



September 27, 2016

Mr. Jeff Idelson  
President, National Baseball  
Hall of Fame and Museum  
25 Main Street  
Cooperstown, NY 13326

cc: Board Members of National Baseball Hall of Fame and Museum

Dear Mr. Idelson:

We write to you on behalf of Pete Rose. Pete turned 75 years old this past April. As you of course know, Pete has never been eligible for consideration for nomination to the Hall of Fame. Beyond his relationships with his family, friends, former teammates and players, management and fans, nothing means more to him than the opportunity to at least be considered for Hall of Fame membership.

It has been 27 years since Pete was placed on MLB's Ineligible List. In that time the debate about whether Pete should be "IN" or "OUT" of the Hall of Fame, has continued. We are not writing to address whether Pete deserves to be in the Hall of Fame. We are not writing to minimize Pete's history of gambling, or his history of trying to cover it up. And we are not writing to remind you of his greatness on the field.

We are writing to respectfully request that Pete Rose be treated exactly the same way that every other Major League Baseball (MLB) player and manager has been treated from the start of the National Baseball Hall of Fame voting in 1936 until 1991. Throughout all of those 55 years, no MLB player or manager was ever considered ineligible for the Hall of Fame because they were on the MLB Ineligible List. Put another way, Pete Rose is the only player in 55 years to be disqualified from eligibility for Hall of Fame because of his presence on the Ineligible List.

We humbly submit to you that Rule 3A should be amended in a limited way, to allow Pete Rose to be treated in exactly the same way as every other player and manager before him had been treated – He should be given a window of eligibility to be considered by the Baseball writers for the Hall of Fame. His placement on the Ineligible List came as a result of a negotiated compromise, years before Rule 3A was promulgated.

Commissioner Rob Manfred recognized in his December 2015 ruling the distinction between eligibility for the Hall of Fame and Pete’s presence on the MLB Ineligible List. Simply put, there is a clear distinction between Pete Rose being removed from the Ineligible List and Pete being eligible to be considered as a candidate for the Baseball Hall of Fame.

In denying Pete’s 2015 application to be fully Reinstated to MLB, Commissioner Manfred made clear that “the issue of whether Mr. Rose should be eligible for Hall of Fame election under the bylaws of that organization presents an *entirely different policy determination that is distinct from the narrow question before me*—i.e., whether I believe that Mr. Rose’s reinstatement would be consonant with the policy rationale underlying Rule 21.” (Italics added.)

#### How Pete Rose Came to Be on MLB’s Ineligible List

Major League Baseball’s (“MLB”) Ineligible List (“the List”) was established by Major League Rules 15, as a source of punitive power available to the Office of The Commissioner when deciding serious punishment *after* an adjudication. Pete Rose, however, was placed on MLB’s Ineligible on August 23, 1989, by way of an explicit Settlement Agreement. The Settlement Agreement was crafted by then-MLB Commissioner and Hall of Fame Board Member, Mr. Bart Giamatti and agreed to by Pete. The settlement agreement resolved many issues, including ending MLB’s investigation of Pete’s gambling violations, avoiding a full hearing on those issues, and resolving federal litigation. Commissioner Giamatti and Pete arrived at the terms of the Agreement as a way to resolve all outstanding issues between them.

The parties agreed that Rose would be placed on the Ineligible List for no less than one year, after which he could apply to the Commissioner's Office for removal from the List.

At the Time Pete Agreed to the Settlement, the Consequences of Being Placed on the Ineligible List were Clear and Specific- and did not include a Hall of Fame prohibition.

Those on MLB's Ineligible List were not eligible to "play or associate with any Major or Minor League Club." As a result, Pete would not be able to manage; he would not be able to serve as an advisor or special assistant to any member of a Club's front office, a job that many of his contemporaries have held; he would not be able to be a spring training coach; he would not be welcome at the batting cages of any Club; and he would not be allowed any clubhouse privileges when his son, Pete Rose Jr. was playing in the minor leagues or with his hometown Reds. Pete would need special permission from the Commissioner's Office to participate in ceremonial events at Major League or Affiliated ballparks. (Current Commissioner Manfred has graciously given Pete the green light to participate in such ceremonial events now.) Those on MLB's Ineligible List would, however, be allowed to purchase tickets and attend games and have full access to all public places at ball parks. In short, the consequences of being on the Ineligible List at the time Rose agreed to it were specific.

In particular, and most importantly of all, the Settlement Agreement left Pete Rose eligible for the Hall of Fame. The negotiations resulting in the Settlement Agreement were lengthy, detailed and open ended; there were no restrictions as to what the final document could include. Had Commissioner Giamatti sought to make eligibility for the Hall one of the provisions, he surely could have done so. He did not.

The December 2015 ruling by Commissioner Manfred confirms this position. At page three of the ruling, the Commissioner specifically identified the possibility that Pete

could be considered for eligibility to the Hall notwithstanding the Commissioner's determination that reinstatement was not warranted.<sup>1</sup> If the Settlement Agreement between MLB and Pete had precluded any such outcome, Commissioner Manfred's analysis would have been quite different.

In short, there can be no doubt that, under the terms of the Rose-Giamatti Settlement Agreement, Pete remained eligible to be considered for the National Baseball Hall of Fame.

Prior to Pete Accepting the Settlement, All Individuals on MLB's Ineligible List  
Were Still Eligible to be elected to the Baseball Hall of Fame

In years prior to the Rose-Giamatti Settlement Agreement, retired MLB players were put on the Ineligible List with no impact on their Hall of Fame status.

The Chicago White Sox and Shoeless Joe Jackson

At the time Pete and Office of the Commissioner signed the Settlement Agreement, it was well understood that the players that Commissioner K.M. Landis placed on the Ineligible List for accepting money to purposefully lose the World Series had still enjoyed full eligibility for the Hall of Fame.

Also at the time of the Rose-Giamatti Settlement Agreement, it was well understood that Shoeless Joe Jackson had been eligible for the Hall of Fame for the full duration of his eligibility; Mr. Jackson was treated by the Hall of Fame as though he had

---

<sup>1</sup> Commissioner Manfred wrote at page 3: "By contrast, the issue of whether Mr. Rose should be eligible for Hall of Fame election under the bylaws of that organization presents an *entirely different policy determination that is distinct from the narrow question before me*—i.e., whether I believe that Mr. Rose's reinstatement would be consonant with the policy rationale underlying Rule 21." (Italics added.) And in the prior sentence, Commissioner Manfred made very clear that this different and defining policy rationale behind Rule 21 was with "impact[ing] the integrity of the game."

simply retired and not been placed on Baseball's Ineligible List. Over the years Mr. Jackson received some votes for admission to the Hall of Fame.

In the cases of the Chicago White Sox players, as in all cases when they are given the opportunity to vote, the Baseball Writers' Association of American (BBWAA) acted as an appropriate gatekeeper.

### Willie Mays

On September 9, 1973 Willie Mays played his last game. In 1979 Willie Mays was inducted into the National Baseball Hall of Fame. Also in 1979 Mr. Mays was placed on the Ineligible List when he signed a ten-year contract to do public relations for Bally, a casino company. He was reinstated in 1985 without forfeiting his casino job. Mays' Hall of Fame eligibility was never in question.<sup>2</sup>

### Mickey Mantle

Hall of Famer Mickey Mantle last played in 1968. After being retired for 14 years, and while a member of the National Baseball Hall of Fame, Mr. Mantle was told by then-Commissioner Bowie Kuhn that if he took a job with a casino company he would be placed on the Ineligible List. Mr. Mantle took the job anyway and accepted the consequences. Mantle justified his decision on business grounds; he wanted to work and was no longer at the time working in MLB.<sup>3</sup> Mantle continued the casino job, but was later reinstated from the Ineligible List by Commissioner Peter Ueberroth.<sup>4</sup>

In short, this basic fact is clear: At the time Pete Rose agreed to the Settlement Agreement with Commissioner Giamatti, it was understood and expected by everyone that Rose's Hall of Fame eligibility was not to be impacted.

---

<sup>2</sup> [http://articles.latimes.com/1985-03-19/sports/sp-31804\\_1\\_gambling-interests](http://articles.latimes.com/1985-03-19/sports/sp-31804_1_gambling-interests)

<sup>3</sup> [http://articles.latimes.com/1985-03-19/sports/sp-31804\\_1\\_gambling-interests](http://articles.latimes.com/1985-03-19/sports/sp-31804_1_gambling-interests)

<sup>4</sup> [http://articles.latimes.com/1985-03-19/sports/sp-31804\\_1\\_gambling-interests](http://articles.latimes.com/1985-03-19/sports/sp-31804_1_gambling-interests)

## The Current Interpretation of Rule 3(e)

Hall of Fame Voting Rule 3(e) was promulgated in 1991, two years after Pete and Commissioner Giamatti entered into the Settlement Agreement. Rule 3(e) makes those on MLB's Ineligible List not eligible for consideration by the BBWAA into the Hall. Rule 3(e) has become commonly known as the "Pete Rose Rule." Indeed, no one associated with the game other than Pete has ever been categorically denied eligibility from day one after the conclusion of his career for actions having nothing to do with the way they played Baseball.

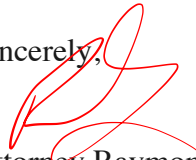
We have heard it said by some that making Pete eligible for the Hall of Fame would somehow minimize Pete's misconduct. In fact, the opposite is true: Consideration for the Hall of Fame will inevitably raise anew publicly the seriousness of his transgressions. The decision as to whether Pete belongs in the Hall of Fame properly rests with the Baseball Writers Association of America; how it is to be exercised is up to each and every voting member.

The part of Pete's legacy that disgraced the game will never be otherwise. He will forever be the American athlete who fell furthest from the heights of achievement. His personal suffering is profound, both for what he has experienced and for the embarrassment and sadness he understands he brought upon those closest to him. No less so, he understands that he badly hurt the game and its fans.

In his 76<sup>th</sup> year, and 25 years after the adoption of the "Pete Rose Rule", Pete would do anything in his power to be considered, even if writers individually do not believe that he is worthy of admission. He will subject himself to any and all measures of accountability the Board deems appropriate.

We believe that the institution of Baseball will be strengthened by this act of grace – an act that would give Pete Rose the same treatment that every other Major

League Baseball player and manager received throughout the first 55 years of the National Baseball Hall of Fame.

Sincerely,  


Attorney Raymond C. Genco



Attorney Mark Rosenbaum  
610 S. Ardmore Ave.  
Los Angeles, CA 90005  
213.500.7906