

# Ed Garvey's Legacy

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SPORT AND SOCIETY FOR H-ARETE - Ed Garvey's Legacy  
FEBRUARY 24, 2017

Ed Garvey died this week at age 76. For many younger NFL fans his name will mean little. Once called "The Karl Marx of the Shower Stall," Garvey was one of the most significant figures in the history of the National Football League in the 1970s and early '80s. Garvey was appointed legal counsel to the National Football League Players Association in 1970 and became Executive Director in 1971, a position he held until 1983. Along with John Mackey and others he led the players in there decades long struggle with the Commissioner and the owners. Although he did not succeed, Garvey set the conditions for the ultimate achievement of some power for the players and the NFLPA in the 1990s.

During the 1960s the American Football League challenged the supremacy of the NFL. When the two leagues merged in 1970 the two players associations also merged with John Mackey elected President of the new group. From the first meeting between the NFLPA and the owners it was clear that the players would get no respect from the owners. Mackey withdrew from negotiations and turned to a Minneapolis law firm for assistance. Ed Garvey, a young lawyer at the firm of Lindquist and Vennum, was assigned to the new client.

Garvey quickly convinced the player representatives to go to the National Labor Relations Board and seek certification for the NFLPA as the collective bargaining agent for the players. This was a landmark decision in that it was the first time the NLRB agreed to become involved in labor relations in professional sport.

The NLRB conducted a certification election resulting in the NFLPA being recognized as the official bargaining agent for the players. Team owners and the Commissioner, Pete Rozelle, were

not pleased. Despite these developments the owners continued the old practice of refusing to bargain in good faith and imposed a lockout on the players heading into the 1970 season. This was followed by the players calling a strike. Twenty hours of negotiation led to a four year collective bargaining agreement.

The owners were considered the winners and although some players tried to claim that it was a good settlement, Ed Garvey stated clearly that they had gotten nothing from the owners. In point of fact it took another year to get the final contract on paper and signed. As was customary player representatives were traded or cut by their teams following each strike or lockout. John Mackey was traded to San Diego and his career as a player was essentially over.

In taking on ownership and the Commissioner the NFLPA and Ed Garvey were at a tremendous disadvantage. Ownership was better organized and better financed than the NFLPA. The NFL had the press squarely in their corner. The press took a pro-ownership position never challenging the Commissioner's or owner's version of reality. The press ridiculed the NFLPA and its bargaining positions portraying the owners and the Commissioner as great sportsmen. Commissioner Rozelle was a public relations genius and skillfully cultivated the press who in turned treated Rozelle with reverence. The routine violation of labor law by the NFL seemed to be of no interest to press or public.

As for the NFLPA and Ed Garvey they were under-financed and not well organized. Throughout his tenure as Executive Director Garvey had to deal with these obstacles. The Commissioner's office was particularly effective spreading disinformation and rumor that the press accepted without question. Player unity and discipline were hard to maintain with divisions running along lines of race and salary levels. Players were also predisposed to follow authority and were suspicious of unions. In the face

of all these obstacles it is quite remarkable how much Garvey and the NFLPA was able to achieve.

The major objective for the NFLPA was to get rid of the Rozelle Rule and achieve free agency. Under the Rozelle Rule any team signing a free agent was ordered to pay compensation to the team losing the player. The effect was to prevent movement for all but a small number of players. From the time of the merger until 1972 only 19 players out of a potential 6000 changed teams. At the time of the merger Rozelle assured the Congress that player movement would be part of the new order.

In 1972 eight players signed a class action suit against the league and this became known as The Mackey Case. The owners were angry with Garvey believing that the players in their ignorance followed him blindly. Rozelle compared Garvey to a 60s radical and tried to tie Garvey to the bombing of the Chemistry building on the campus of the University of Wisconsin where Garvey had been a student. On July 1, 1972 the NFLPA called a strike to seek to end the Rozelle Rule. It was unsuccessful and by mid-August it ended in victory for the owners.

The press backed the NFL, accepting the owner's position that free agency would produce anarchy. Those players who crossed the picket lines were described as heroes who played for the love of the game and would not quit on their teammates. Garvey was blamed for both the strike and the failure of the strike.

It was a clear defeat. Then in December the decision came in the Mackey Case and the Rozelle Rule was declared a violation of Anti-Trust law. The kicker, in this case and several other lost by the NFL, was that the courts ordered players and owners back to the bargaining table to work out a new arrangement on free agency.

A new collective bargaining agreement restricted free agency somewhat, but Garvey gave up the gains of The Mackey Case for a system that economically benefited those players making average salaries. The agreement left the star players and their agents unhappy and charged that Garvey mad a bad deal, but it was in fact a big improvement for the rank and file of the NFLPA.

By the early 80s player discontent had once again reached a breaking point. As revenues grew in the NFL and as contracts increased significantly in other professional sports, NFL players felt they were falling behind. Negotiations on a new contract began in February of 1982. The fifty-seven day strike began in late September and ended in early November. The players again caved in as suffering economically and unable to sustain the strike action they returned to their teams.

Retributions followed and by the following June Ed Garvey had been pressured into a resignation. He was succeed by Gene Upshaw and after Rozelle resigned, the new Commissioner, Paul Tagliabue and Upshaw achieved labor peace.

These events may strike many as a chronicle of Ed Garvey's failures. Although in one sense it can be viewed in that way, in fact Garvey's tenure at the NFLPA should be seen as a necessary set of developments that in the end did not break the NFLPA, but simply set the stage for one more strike featuring "scab" players and self-interest driven star players.

What followed the blood lettings of the 70s and the 80s was, at long last, labor peace well after Ed Garvey and Pete Rozelle were no longer significant actors in the drama. What Garvey left behind was a basic structure and a clear sense of what exactly it was going to take for anything resembling a victory for the players.

When he died this past week a few former players and some NFLPA officials paid tribute to his legacy. I could find no comment from the league at [NFL.com](http://NFL.com), no comment from Roger Goodell, and one small wire service story buried deep on the NFL page at ESPN.com, current press agent for the NFL.

On Sport and Society this is Dick Crepeau reminding you that you don't have to be a good sport to be a bad loser.

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