a player spends on the active roster or on the injured list.

Basic Agreement - denotes the whole or part of the Collective Bargaining Agreement between the Association (MLBPA) and the Clubs (MLB).

Beneficiary - person or entity that receives benefits from this policy.

Competitive Balance Tax - the tax levied against a Club that exceeds the base payroll threshold.

The Club is charged a base tax rate under the Basic Agreement.

¹⁷¹ See Collective Bargaining Agreement, MAJOR LEAGUE BASEBALL PLAYERS, <https://www.mlbplayers.com/cba> (Dec. 11, 2024); See Financial Resources, MAJOR LEAGUE BASEBALL, <https://www.mlb.com/player-resource-center/financial-resources> (Dec. 11, 2024).

¹⁷² *Id.*

¹⁷³ Author's original thought.

¹⁷⁴ *Supra* note 86.

¹⁷⁵ Author's original thought.

Intent:

It is the intent of the Major League Players Association, in conjunction with Major League Baseball, to further recognize the contributions of players in the Negro Leagues. This policy acknowledges that it has been nearly eighty years since the conclusion of the major league era of the Negro Leagues. As such, it is necessary to provide for families of those whose predecessors are no longer here to benefit from this policy once enacted.

Eligibility:

This policy aims to run as parallel as possible to the benefits offered to MLBPA members and alumni. As such, eligibility will be as analogous to Article XXI of the Basic Agreement between the Association and the Clubs as possible. All players and their beneficiaries shall be eligible to benefit if the player meets the qualifiers set forth by the Negro Leagues Statistical Review Committee. A player's status as a member of a roster may be established through their appearance in a game, records from leading Negro League databases, such as the Seamheads Negro Leagues Database or Baseball Reference, or by other reliable records of a player's participation. A player's eligibility may also be established through a combination of time spent on a Negro League, American League, and National League roster.

Beneficiary:

The beneficiary or beneficiaries of this plan shall be designated by a priority ranking system. A living player shall have priority. If a player has passed, but has a surviving spouse, said spouse will be designated as the beneficiary. If neither is available, the player's heirs-at-law shall be deemed the beneficiary of this policy. If there is no available player, surviving spouse, or heir-at-law, the beneficiary shall be a foundation whose goals align with the intent of this policy. That foundation will be chosen by a consensus of MLBPA Pension Committee Representatives.

Benefits:

Benefits are structured to best conform to the benefits offered to MLBPA alumni. Player benefits shall be placed into three different tiers; a full benefits package, a half benefits package, and a quarter benefits package.

1. A player who has established a service time of four seasons is eligible to receive a full benefits package. The beneficiary of this package may receive a one-time payment of \$60,000 or elect to receive payments of \$1,250 a month across four years.
2. A player who has established a service time of two seasons is eligible to receive a half-benefits package. The beneficiary of this package may receive a one-time payment of \$30,000 or elect to receive payments of \$625 a month across four years.
3. A player who has established a service time of one season is eligible to receive a quarter-benefits package. The beneficiary of this package may receive a one-time payment of \$15,000 or elect to receive payments of \$312.50 a month across four years.

Funding:

As a joint initiative of the MLBPA and MLB, this policy shall be funded by MLBPA player dues, competitive balance tax funds, and charitable contributions from MLB and its teams.

It is the understanding of the MLBPA and MLB representatives that this policy shall be memorialized as an attachment to the Basic Agreement in place between both parties and at that time will be considered an agreement between the Association and the Clubs.

D. Explanation of the Policy Terms: Ensuring Fairness and Impact

Much of the terms of the policy proposed by this Comment have their basis in the CBA in place between the MLBPA and MLB, previous plans such as the 2004 financial assistance package, and the MLB alumni pension plan. In order to understand the basis for the policy, each part will be explained in detail.

i. Intention

Starting with the intention, this is reflected by the stated intent from MLB Commissioner Rob Manfred.¹⁷⁶ Recognizing the contributions of League players was the entire purpose behind the Negro League Financial Assistance Program and the June game at Rickwood Field.¹⁷⁷ The fact that the League has been defunct for nearly eighty years is important to show the necessity of allowing families of veterans to benefit under this program.¹⁷⁸

ii. Eligibility

¹⁷⁶ *Supra* note 132.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

Eligibility must be shaped as closely to the requirements outlined in the CBA as possible for two reasons.¹⁷⁹ First, one of the goals in shaping this policy should be to give veterans the same recognition as MLB alumni now that the League has been labeled a major league.¹⁸⁰ Second, equal application of the policy and the MLBPA's current policy ensures there is not a Title VII concern.¹⁸¹ Though this policy would survive a Title VII claim, there must be no room for players to claim they are being excluded from benefits not available to them based on race.¹⁸² Any chance at an issue could further delay the enactment of this policy that has already taken so long.¹⁸³

MLB eligibility begins at forty-three days because that is exactly a quarter of a season per the CBA.¹⁸⁴ The issue in applying this standard to League seasons is that there was no standard for the length of the seasons.¹⁸⁵ Using the Negro Leagues Statistical Review Committee qualifiers provides the number of games, plate appearances, and innings pitched for a player to qualify in their League.¹⁸⁶ The number of games for hitters and innings pitched for pitchers allow the establishment of League service time.¹⁸⁷ The number of games and innings to qualify can be used to give a full season of service time.¹⁸⁸ A quarter of the number of games would give the

¹⁷⁹ See 2022-2026 Basic Agreement, MAJOR LEAGUE BASEBALL PLAYERS, https://www.mlbplayers.com/_files/ugd/4d23dc_d6dfc2344d2042de973e37de62484da5.pdf (Dec. 11, 2024).

¹⁸⁰ Team Enspire, *Bob Kendrick on the Importance of Negro League History*, ENSPIRE MAGAZINE (Oct. 9, 2024), <https://enspiremag.com/2024/10/bob-kendrick-on-the-importance-of-negro-leagues-history/#:~:text=On%20December%2016%2C%202020%2C%20Commissioner%20Rob%20Manfred%20made,Leagues%20would%20be%20entered%20into%20MLB%E2%80%99s%20record%20books>.

¹⁸¹ *Title VII of the Civil Rights Act of 1964: Requiring Discrimination-Free Workplaces for 60 Years*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, <https://www.eeoc.gov/title-vii-civil-rights-act-1964-requiring-discrimination-free-workplaces-60-years> (Dec. 11, 2024)

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Supra* note 156.

¹⁸⁵ *Kansas City Monarchs Team History & Encyclopedia*, BASEBALL REFERENCE, <https://www.baseball-reference.com/teams/KCM/> (Dec. 11, 2024).

¹⁸⁶ See First set of findings from the Negro Leagues Statistical Review Committee, MAJOR LEAGUE BASEBALL (May 29, 2024), <https://www.mlb.com/news/mlb-negro-league-stats-added-after-statistical-review-committee-announces-findings>.

¹⁸⁷ *Id.*

¹⁸⁸ Author's original thought.

equivalent of MLB's forty-three day standard.¹⁸⁹ Relying on databases like Seamheads or Baseball Reference to establish a player's eligibility is currently the best method to show that those qualifiers, and consequently service time, were met.¹⁹⁰

Take two time All Star Bill Williams as an example.¹⁹¹ Playing for the Kansas City Monarchs from 1939–1945, Williams played a total of 264 games in his career.¹⁹² Referring to the Negro Leagues Statistical Review Committee qualifiers for a full season of games and the number of games Williams played in each season, his total service time can be calculated.¹⁹³

Starting in 1939, Williams in twenty-four games for the Monarchs, while the Review Committee lists forty-seven games as the necessary number to qualify.¹⁹⁴ This gives Williams just over half a season of service time for 1939.¹⁹⁵ Continuing to 1940, Williams led the NAL in Wins Above Replacement and hits while exceeding the games qualifier by one, playing in 38 of the necessary 37 games to earn a complete season of service time, and would do the same in 1941, giving him two and a half years of service time.¹⁹⁶ Playing for the 1942 World Series Champion Kansas City Monarchs, perhaps the greatest team since the 1931 Homestead Grays, Williams would acquire another year of service time, appearing in thirty-six games, easily meeting the required twenty-six games.¹⁹⁷ Williams would reach four years of service time in 1943 by playing in forty-one games, over half of the required sixty-four games.¹⁹⁸

¹⁸⁹ *The Importance Of 43 Days Of MLB Service Time*, AWM CAPITAL (Mar. 17, 2022), <https://awmcap.com/blog/mlb-service-time> ; Author's original thought.

¹⁹⁰ *Supra* note 116.

¹⁹¹ *Bill Williams*, BASEBALL REFERENCE, <https://www.baseball-reference.com/players/w/willibi04.shtml> (Jan. 1, 2025).

¹⁹² *Id.*

¹⁹³ *Id.* ; See First set of findings from the Negro Leagues Statistical Review Committee, MAJOR LEAGUE BASEBALL (May 29, 2024),

<https://www.mlb.com/news/mlb-negro-league-stats-added-after-statistical-review-committee-announces-findings>.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*; *The Homestead Grays Part 1: Bob Kendrick on Josh Gibson, Buck Leonard, and the Most Dominant Franchise in Baseball History*, BLACK DIAMONDS (Apr. 29, 2021) (downloaded using Spotify).

¹⁹⁸ *Id.*

While these qualifiers go a long way towards establishing a player’s eligibility, allowing evidence outside of recognized databases is important to showing eligibility because League statistics and box scores are far from complete.¹⁹⁹ Many teams played a shorter regular season to play more barnstorming games to maximize profits.²⁰⁰ Barnstorming was the practice of teams traveling to play in different areas to bring in bigger crowds and gain exposure.²⁰¹ This creates great volatility when looking at statistics.²⁰² For example, Josh Gibson’s Hall of Fame plaque says he hit “almost 800 home runs” while he is officially credited with 166.²⁰³ The statistics can change overnight, and whole players can be ‘created’ with one long-lost box score coming to light.²⁰⁴

Consider Ron Teasley, who is officially credited with only seven at-bats in the Leagues at the age of twenty-one.²⁰⁵ But he has testified that he started playing for teams unofficially from the age of thirteen and on.²⁰⁶ Allowing credible extrinsic evidence to establish that a player spent time with an official League team is important while the records are still in flux and researchers are hard at work.²⁰⁷ As Robert Peterson put it in his seminal work *Only The Ball Was White*:

Tracing the course of the organized Negro Leagues is rather like trying to follow a single black strand of spaghetti. The footing is infirm, and the strand has a tendency to break off in one’s hand and slither back into the amorphous mass.²⁰⁸

¹⁹⁹ *Supra* note 31 at 11.

²⁰⁰ *Id.*

²⁰¹ *A Road to Equality*, NATIONAL BASEBALL HALL OF FAME, <https://baseballhall.org/discover-more/stories/baseball-history/road-to-equality> (Dec. 11, 2024).

²⁰² *Supra* note 31 at 11.

²⁰³ *Josh Gibson*, NATIONAL BASEBALL HALL OF FAME, <https://baseballhall.org/hall-of-famers/gibson-josh> (Dec. 11, 2024); *Josh Gibson*, BASEBALL REFERENCE, <https://www.baseball-reference.com/players/g/gibsojo99.shtml> (Dec. 11, 2024).

²⁰⁴ *Compare* SEAN FORMAN ET AL., *THE NEGRO LEAGUES ARE MAJOR LEAGUES: ESSAYS AND RESEARCH FOR OVERDUE RECOGNITION* 11 (Cecilia M. Tan et al. 2022) *with*; *Josh Gibson*, BASEBALL REFERENCE, <https://www.baseball-reference.com/players/g/gibsojo99.shtml> (Dec. 11, 2024).

²⁰⁵ *Supra* note 131.

²⁰⁶ *Supra* note 130.

²⁰⁷ ROBERT PETERSON, *ONLY THE BALL WAS WHITE* 80 (1970).

²⁰⁸ *Id.*

iii. Beneficiaries

A priority ranking system for beneficiaries is the main way that this plan can be implemented to include the families of League veterans.²⁰⁹ Of course, living veterans have had and will have priority, but as has been demonstrated, there are not many left to access this plan.²¹⁰ The same problem exists with surviving spouses, but heirs-at-law is the hardest to determine.²¹¹ An interpretation of state law is often required to figure out who the heir apparent would be, though it usually starts with the children of the veteran in the absence of a surviving spouse.²¹²

While these things can often become complicated, it is not the MLBPA's place to determine intestate succession.²¹³ It is not inconceivable for the MLBPA to employ an estate planning law firm for the purpose of getting benefits to the families who deserve it, as they already employ a team of lawyers.²¹⁴ There are times, though, where even this is not a perfect solution, as intestate succession can be a murky concept.²¹⁵ Any logistical problems can be avoided by allowing the benefits to pass to a foundation whose goals align with the intent of this policy would best serve the intention behind the policy.²¹⁶ A multitude of foundations exist for the sole purpose of educating fans about the Leagues and carrying on its legacy.²¹⁷ The efforts of

²⁰⁹ Author's original thought.

²¹⁰ *Supra* note 145; *supra* note 131.

²¹¹ *Searching for Missing Heirs and Beneficiaries & the Legal Process*, JUSTIA, <https://www.justia.com/probate/probate-administration/the-duties-of-an-executor-of-an-estate/searching-for-missing-heirs-and-beneficiaries/> (Dec. 11, 2024).

²¹² *Id.*

²¹³ *United States v. Riggs Nat'l Bank of Washington, D.C., Trust Group*, 109 F.Supp.2d 1, 8 (D.D.C. 2000) (calling for the private investigation for heirs conducted by the conservator); *Compare with* Mission, MAJOR LEAGUE BASEBALL, <https://www.mlb.com/mlbpaa/about/mission> (Dec. 11, 2024).

²¹⁴ *Legal*, MAJOR LEAGUE BASEBALL PLAYERS ASSOCIATION, <https://www.mlbplayers.com/legal#:~:text=Legal%20%7C%20MLBPA%20Players.Counsel%2C%20MLB%20Play%2C%20Inc> (Jan. 2, 2024).

²¹⁵ *Finding a Missing Heir can be Challenging*, TEXAS TRUST LAW (Aug. 17, 2023), <https://www.texastrustlaw.com/finding-a-missing-heir-can-be-challenging>.

²¹⁶ Author's original thought.

²¹⁷ *About*, BUCK LEONARD ASSOCIATION FOR SPORTS AND HUMAN ENRICHMENT, <https://www.buckleonard.org/about/> (Dec. 11, 2024); *About Us*, FOSTER LEGACY FOUNDATION, <https://www.fosterslegacy.com/about-3> (Dec. 11, 2024).

several of these organizations have been bolstered by MLB's support in the past, and are more than qualified to handle this responsibility.²¹⁸

The MLBPA Pension Committee would best perform the duty of choosing a foundation to receive the benefits instead, as many players have taken the time to educate themselves on the topic of the Leagues.²¹⁹ The Pension Committee's role in overseeing player retirement and health care benefits gives members a unique perspective that best qualifies them for this duty.²²⁰ Granting players a say in how these benefits could best be used keeps them educated and allows them to become involved with organizations that are there to improve the game of baseball.²²¹

iv. Benefits

The benefits that would be passed to these beneficiaries are designed in a way that members of the MLBPA Pension Committee are already familiar with since both are based around service time.²²² Service time is highly important to major league players as it determines when they can enter arbitration, free agency, and the level of pension plan they receive upon retirement.²²³ As mentioned previously, reaching forty-three days of service time qualifies players for the base level of retirement pensions.²²⁴ Those days keep counting up until players

²¹⁸ *Negro Leagues Family Alliance Receives Grant From Major League Baseball*, ROBERT F. SMITH NEWS, <https://robertsmith.org/news/negro-leagues-family-alliance-receives-grant-from-major-league-baseball/> (Dec. 11, 2024); *supra* note 12.

²¹⁹ See Avery Osen, *Dodgers' visit to NLBM a home run with players*, MAJOR LEAGUE BASEBALL (Aug. 13, 2022), <https://www.mlb.com/news/dodgers-visit-negro-leagues-baseball-museum>; see Jessica Camerato, *Nats take the time to visit Negro Leagues Baseball Museum*, MAJOR LEAGUE BASEBALL (May 28, 2023), <https://www.mlb.com/news/nationals-enjoy-visit-to-negro-leagues-baseball-museum>; see Scott Merkin, *Visit to Negro Leagues Museum resonates with White Sox group*, MAJOR LEAGUE BASEBALL (Apr. 11, 2024), <https://www.mlb.com/whitesox/news/white-sox-visit-negro-leagues-baseball-museum>.

²²⁰ *Chris Capuano*, MAJOR LEAGUE BASEBALL PLAYERS, <https://www.mlbplayers.com/chris-capuano> (Dec. 11, 2024).

²²¹ Matthew Roberson, *An Afternoon With Baseball's Greatest Storyteller*, GQ SPORTS (Feb. 28, 2024), <https://www.gq.com/story/bob-kendrick-negro-leagues-baseball-museum>.

²²² Jorge L. Ortiz, *In baseball, numbers are everything. Why 10 matters most to MLB veterans*, USA TODAY (Jun. 11, 2018),

<https://www.usatoday.com/story/sports/mlb/2018/06/11/mlb-10-years-service-time-benefits-pension/682546002/>

²²³ *Id.*

²²⁴ *Supra* note 68.

reach the all-important 10-year mark, perhaps the ultimate achievement in a major league career besides a permanent place in the Hall of Fame.²²⁵

Creating a similar structure to retroactively apply to the Leagues is a tough task, but a necessary one.²²⁶ The ten year mark is an exclusive group of players in MLB, with less than 10% of players reaching it.²²⁷ Applying that same standard to the players of the Leagues would be especially hard considering they only lasted twenty-nine years, all while facing financial strife.²²⁸ Players would often shift teams and even leagues in the middle of the season.²²⁹ Additionally, incomplete records further complicate showing a definitive service time of League players.²³⁰

As opposed to the four and ten year marks implemented by the MLBPA and MLB, benefits centered around one, two, and four year service marks are much more suitable for League players.²³¹ Though research into the complete records of the Leagues has made substantial progress, many of the games that were played have been lost to time.²³² Even the best of players, such as Josh Gibson, lost regular season games to play more lucrative barnstorming games.²³³ Salaries in the Leagues were much lower as well, requiring players to often choose between the game they loved and better providing for their families.²³⁴ Based on data obtained from Larry Lester, the co-founder of the Negro League Baseball Museum and chairman of Negro

²²⁵ *Supra* note 185.

²²⁶ Author's original thought.

²²⁷ *10 Years*, MAJOR LEAGUE BASEBALL PLAYERS, <https://www.mlbplayers.com/10-years-service-time> (Dec. 11, 2024).

²²⁸ Japeth Knopp, *Negro League Baseball, Black Community, and The Socio-Economic Impact of Integration*, SOCIETY FOR AMERICAN BASEBALL RESEARCH (2016), <https://sabr.org/journal/article/negro-league-baseball-black-community-and-the-socio-economic-impact-of-integration>.

²²⁹ Jules Tygiel, *Those Who Came After*, 58 SPORTS ILLUSTRATED 26 (1983); *Larry Doby*, BASEBALL REFERENCE, <https://www.baseball-reference.com/players/d/doby1a01.shtml> (Dec. 11, 2024).

²³⁰ *Supra* note 105.

²³¹ Author's original thought.

²³² *Supra* note 105.

²³³ *Supra* note 172.

²³⁴ Mike Freeman, *Opinion: MLB Gesture to Negro League players is honorable but now it's time to pay them*, USA TODAY (Dec. 18, 2020), <https://www.usatoday.com/story/sports/columnist/mike-freeman/2020/12/18/mlb-gesture-negro-league-players-honorable-but-now-pay-them/3945950001>.

Leagues Research Committee for the Society for American Baseball Research (SABR), League players made anywhere from \$75 to \$375 a month, compared to \$300 to \$2,000 for their MLB equals.²³⁵ Less stringent service time barriers are the best way to truly allow the benefits packages of MLB alumni and League veterans to run parallel.²³⁶

The one, two, and four year service marks will operate in much the same way as the four and ten year marks for MLB alumni.²³⁷ Players will reach the full pension level at four years versus ten, half that at two, and a quarter of the full pension at one year.²³⁸ The \$60,000 figure that comes along with the full pension level is the equivalent of the \$40,000 received under the 2004 plan from the MLBPA and MLB, but adjusted for inflation.²³⁹ The half pension at two years allows beneficiaries to receive exactly half that of the full pension, while the quarter pension gives them one-fourth of the full pension.²⁴⁰

While the roots of the quarter pension plan are not in the MLB pension plan, it is essentially a stand-in for other benefits that MLB alumni receive that are not reflected in this policy, namely healthcare.²⁴¹ This policy is meant to run most analogously to the MLB pension plan, but healthcare benefits are outside its stated intention.²⁴² MLB's interest in including healthcare benefits is to keep players taken care of, some of which have extensive injury histories due to their time playing baseball.²⁴³ That interest is not reflected in this policy because most

²³⁵ *Id.*

²³⁶ Author's original thought.

²³⁷ Author's original thought.

²³⁸ *Supra* Part III, Section C.

²³⁹ *Id.*; *supra* note 75.

²⁴⁰ *Id.*

²⁴¹ Jacob Turner, *MLB Retirement Plan (2024 EDITION)*, MOMENT PRIVATE WEALTH, <https://www.momentprivatewealth.com/post/mlb-benefits-explained#:~:text=Health%20Care%20Benefits&text=Players%20who%20acquire%20four%20years.cost%20of%20the%20policy> (Dec. 11, 2024).

²⁴² *Supra* Part III, Section C.

²⁴³ *See generally* Corey Dawkins & Rebecca Glass, *Collateral Damage: The Disabled List: A History*, BASEBALL PROSPECTUS (Feb. 3, 2012), <https://www.baseballprospectus.com/news/article/15967/collateral-damage-the-disabled-list-a-history> (showing an extensive list of injuries suffered by MLB players).

beneficiaries are people whose family members played baseball, not themselves.²⁴⁴ The quarter pension plan replaces the sizable healthcare benefits made available to MLB players and alumni by creating another tier of benefits for beneficiaries.²⁴⁵

Picking up the example of Bill Williams, he would have well over four years of service time during his career playing for the Monarchs.²⁴⁶ With this level of service time, calculated using the Negro Leagues Statistical Review Committee qualifiers and the games played by Williams, he would qualify for the full benefits package proposed by this policy.²⁴⁷ Therefore, his heirs at law would be entitled to receive \$60,000.²⁴⁸

It may be argued that this creates whole new benefits not available to players based on race, opening MLB to a Title VII suit, but courts have already found this argument a losing one.²⁴⁹ In *Moran v. Selig*, a group of former white players sued MLB for the 2004 iteration of League benefits.²⁵⁰ They argued that the plan opened up a new benefits package that they were unable to access because of their race, constituting a violation of Title VII of the Civil Rights Act.²⁵¹ Title VII of the Civil Rights Act prohibits discrimination against a job seeker or employee by race, including any benefits offered to employees.²⁵² However, the Ninth Circuit found MLB had a legitimate, nondiscriminatory reason for awarding benefits only to League veterans.²⁵³ The Ninth Circuit's ruling in *Moran v. Selig* shows that the creation of a new benefits package, like the quarter benefits plan, does not violate Title VII.²⁵⁴ MLB is correct that they have a strong

²⁴⁴ *Supra* Part III, Section C.

²⁴⁵ *Id.*

²⁴⁶ *Bill Williams*, BASEBALL REFERENCE, <https://www.baseball-reference.com/players/w/willibi04.shtml> (Jan. 1, 2025).

²⁴⁷ *See supra* Part III Section C.

²⁴⁸ *See supra* Part III Section C.

²⁴⁹ *Moran v. Selig*, 447 F.3d 748, 751 (9th Cir. 2006)

²⁵⁰ *Id.*

²⁵¹ *Id.*

²⁵² *Supra* note 158.

²⁵³ *Selig*, 447 F.3d at 756.

²⁵⁴ *Id.*

interest in recognizing the contributions of former League players, similar to the interest in *Moran*.²⁵⁵ Nor can there be a Title VII violation based on this policy because the benefits are not being awarded based on an employment relationship under the Supreme Court’s holding in *Hishon v. King & Spalding*.²⁵⁶

Just as in *Moran*, any reliance on *Hishon* would be fatal to any Title VII argument.²⁵⁷ There, an associate at a law firm sued their former employer for denying her a promotion to partner based on her sex.²⁵⁸ The Court sided with her, deciding that a benefit, such as the opportunity to become a law partner, is “part and parcel of the employment relationship” even if not a contractual benefit, and thus cannot be given out in a discriminatory fashion.²⁵⁹ Any attempt to use *Hishon* to establish a discriminatory fashion of distributing benefits by MLB would fail.²⁶⁰

Where *Hishon* was decided based on the associate’s employment relationship, the benefits being given to the families of League veterans could not be.²⁶¹ At no point were League players considered employees of Major League Baseball, evidenced by the fact that players like Jackie Robinson and Larry Doby signed new contracts in order to play in the NL and AL, respectively.²⁶² The benefits proposed by this Comment are easily distinguishable from those in *Hishon* as well.²⁶³ Whereas the benefits there were found to be doled out in a discriminatory manner, the benefits proposed herein are an attempt not to create any new benefits, but to better

²⁵⁵ *Supra* note 17.

²⁵⁶ *Hishon v. King & Spalding*, 467 U.S. 69, 75 (1984).

²⁵⁷ *Id.* at 78.

²⁵⁸ *Id.* at 69.

²⁵⁹ *Id.*

²⁶⁰ Author’s original thought.

²⁶¹ *Hishon*, 467 U.S. at 69.

²⁶² Craig Muder, *When Robinson Signed With Montreal, Baseball And America Changed Forever*, NATIONAL BASEBALL HALL OF FAME, <https://baseballhall.org/discover/jackie-robinson-signs-with-royals> (Jan. 2, 2024).

²⁶³ *Hishon*, 467 U.S. at 69 ; *see supra* Part III Section C.

align benefits available to League veterans with those available to MLB alumni, meaning there is no discriminatory purpose.²⁶⁴

While this opens up another argument that League veterans should or cannot receive benefits because they were never employees of MLB, this is flawed on two counts.²⁶⁵ First, there is already precedent for providing League veterans benefits in the form of the 1993, 1997, and 2004 financial programs provided by MLB.²⁶⁶ MLB and now the MLBPA has doubled down on this precedent with the 2024 iteration.²⁶⁷ Second, MLB's antitrust exemption stemming from the Supreme Court's 1922 decision in *Federal Baseball Club v. National League* gives MLB a certain amount of immunity for the monopolistic behaviors they employed to drive the Federal League and Negro Leagues out of business.²⁶⁸ It is also what allows MLB to bring in Federal League and Negro League records into their record books and gives them a certain amount of authority over these leagues, including the benefits they can offer.²⁶⁹ It is for these reasons this argument falls before it can get its feet off the ground.²⁷⁰

v. Funding

To fund the full, half, and quarter-benefit packages, money will be drawn from the same channels as MLB alumni pensions. MLB retirement plans are currently funded by a combination of club fees under the CBA, MLBPA dues, and competitive tax dollars that are redirected to the

²⁶⁴ *Id.*

²⁶⁵ Author's original thought.

²⁶⁶ Dan Steinberg, *MLB Agrees to Make Payments to Negro League Players*, WASHINGTON POST (May 14, 2004), <https://www.washingtonpost.com/archive/sports/2004/05/15/mlb-agrees-to-make-payments-to-negro-league-players/b6cbc033-3390-4416-ad5b-81a63afe2256/>.

²⁶⁷ *MLB and MLBPA Announce Expansion of Financial Programs to Support Living Negro League Players*, MAJOR LEAGUE BASEBALL (May 22, 2024), <https://www.mlb.com/press-release/press-release-mlb-and-mlbpa-announce-expansion-of-financial-programs-to-support-living-negro-leagues-players#:~:text=Under%20this%20joint%20initiative%2C%20players,eligibility%20criteria%20for%20the%20program.>

²⁶⁸ Samuel A. Alito Jr., *Alito: The Origin of the Baseball Antitrust Exemption*, SOCIETY FOR AMERICAN BASEBALL RESEARCH (2009), <https://sabr.org/journal/article/alito-the-origin-of-the-baseball-antitrust-exemption/>.

²⁶⁹ *Id.*

²⁷⁰ Author's original thought.

MLBPA.²⁷¹ Under the current CBA, teams annually contribute \$6,904,667 per team for base benefits and \$9,228,707 per team for extended benefits to pension plans, totaling over \$484 million, subject to deductions from competitive tax proceeds.²⁷² MLBPA membership dues are the primary way the union generates revenue, with \$69 million coming from players.²⁷³ Competitive tax dollars vary by year, but proceeds from the tax are split by the MLBPA and MLB.²⁷⁴ The MLBPA's half funds its retirement accounts.²⁷⁵

Benefits from this policy would be funded the same way, with one addition being charitable contributions from MLB and teams.²⁷⁶ This addition is merely to acknowledge the incredible precedent that MLB and the thirty teams have set, giving millions to different organizations that align with the intention of this policy.²⁷⁷ While there is no requirement under the policy that these shall continue, which would contradict the meaning of the word charitable, failing to include this method of funding would incentivize these contributions and would be a disservice to those who have already given so much to the cause.²⁷⁸

Funding from MLBPA membership dues would be consistent with the policy being as closely analogous to current alumni pension plans while allowing players to give to veterans they and many others admittedly owe so much.²⁷⁹ This would add another expense to the MLBPA, but the non-profit union reported revenue of \$82 million in 2023, with expenses totaling only \$27

²⁷¹ Evan Drellich, *MLB will redirect luxury tax dollars to help teams losing TV money*, NEW YORK TIMES (Jul. 24, 2024), <https://www.nytimes.com/athletic/5656610/2024/07/24/mlb-luxury-tax-tv-money/>; *supra* note 156, 143.

²⁷² *Id.* at 130.

²⁷³ Anne Paddock, *Executive Compensation at the Major League Baseball Players Association*, PADDOCK POST (Feb. 6, 2023), <https://paddockpost.com/2023/02/06/executive-compensation-at-the-major-league-baseball-players-association>.

²⁷⁴ *Supra* note 216.

²⁷⁵ *Id.*

²⁷⁶ Author's original thought.

²⁷⁷ *Supra* note 12.

²⁷⁸ *Id.*

²⁷⁹ *MLB players praise 'long overdue' Negro Leagues record inclusion*, ENTERTAINMENT AND SPORTS PROGRAMMING NETWORK (May 29, 2024), https://www.espn.com/mlb/story/_/id/40240715/mlb-players-praise-long-overdue-negro-leagues-record-inclusion.

million.²⁸⁰ It is an expense that the union could afford and would further its stated mission of “promot[ing] the game of baseball, rais[ing] money for charity, inspir[ing] and educat[ing] youth through positive sport images and protect[ing] the dignity of the game through former Major League players.”²⁸¹

Membership dues would be the main channel of funding for the policy, as the amount of eligible League veterans and their benefits would likely be dwarfed by the decades of alumni that have earned eligibility.²⁸² The pension plan available to MLB players and alumni currently has roughly ten thousand participants going back to 1947, with more being added by the season.²⁸³ That’s three times the estimated number of players who even played in the Leagues, let alone those who are eligible to receive benefits under this policy.²⁸⁴

Opponents of this proposal may object to current player dues going towards funding the benefits, but this is no different than how MLB alumni pension plans currently operate.²⁸⁵ This policy would likely operate as an expense to both the MLBPA and MLB, as the 2024 Negro League Financial Assistance Program seems to be.²⁸⁶ The MLBPA would have to fund it using the same avenues they use to generate revenue, and that includes player dues, along with club fees and competitive tax dollars.²⁸⁷

Competitive balance tax dollars would play a smaller role in funding compared to membership dues, but they are another avenue for funding the policy.²⁸⁸ In 2023, the competitive

²⁸⁰ *Supra* note 218.

²⁸¹ *Supra* note 178.

²⁸² *Supra* Part III, Section C.

²⁸³ *Supra* note 203.

²⁸⁴ *Supra* note 127.

²⁸⁵ *Supra* note 259.

²⁸⁶ *MLB and MLBPA Announce Expansion of Financial Programs to Support Living Negro Leagues Players*, MAJOR LEAGUE BASEBALL (May 22, 2024), <https://www.mlb.com/press-release/press-release-mlb-and-mlbpa-announce-expansion-of-financial-programs-to-support-living-negro-leagues-players#:~:text=Under%20this%20joint%20initiative%2C%20players,eligibility%20criteria%20for%20the%20program.>

²⁸⁷ *Supra* note 258.

²⁸⁸ *Supra* Part III, Section C.

balance tax generated over \$107 million into MLBPA retirement accounts.²⁸⁹ With fewer beneficiaries benefitting from this policy, less competitive balance dollars, if any, would be required to be fully funded.²⁹⁰

vi. Memorialization

For the proposed policy and its terms to have the greatest effect, a representative of both the MLBPA and MLB would have to put their signature to it.²⁹¹ While signatures are not required to be adopted as an MLBPA policy, it would be required to be added to the collective bargaining agreement as an attachment.²⁹² The CBA works in a similar way the Constitution is designed for the United States.²⁹³ The CBA works to preserve the rights of players while giving MLB ‘the consent of the governed.’²⁹⁴

Once added to the CBA, the policy is “codified” as part of the agreement that governs the game of baseball.²⁹⁵ The CBA is the law of baseball, with attachments governing everything from the color of a pitcher’s glove to television contracts.²⁹⁶ This policy being placed into the CBA would be the strongest showing of commitment by both the MLBPA and MLB to recognizing the contributions of League veterans and their families.²⁹⁷

²⁸⁹ *Supra* note 216.

²⁹⁰ *Id.*

²⁹¹ *See generally* Basic Agreement, 172.

²⁹² *Id.*

²⁹³ Author’s original thought

²⁹⁴ McManis Faulkner, *Understanding The CBA in Shohei Ohtani’s Historic Deal*, JD SUPRA (Dec. 22, 2023), [²⁹⁵ Sam Miller, *Pebble Hunting: I Read the Entire Collective Bargaining Agreement and Here’s What I Learned*, BASEBALL PROSPECTUS \(Feb. 12, 2016\), <https://www.baseballprospectus.com/news/article/28436/pebble-hunting-i-read-the-entire-collective-bargaining-agreement-and-heres-what-i-learned/>.](https://www.jdsupra.com/legalnews/understanding-the-cba-in-shohei-ohtani-2692274/#:~:text=In%20sport%2C%20the%20CBA%20is,spelled%20out%20in%20a%20CBA; U.S.C.A. § DECLARATION OF INDEPENDENCE.</p></div><div data-bbox=)

²⁹⁶ *Id.*

²⁹⁷ *Supra* note 16.

IV. THE CASE OF BILL GREASON: ILLUSTRATING THE NEED

Without a background in MLB contracts, even the most ardent baseball aficionado may have trouble understanding how this policy would operate, but take the aforementioned Bill Greason as an example.²⁹⁸ Greason, now over one hundred years old, grew up across the street from Martin Luther King Jr., where he played stickball before entering the Marine Corps in the same unit as Dan Bankhead, MLB's first African-American pitcher.²⁹⁹ He starred in eight games in The Leagues in 1948 alongside seventeen year-old Willie Mays, earning the Birmingham Black Barons' only win in the 1948 Negro World Series against Hall of Famer Buck Leonard and the Homestead Grays.³⁰⁰ After pitching in Mexico, he was recalled into the Marines at the outbreak of the Korean War.³⁰¹ While stationed at Camp Lejeune, he twirled a 1–0 win over Dodgers ace Don Newcombe.³⁰²

Greason later played for the St. Louis Cardinals, becoming their first Black pitcher in 1954.³⁰³ He pitched three games for the team before being demoted to Rochester, where he was able to take a young Bob Gibson under his wing.³⁰⁴ After another two seasons there, Greason traded the pitcher's mound for the pulpit when he moved back home to Birmingham.³⁰⁵ He was a parishioner at Sixteenth Street Baptist Church along with his old neighbor Dr. Martin Luther King Jr., though baseball stayed a part of who he is.³⁰⁶ On September 15, 1963, Greason was not

²⁹⁸ *Supra* note 131.

²⁹⁹ Frederick C. Bush, *Bill Greason*, SOCIETY FOR AMERICAN BASEBALL RESEARCH, <https://sabr.org/bioproj/person/bill-greason/> (Dec. 11, 2024).

³⁰⁰ Rich Puerzer, *September 26-October 5, 1948: Homestead Grays capture final Negro League World Series in five games*, SOCIETY FOR AMERICAN BASEBALL RESEARCH, <https://sabr.org/gamesproj/game/september-26-october-5-1948-homestead-grays-capture-final-negro-league-world-series-in-five-games/> (Dec. 11, 2024).

³⁰¹ *Id.*

³⁰² *Id.*

³⁰³ *Supra* note 131.

³⁰⁴ Derrick Goold, *Cards honor Greason, one of their trailblazers*, ST. LOUIS TODAY (Sep. 21, 2014), https://www.stltoday.com/sports/professional/mlb/cardinals/cards-honor-greason-one-of-their-trailblazers/article_5beba47d-a963-5690-884c-96c57319427f.html.

³⁰⁵ *Supra* note 241.

³⁰⁶ *Id.*

in his usual role as a preacher; instead, he was in Tuscaloosa as part of a youth baseball initiative when the Ku Klux Klan planted a bomb at the church, killing four young girls.³⁰⁷

In addition to his baseball career, Greason would use his new position to push for civil rights.³⁰⁸ He started a new position as pastor of Bethel Baptist Church in 1971, where he still preaches today at over one hundred years old.³⁰⁹ His wife passed away in 2018, leaving Bill his two daughters, two grandchildren, and six great-grandchildren to carry on his legacy.³¹⁰

Under MLB's proposed financial assistance program, Greason would be able to benefit as a League player with under four years of experience.³¹¹ However, the MLBPA and MLB are still working together to set the eligibility criteria for this plan.³¹² In the unfortunate event that the one-hundred-year-old Mr. Greason was to pass away before the plan was finalized, one of the two possible beneficiaries of MLB's plan would be unable to draw any compensation, leaving his family with nothing to show for his storied career.³¹³

Under the policy proposed by this Comment, Greason's family would be able to financially benefit based on his baseball career.³¹⁴ His career is one that fully deserves to be recognized, as is Mr. Greason as a person.³¹⁵ First, his eligibility for the policy would have to be determined.³¹⁶ And second, Greason's possible beneficiaries must be established.³¹⁷

³⁰⁷ *Id.*

³⁰⁸ *Id.*

³⁰⁹ *Id.*

³¹⁰ Joey Scheider, *Bill Greason, former Cardinal with storied legacy, honored at Rickwood Field*, FOX 4 KANSAS CITY (Jun. 21, 2024), <https://fox4kc.com/news/bill-greason-former-cardinal-with-storied-legacy-honored-at-rickwood-field>.

³¹¹ *Supra* note 16.

³¹² *Id.*

³¹³ *Id.*

³¹⁴ *Supra* Part III, Section C.

³¹⁵ Author's original thought.

³¹⁶ *Supra* Part III, Section C.

³¹⁷ *Id.*

Mr. Greason's eligibility is not immediately apparent.³¹⁸ The 1948 Birmingham Black Barons are officially credited with playing ninety-three games.³¹⁹ In that season, he is credited with playing in only eight of those ninety-three games.³²⁰ Adapting the qualifiers set forth by the Negro Leagues Statistics Review Committee would require 78 games or innings to be pitched for a player to acquire a full year of service time.³²¹ With only eight games and forty-six and two-thirds innings away to show how many days a player was on the roster in this case, it seems Greason falls short of being eligible for even the quarter benefits package.³²²

However, his eligibility, or lack thereof, looks to be easily attributable to poor record keeping, as there are clear issues with statistics from the 1948 Black Barons.³²³ The pitcher with the most appearances listed from this season is Jimmie Newberry, with a total of eleven.³²⁴ Totaling all official appearances by Black Baron pitchers gives us only fifty-one games, just over half of the actual number of games played.³²⁵ These numbers are far from complete, and the proposed policy anticipates these types of issues by allowing for extrinsic evidence.³²⁶

Extrinsic evidence shows a stronger record of Bill Greason on the Birmingham Black Barons in 1948.³²⁷ According to Greason, he was signed by Birmingham after a spring training game against them as a member of the Asheville Blues.³²⁸ After joining them in the spring, he

³¹⁸ Author's original thought.

³¹⁹ *1948 Birmingham Black Baron Statistics*, BASEBALL REFERENCE, <https://www.baseball-reference.com/teams/BBB/1948.shtml> (Dec. 11, 2024).

³²⁰ *Supra* note 131.

³²¹ *Bill Greason*, BASEBALL REFERENCE, <https://www.baseball-reference.com/players/g/greasbi01.shtml> (Jan. 2, 2025); see First set of findings from the Negro Leagues Statistical Review Committee, MAJOR LEAGUE BASEBALL (May 29, 2024), <https://www.mlb.com/news/mlb-negro-league-stats-added-after-statistical-review-committee-announces-findings>.

³²² *Bill Greason*, BASEBALL REFERENCE, <https://www.baseball-reference.com/players/g/greasbi01.shtml> (Jan. 2, 2025); *supra* Part III, Section C.

³²³ *Supra* note 131.

³²⁴ *Jimmie Newberry*, BASEBALL REFERENCE, <https://www.baseball-reference.com/players/n/newbeji01.shtml> (Dec. 11, 2024).

³²⁵ *Supra* note 261.

³²⁶ *Supra* Part III, Section C.

³²⁷ Author's original thought.

³²⁸ *Supra* note 241.

was credited with the third most games pitched officially, and the sixth most Wins Above Replacement (WAR) for the year.³²⁹ Outside of the official stats, he spent enough time on the team to befriend seventeen year-old Willie Mays, who he called his brother and lifelong friend after Mays' passing.³³⁰ His number of victories is also inconsistent between the official stats and other sources, where he has had up to six credited wins.³³¹

Extrinsic evidence shows Bill Greason was a member of the Birmingham Black Barons for, at the very least, twenty-three games in 1948.³³² Add in his time with the St. Louis Cardinals, and he is entitled to the quarter benefits package under the proposed policy.³³³ If he were to pass away before the financial assistance program's implementation, his family would be able to benefit under this proposal.³³⁴

In this case, determining the beneficiaries would be simple.³³⁵ Greason's heirs-at-law would be his two daughters, who would receive the benefits of the quarter-benefits package.³³⁶ MLB's intent of recognizing the contributions of League veterans includes their families who had to tolerate so much as well and carry on the names and legacies of players like Greason.³³⁷

V: CONCLUSION: ENSURING A LASTING LEGACY

The 2024 Negro League Financial Assistance Program proposed by Major League Baseball is a simple case of too little, too late. Its intent of recognizing the contributions of those who played in The Leagues is not reflected by the plan. It proposes to aid living League veterans

³²⁹ *Supra* note 261.

³³⁰ Sumner Harrell, *Reverend William Greason, Negro Leagues veteran, marks 100th birthday at Rickwood Field*, ABC 3340 NEWS (Sep. 4th, 2024), <https://abc3340.com/news/local/alabama-birmingham-rickwood-field-reverend-william-greason-oldest-living-baseball-player-negro-leagues-willie-mays-september-3-2024-military-service>.

³³¹ *Supra* note 241.

³³² *See id.*

³³³ *Id.*

³³⁴ *Supra* Part III, Section C.

³³⁵ *Id.*

³³⁶ *Id.*

³³⁷ *Supra* note 81.

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financially, yet there are only two possible beneficiaries left. In order to properly fulfill MLB's virtuous intent, family members of veterans who have passed must be allowed to benefit financially.

The policy proposed by this Comment best meets MLB's intent by permitting League veterans and their families to benefit as heirs-at-law. The terms of the proposal run nearly analogous to those that MLB alumni are entitled to at the end of their careers while also considering the 2004 financial assistance program for veterans. Excluding the families of people like Bill Greason and so many others that have already passed would allow the mystique surrounding them to die with them. However, this policy ensures that the legacy of the Negro Leagues will not die with the legends that are no longer with us.