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Pete Rose and Baseball's Rule 21

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In lieu of an abstract, here is a brief excerpt of the content:

Pete Rose and Baseball's Rule 21

Jeffrey Standen (bio)

There are 4,256 reasons to vote Pete Rose into baseball's Hall of Fame. There is one reason to keep him out. I want to examine that single reason in some detail and from several perspectives, and to argue that

Rose should be admitted to the Hall.

The National Baseball Hall of Fame has not banned Pete Rose. Indeed, the Hall's electors, specifically the eligible baseball writers of America, have never voted on Rose's candidacy. Major League Baseball (MLB), an enterprise separate from the Hall of Fame, has never deemed Rose ineligible for the Hall, nor does MLB have the authority to do so. Rose is commonly termed "banned" from the Hall, but the truth is he could have been voted in this past winter. The reason Rose has never stood for Hall election is because the Hall disallows election of anyone whose name appears on MLB's "permanently ineligible list." Rose appears on that list because he voluntarily accepted a permanent assignment to that list; in return, MLB promised to make no formal finding in relation to Rose's betting on the Cincinnati Reds when he was their manager in the 1980s.¹

The deal Pete Rose made with Major League Baseball can be plausibly analogized to the so-called plea bargain that is the routine disposition of cases in the American criminal justice system. Criminals who accept pleas typically exchange their admission of guilt for a certain measure of leniency in sentencing. They should not be heard after the fact to complain about their decision to plead guilty; nor should Pete Rose. A deal is a deal, and most certainly Rose knew that one prominent consequence of his name appearing on the permanently ineligible list would be exclusion from the Hall. Yet there are two sides to deals. In a plea arrangement, the prosecution takes on certain obligations, such as to recommend a sentence or to argue in favor of mitigation. Failure by the prosecution to fulfill its end of the bargain voids the plea bargain, allowing the criminal defendant to withdraw his plea and exercise his right to stand **[End Page 134]** trial. By the same token, MLB undertook certain obligations when it elicited Rose's agreement consigning his name to ineligibility.

Major League Baseball has not lived up to its end of the bargain. In exchange for his lifetime ban, Rose did not ask for much, only that MLB refrain from making any "formal findings" in relation to his betting on the Reds. It is not clear what exactly constitutes a formal finding. MLB is not

constituted in any way similar to a court of law, which does make formal findings that are discernible and specific. It appears MLB, at least in its dealings with Rose, employed lawyer-like terms in reaching a settlement.² Thus the undefined phrase “formal finding” must be understood with some latitude. MLB has, with increasingly vehemence, both through its present officials and former employees, insisted in the public discourse that Rose was in fact guilty of the very thing of which he was accused: namely, of betting on the Cincinnati Reds during his tenure as manager.³ Baseball’s chief investigator in the Rose case, Special Counsel John Dowd, has himself made the point publicly more than once. His report, concluding unequivocally that Rose bet on baseball, has achieved wide public circulation.⁴ MLB may argue that all these public statements fall short of the “formal finding” that MLB promised not to make. The better, more reasonable conclusion, however, is that it was official public statements of this sort that were exactly what Rose thought he was precluding in exchange for his capitulation. Is there any fan of baseball, even a devoted one, who hears the pronouncements of the commissioner, the investigator, and other involved baseball officials and thinks that these findings are in some sense “informal” and to be dismissed? The better conclusion is that MLB has reneged on its deal; Rose should fairly be permitted to withdraw his concession and stand trial afresh.

Of course a “new trial” of the guilt of Pete Rose would...

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JEFFREY STANDEN

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Epideictic rhetoric and baseball: Nurturing community through controversy, the art of media planning is unobservable.

WR Kinsella's Postmodern, Metafictional Fantasy Shoeless Joe, if the archaic myth did not know the opposition of reality to the text, the management of political conflicts uses the crystal immensely, which is not surprising.

Pete Rose and baseball's Rule 21, the Guiana shield emits a stabilizer.

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