

FOR IMMEDIATE RELEASE

December 14, 2015

COMMISSIONER INFORMS ROSE OF DECISION

Major League Baseball announced today that it has completed the review regarding Pete Rose's application for reinstatement from the Ineligible List.

Commissioner Robert D. Manfred, Jr. today informed Mr. Rose, both verbally and in writing, that the application has been denied. The Commissioner's decision accompanies this press release.

#

Contact: Patrick Courtney or Michael Teevan, Major League Baseball, (212) 931-7878, mlbpressbox.com, twitter.com/mlb_pr.

OFFICE OF THE COMMISSIONER

MAJOR LEAGUE BASEBALL

In The Matter Of:)
)
Peter Edward Rose)

DECISION OF COMMISSIONER ROBERT D. MANFRED, JR.

CONCERNING THE APPLICATION

OF ROSE FOR REMOVAL FROM

THE PERMANENTLY INELIGIBLE LIST

December 14, 2015

On August 23, 1989, Pete Rose signed an Agreement (herein after “the 1989 Agreement”) that resulted in him being placed on the permanently ineligible list for violating Major League Rule 21 (hereinafter “Rule 21”). Under the Major League Rules, an individual on the permanently ineligible list can apply for reinstatement and the 1989 Agreement did not abrogate this right. By letter dated February 26, 2015, Mr. Rose’s attorneys advised me of Mr. Rose’s request for reinstatement and removal from the permanently ineligible list. Mr. Rose’s attorneys stated that Mr. Rose had accepted responsibility for his mistakes and their consequences, and that Mr. Rose was sorry for betting on the game of Baseball. Mr. Rose’s attorney s further asserted that, as directed by Commissioner Giamatti, Mr. Rose had “reconfigured” his life. Mr. Rose wrote again to me, through counsel, on April 1, 2015, requesting a meeting in order that he be given the opportunity to show me “the extent to which he has met and surpassed Commissioner Giamatti’s charge that he reconfigure his life.”

Because over 26 years have passed since the submission of the Dowd Report on May 9, 1989 and Mr. Rose’s execution of the Agreement, I requested that my staff conduct a comprehensive review of all materials concerning this case that have been held in the files of the Office of the Commissioner. I requested a thorough review of the matters addressed in the Dowd Report, the litigation filed by Mr. Rose on June 19, 1989, the 1989 Agreement, and John Dowd’s Final Report to the Commissioner dated September 11, 1989. I also asked that my staff obtain and review additional material not in possession of the Office of the Commissioner in 1989 in order to update the Dowd Report and to provide me with as complete a picture as possible of how Mr. Rose has conducted himself from the date of the Agreement until the present. In this regard, I should point out that my staff obtained important evidence not available at the time of the Dowd Report, including a copy of a notebook taken by federal investigators from Michael Bertolini in October, 1989 and kept from public examination since that time by court order. This notebook contains records of bets placed in 1986 by Michael Bertolini on his own behalf and on behalf of Pete Rose, including bets placed on Cincinnati Reds games by Mr. Rose during the 1986 Championship Season when he was the manager-player for the Cincinnati Reds. He appeared during that season in 72 games and had 272 plate appearances. The notebook’s existence and contents were revealed by ESPN on June 23, 2015 in a story emphasizing that Mr. Rose bet on Baseball while he was an active player.

At the conclusion of the staff review, a comprehensive report was submitted to me. After I had an opportunity to carefully review that report, Mr. Rose and I met on September 24, 2015 to afford him with the opportunity personally to present to me any information that might have a bearing upon his request. Prior to that meeting Mr. Rose’s representatives submitted two reports to my office. The first report was prepared by Dr. Timothy Fong, the Co-Director, UCLA Gambling Studies Program and Director, UCLA Addiction Psychiatry Fellowship. I will not review the details of that report here due to confidentiality concerns. Ultimately, I gave the report little weight because the factual background recited in it is inconsistent with what Mr. Rose told me during our meeting.

The second report contained the results of a Psychophysiological Detection of Deception Test (i.e., a polygraph test) that was administered to Mr. Rose on August 5, 2015 by a consultant retained by his representatives. Mr. Rose apparently submitted to the test of his own accord in an attempt to demonstrate the veracity of certain prior statements he made concerning his violations of Rule 21. For technical reasons that were not Mr. Rose’s responsibility, this report resulted in a conclusion of “no opinion” on the matters subject to the procedure.

During our meeting, Mr. Rose told me that he bet extensively on Cincinnati Reds games in 1987. He could not, however, remember many facts established by the Dowd Report that demonstrate conclusively his involvement in betting on Baseball in 1985 and 1986, while he was an active player. He made assertions concerning his betting habits that were directly contradicted by documentary evidence (the Bertolini Notebook) secured by my office following the publication of the ESPN story on June 23, 2015.¹ And, significantly, he told me that currently he bets recreationally and legally on horses and sports, including Baseball.

With this background in mind, let me clarify the precise nature of the issue before me. Under the Major League Constitution, my only concern has to be the protection of the integrity of play on the field through appropriate enforcement of the Major League Rules. It is not a part of my authority or responsibility here to make any determination concerning Mr. Rose's eligibility as a candidate for election to the National Baseball Hall of Fame ("Hall of Fame"). In fact, in my view, the considerations that should drive a decision on whether an individual should be allowed to work in Baseball are not the same as those that should drive a decision on Hall of Fame eligibility. Indeed, in considering Mr. Rose's application for reinstatement, I, as Commissioner of Baseball, must determine the risk that Mr. Rose will commit a violation of MLB's rules (most significantly Rule 21) following his reinstatement that may impact the integrity of the game. 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 focused on a range of considerations distinct from the more narrow question before me – i.e., whether I believe that Mr. Rose's reinstatement would be consonant with the policy rationale underlying Rule 21. Thus, any debate over Mr. Rose's eligibility for the Hall of Fame is one that must take place in a different forum.

Rule 21 has been a fundamental expression of policy by the Major League Clubs for nearly a century. Its stark language actually provides a limitation on the power of the Commissioner in the sense that the penalty for a player or manager who bets on a game in which he has a duty to perform is mandatory, permanent ineligibility. This severe rule is a reflection of the fact that gambling by players and managers on games involving their Clubs has the potential to undermine the integrity of the game on the field and public confidence in the game. While the Commissioner is afforded certain discretion in considering an application under Major League Rule 15(d) for reinstatement from the permanently ineligible list, the Commissioner must exercise that discretion with great care, bearing in mind the intended deterrent effect of the mandatory penalty for a violation of Rule 21 and the best interests of Baseball. In order to be satisfied that the policy underlying Rule 21 is not undermined by the granting of an application for reinstatement, I believe that, at a minimum, there must be objective evidence which demonstrates that the applicant has fundamentally changed his life and that, based on such changes, the applicant does not pose a risk for violating Rule 21 in the future.

Here, what has been presented to me for consideration falls well short of these requirements. It is not at all clear to me that Mr. Rose has a grasp of the scope of his violations of Rule 21. He claims not

¹ Mr. Rose attempted to minimize the severity of his conduct by asserting that he only bet on the Reds to win. Mr. Rose further asserted that in order to avoid the impression that he only bet on games in which he believed that the Reds would win, he placed bets on every Reds game. While it makes no difference for purposes of the prohibition of Rule 21 whether Mr. Rose bet for or against the Reds, or on some or all Reds games, I note that the Bertolini Notebook shows that, contrary to his assertions, Mr. Rose did not wager on every Reds game. Thus, Mr. Rose's wagering pattern may have created the appearance to those who were aware of his activity that he selected only those games that he believed that the Reds would win.

to remember significant misconduct detailed in the Dowd Report and corroborated by Michael Bertolini's betting notebook. While Mr. Rose claims that he only bet on Baseball in 1987, the Dowd Report concluded that he also bet on Baseball in 1985 and 1986. Based on the review of the Bertolini Notebook (which shows that Mr. Rose bet on Baseball during the 1986 season), I am convinced that the findings set forth in the Dowd Report are credible. Mr. Rose's public and private comments, including his initial admission in 2004, provide me with little confidence that he has a mature understanding of his wrongful conduct, that he has accepted full responsibility for it, or that he understands the damage he has caused. As I understand it, Mr. Rose has never seriously sought treatment for either of the two medical conditions described so prominently in his 2004 book and in Dr. Fong's report. I am also not convinced that he has avoided the type of conduct and associations that originally led to his placement on the permanently ineligible list.

Most important, whatever else a "reconfigured life" may include, in this case, it must begin with a complete rejection of the practices and habits that comprised his violations of Rule 21. During our meeting, Mr. Rose told me that he has continued to bet on horse racing and on professional sports, including Baseball.² Those bets may have been permitted by law in the jurisdictions in which they were placed, but this fact does not mean that the bets would be permissible if made by a player or manager subject to Rule 21.

In short, Mr. Rose has not presented credible evidence of a reconfigured life either by an honest acceptance by him of his wrongdoing, so clearly established by the Dowd Report, or by a rigorous, self-aware and sustained program of avoidance by him of all the circumstances that led to his permanent ineligibility in 1989. Absent such credible evidence, allowing him to work in the game presents an unacceptable risk of a future violation by him of Rule 21, and thus to the integrity of our sport. I, therefore, must reject Mr. Rose's application for reinstatement.

Notwithstanding this conclusion, I respect Mr. Rose's accomplishments as a player and, as a result, I will continue to allow him to participate in ceremonial activities that present no threat to the integrity of the game, provided that the activities are approved by me in advance. Finally, the sanction imposed by Rule 21 means that Mr. Rose may not associate with any Major or Minor League Club. The Major League Rules, however, do not cover relationships with third parties who do business with Major League Baseball. Any future relationship Mr. Rose may contemplate with any such party is a matter between him and the party, unless it involves any association with a Major League Club, in which case, the proposed relationship must be submitted to me for review.



Robert D. Manfred, Jr.
Commissioner of Baseball



Date

² Even more troubling, in our interview, Rose initially denied betting on Baseball currently and only later in the interview did he "clarify" his response to admit such betting.