

BLACK HISTORY MONTH—Black History Month is a national celebration that provides an opportunity for all Americans to reflect on the significant roles of African American in shaping U.S. history. The February remembrance, originated in 1926 by historian Carter G. Woodson, was chosen because it marked the birthdays of both former President Abraham Lincoln, and abolitionist Frederick Douglass.



Cases of Note:

◆ Loving v. Virginia

In 1958, the Sheriff of Caroline County, Virginia smashed in the unlocked front door of the home of Mildred and Richard Loving and arrested them. The Lovings were charged with cohabiting “against the peace and dignity of the Commonwealth of Virginia.” Although the Lovings had known each other since childhood and had fallen in love, when they formalized their relationship through marriage, they had committed a felony under Virginia law, each having married a person of another race. Fifteen other states had similar laws. At trial, Mildred and Richard Loving were each sentenced to one year in jail; however, the trial judge suspended the sentence for a period of 25 years on the condition that the Lovings leave Virginia and not return together for 25 years.

On appeal to the United States Supreme Court, the convictions were reversed and the Virginia law was declared unconstitutional. The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discriminations. Under our Constitution, the freedom to marry or not marry, a person of another race resides with the individual and cannot be infringed by the State.

◆ Flood v. Kuhn (1970)

Curt Flood is often considered the second most important baseball player in the history of the game. In 1969 Flood, a star player for the Cardinals refused to be traded to the Phillies, even with the promise of a \$100,000 a year salary. Flood declared After twelve years in the major leagues, I do not feel I am a piece of property to be bought and sold irrespective of my wishes. I believe that any system which produces that result violates my basic rights as a citizen and is inconsistent with the laws of the United States and of the several States. So he sat out the year in protest and sued Major League baseball asserting violations of the federal antitrust and civil rights statutes, violation of state statutes and the common law, and the imposition of a form of peonage and involuntary servitude contrary to the Thirteenth Amendment.

The lower courts all dismissed the state claims as being preempted by federal law, and cited the need for a reserve clause and the special status of baseball in finding that it was exempt from antitrust application. The Supreme Court affirmed. Curt Flood was then traded to Washington where he received a salary of \$110,000 and retired because he felt that his play did not warrant such an exorbitant salary. However, this case, and Flood’s refusal to play, is what is looked to as galvanizing player opposition to the reserve clause and the institution of free agency in 1975 as a result of player arbitration. His legacy was remembered in Congress via a bill, the Baseball Fans and Communities Protection Act of 1997; numbered HR 21 (Flood’s Cardinals uniform number) and introduced on the first day of the 105th Congress in 1997, removing baseball’s controversial antitrust exemption with regards to labor.

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