

***HOW THE MORALS CLAUSE IN JACK MOLINAS' CONTRACT SAVED THE NATIONAL BASKETBALL ASSOCIATION IN 1954***

J. Gordon Hylton, Marquette University

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Even forty years after his death, it is hard to say anything positive about Jack Molinas. Although he was an exceptional athlete, an outstanding student, and a man of considerable charm who was also an All-American basketball player, a first round NBA draft pick, and a graduate of Columbia and Brooklyn Law School, he is primarily remembered as an extraordinarily corrupt individual. Not only was he the first (and only) player ever expelled from the National Basketball Association for gambling, he also nearly brought down the sport of college basketball in the early 1960's with a nefarious network of fixers and bribed players. Even after experiencing a criminal conviction, disbarment, and several years behind bars in New York's infamous Attica Prison, Molinas could not resist the dark side and returned to a life in the underworld of organized crime and pornography that ended with his murder by a hired killer in August of 1975.<sup>1</sup>

However, in January, 1954, National Basketball Association President Maurice Podoloff maneuvered Molinas into a position where he became the scapegoat for a professional sports league riddled with gambling and game fixing problems. Molinas was hardly an innocent victim, but, thanks to the broad anti-gambling clause in his contract and the willingness of New

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<sup>1</sup> Molinas' career has inspired a number of works, both historical and fictional. For non-fiction examples, see Charley Rosen, *The Wizard of Odds: How Jack Molinas Almost Destroyed the Game of Basketball* (2002); Stanley H. Teitlebaum, *Sports Heroes, Fallen Idols* 86-98 (2005); Teitlebaum, *Athletes Who Indulge Their Dark Sides: Sex, Drugs, and Cover Ups* (2012); Albert J. Figone, *Cheating the Spread: Gamblers, Point Shavers and Game Fixers in College Football and Basketball* (2012). For novels, see Jerry Marcus, *Broken Trust: The Murder of Jack Molinas* (2008); Neil Isaacs, *The Great Molinas* (1992); and Phil Berger, *Big Time* (1990).

York courts to accept the legitimacy of an almost unlimited delegation of authority to the league president, he alone ended up suffering the full weight of his league's effort to contain the damage done by a much larger group of players who had accepted payments from gamblers in exchange for altering the results of NBA games.

Jacob "Jack" Molinas was born in the borough of the Bronx in New York City in 1931 to a Jewish middle class family.<sup>2</sup> A gifted student and athlete, he led his Stuyvesant High School basketball team to the New York City championship game in 1949, while winning a scholarship to Columbia University. After a year on the freshman team, the six foot-six inch forward was a three year starter and star for the Columbia varsity, where he captained the team as a senior while setting school scoring and rebounding records. He was then chosen in the first round of the 1954 National Basketball Association draft by the Fort Wayne Pistons (the forerunner of today's Detroit Pistons).<sup>3</sup> Once the 1953-54 NBA season began, Molinas quickly established himself as one of the most promising young players in the NBA, and in early January, he was named to the Western Conference All-Star team.<sup>4</sup>

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<sup>2</sup> Unless otherwise indicated, biographical details are taken from Rosen, *supra*. Rosen's book was written after Molinas' death with the cooperation of Julius "Julie" Molinas, Jack's brother. As such, he had access to Molinas' diaries and transcripts of extensive interviews with Molinas conducted by sportswriter Milton Gross after Molinas was released from prison in the 1960's. Gross apparently completed a biography of Molinas entitled *The House that Jack Built*, but the book was never published, apparently because of objections from Molinas' associates in the world of organized crime. Rosen, *supra*, at 358-59. Rosen also conducted extensive interviews with numerous individuals who had known Molinas both inside and outside of the world of basketball. Unfortunately, Rosen's book lacks footnotes or other indications of specific sources. Whenever possible, I have tried to confirm its claims with contemporary newspaper accounts, but that has not always been possible. However, other than the somewhat novelistic attention to detail in Rosen's book, there is apparently no reason to question its veracity.

<sup>3</sup> Unless otherwise indicated, all information pertaining to Molinas' NBA career and the league generally is taken from the website [www.basketball-reference.com](http://www.basketball-reference.com).

<sup>4</sup> "Fort Wayne Rookie Pro Cager Faces Expulsion for Basketball Betting," *Toledo Blade*, Jan. 11, 1954, at 18.

Unknown to the general public and his employers, Molinas had been shaving points in selected basketball games since he was in high school. He apparently continued doing this early in his NBA career, and by December 1953, questions were beginning to surface about the sudden lapses in the quality of his on-court play. Especially troubling was his performance in the Pistons' December 15 game with the Boston Celtics, which was played at New York's Madison Square Garden. (Neutral site games were a regular feature of the NBA's schedule in the early 1950's.) Although the Pistons (13-9) had a better regular season record than the Celtics (10-12), early betting on Boston pushed the point spread first to 3 ½ points and then to 6 points in favor of the Celtics—a development that eventually led bookies to stop taking any further bets on the game. At first, the enthusiasm for Boston seemed misplaced as Fort Wayne jumped out to an early lead. By the end of the first half, the Pistons led 40-29, behind Molinas' 18 points. However, at half-time, a “stranger” attempted to enter the Fort Wayne locker room to talk to Molinas, and when he was prevented from doing so, he left a note for Jack that simply stated “Joe sent me.” (Joe was apparently Joe Hacken, a well-known New York bookie and basketball game fixer that Molinas had known since his high school years.)

In the second half of the game, Molinas suddenly made mistake after mistake. He scored only two additional points after intermission, and his poor play eventually led to his being removed from the game. The Celtics ended up winning 82-75, a margin just large enough to cover the final point spread. Few believed Molinas' post-game excuse that he had gotten very little sleep after a night of partying and that he had simply “run out of gas” in the second half. In the days following the game, New York bookmakers refused to take bets on any game involving Fort Wayne, a clear indication that they believed that the Piston games were being fixed. In his

December 29, 1952 column, *New York Post* sports editor Ike Gellis wrote, “Wonder what’s going on in the Fort Wayne games? Most bookies won’t deal with them.”<sup>5</sup>

Incidents like this and a number of tips from sportswriters knowledgeable about the gambling underworld of New York City prompted NBA President Maurice Podoloff and Pistons owner Fred Vollner to initiate investigations of Molinas and his teammates. With the cooperation of law enforcement officials in New York and Fort Wayne, taps were placed on the telephones of all of the Pistons players. According to basketball historian Charley Rosen, this surveillance revealed that at least a half-dozen Pistons—Molinas, Larry Foust, Andy Philip, Mel Hutchins, Don Meineke, and Fred Scolari--were involved with gamblers in point shaving and game fixing schemes.<sup>6</sup> It also revealed that Molinas was placing bets on Pistons games on his own through a friend back in the Bronx named Stanley Retensky.

The discovery of this information placed President Podoloff and the Pistons owner in a difficult situation. While the NBA had not been directly affected by the game-fixing scandal that had rocked college basketball in 1951, there had always been suspicions that the relatively low salaries paid professional basketball players in the early 1950’s made them attractive targets for game fixers.<sup>7</sup> The average NBA player in this era earned between \$7000 and \$8000 per year, with Minneapolis Laker George Mikan’s \$13,000 salary topping the list in 1953-54.<sup>8</sup> Since Baseball’s Black Sox scandal of 1919—in which members of the Chicago White Sox conspired

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<sup>5</sup> Quoted in Rosen, *supra*, note 1, at 124.

<sup>6</sup> Rosen, *supra*, note 1, at 15, 135.

<sup>7</sup> For the definitive accounts of the 1951 scandal, see Charley Rosen, *The Scandals of ‘51: How the Gamblers Almost Killed College Basketball* (1999), Cohen, *The Game They Played* (2001), Stanley Cohen, *The Game They Played* (2001), and Murray Sperber, *Onward to Victory: The Creation of Modern College Sports* (1998).

<sup>8</sup> David George Surdam, *The Rise of the National Basketball Association* 139-40 (2012).

to throw the World Series to the Cincinnati Reds--all professional sports leagues had officially prohibited their players from any sort of association with gamblers and betting.

In the NBA in the early 1950's, this prohibition was written into both the league's constitution and its standard player contract. On top of this, league president Podoloff was given broad, essentially non-reviewable, disciplinary powers. Section 79 of the NBA Constitution provided:

Any officer, director, coach or employee of a club, team, corporation or organization operating a franchise in the N. B. A. who or which directly or indirectly wagers money or anything of value on the outcome of any game played by a team of the N. B. A. shall on being charged with such wagering be given a hearing by the President of the Association after due notice, and the decision given by the President shall be final, binding and conclusive and unappealable, and anyone so charged and found guilty shall have no claim against the President and/or N. B. A. or its members or against any club or organization operating a franchise of the N.B.A.<sup>9</sup>

The ban on gambling in the league constitution was supplemented by Section 15 of the uniform player contract which provided:

It is severally and mutually agreed that any player of a Club, who directly or indirectly *bets money* or anything of value *on the outcome of any game* played for any National Basketball Association Club, *shall be expelled* from the National Basketball Association by the President *after due notice and hearing* and the President's decision *shall be final, binding, conclusive and unappealable*; and the Player hereby releases the President and waives every claim he may have against the President and/or the National Basketball Association, and against every Club in the National Basketball Association, and against every director, officer and stockholder of every Club in the National Basketball Association, for damages and for all claims and demands whatsoever arising out of or in connection with

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<sup>9</sup> The text of the clause was reprinted in *Molinas v. Podoloff*, 133 N.Y.S.2d 743 (N.Y. Sup. Ct. 1954) at 745.

the decision of the President of the National Basketball Association. [Emphasis added.]<sup>10</sup>

In addition, Section 15 of the League Constitution gave the President “the power to suspend for a definite or indefinite period or to impose a fine not exceeding \$ 1,000 or inflict both upon any manager, coach, player or officer who in his opinion shall be guilty of conduct prejudicial or detrimental to the association regardless whether the same occurred in or outside of the playing building.”<sup>11</sup>

Although Podoloff was the first, and at this point only, president in the history of the National Basketball Association, he was in some ways an unusual choice to head the country’s leading professional basketball league.<sup>12</sup> Born in 1890 in Yelisavetgrad in what is today Ukraine, Podoloff was barely five feet tall and a bit pudgy. As a child, he had emigrated with his parents to New Haven, Connecticut, where his father became a successful real estate developer. Podoloff attended Yale College and Yale Law School, graduating in 1913 and 1915, respectively, before joining in father and two brothers in the family business. Among their accomplishments were the construction of the New Haven Arena and the creation of the New Haven Eagles professional ice hockey team to play in the building. The Eagles were initially a member of the Canadian-American League which, after a series of mergers, became the American Hockey League (which exists today). Although Maurice reportedly knew very little about the sport of ice hockey, he was involved in different aspects of running the league, and in

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<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> The title of the NBA president was changed to Commissioner in 1967, during the presidency of Walter Kennedy, Podoloff’s successor. <http://www.nba.com/history/commissioners.html>

1938, he was chosen as its president. While still holding that title, his reputation for managerial skill caused him to be invited in 1946 to become the inaugural president of the Basketball Association of America. The BAA was a new professional league that was controlled by the operators of arenas in major East Coast and Midwestern cities and founded to compete with the National Basketball League which dated back to 1937, and was centered in smaller cities in the middle of the country.

Knowing even less about basketball than he knew about hockey, Podoloff accepted the position, and for the next six years he served simultaneously as president of both the AHL and the BAA. In 1949, when the BAA merged with the National Basketball League to become the National Basketball Association, he was chosen to head the consolidated league as well. (He finally gave up the AHL presidency after the 1951-52 season.)<sup>13</sup> As a President, Podoloff kept an office in the Empire State Building and was highly regarded by the team owners, although players and coaches sometimes found him to be a puzzling figure. According to early NBA coach Charley Eckman, “Podoloff was a small round man who was a great administrator but who knew nothing about basketball. He loved the sound of his own voice, and he had a million dollar vocabulary. We called him Poodles Podoloff.”<sup>14</sup> He would remain as president of the NBA until he retired at age 73 in 1963, and the league’s most valuable player trophy today bears his name.

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<sup>13</sup> For Podoloff’s background, see Robert Peterson, *Cages to Jump Shots: Pro Basketball’s Early Years* 151 (1990), as well as at the American Hockey League’s Hall of Fame website <http://ahlhalloffame.com/maurice-podoloff-p167016>, and at the Jewish Virtual Library, [http://www.jewishvirtuallibrary.org/jsource/judaica/ejud\\_0002\\_0016\\_0\\_15890.html](http://www.jewishvirtuallibrary.org/jsource/judaica/ejud_0002_0016_0_15890.html). For Podoloff’s role in the early history of the National Basketball League, see, in addition to Peterson, supra, Surdam, supra, note 8; Leonard Koppett, *24 Seconds to Shoot: An Informal History of the National Basketball Association* (1968); Terry Pluto, *Tall Tales: The Glory Years of the NBA* (1992); and Connie Kirchberg, *Hoop Lore: A History of the National Basketball Association* (2007).

<sup>14</sup> Quoted in Pluto, supra, at 23.

Podoloff had already taken a strong stand against gambling before the events of December 1953. In February, 1951, he had fired long time referee Sol Levy for what was officially called “incompetence,” although in reality the problem was that Levy had been receiving payments from gamblers to alter the outcome games in 1950.<sup>15</sup> In light of subsequent events, i.e., Levy’s indictment and criminal conviction, Podoloff likely announced that he had fired Levy for “incompetence” rather than game fixing in order to prevent fans from questioning the legitimacy of NBA games. In the fall of 1951, Podoloff also permanently banned star players Alex Groza and Ralph Beard of the league’s Indianapolis Olympians. The banishment of Groza and Beard was triggered by revelations that they had participated in a college point shaving scandal during the 1948-49 season when the two were students at the University of Kentucky. In addition to their suspension from play, Podoloff also required the two men to dispose of the shares of stock that they held in the Olympians.<sup>16</sup> The two were never reinstated.

What to do with the information garnered from the Fort Wayne investigation posed a real dilemma for Podoloff. The President was acutely aware of the vulnerability of the National Basketball Association in 1954, and he was clearly concerned that a gambling scandal could be the league’s Achilles heel. Still struggling to establish itself as the equal of Major League Baseball, the National Football League, and the National Hockey League, it was not at all clear that the NBA could survive a major gambling scandal. If it were shown that a significant number of Fort Wayne players were involved in game-fixing, why could not the same be true for players on the league’s other eight teams? Before too long, fans might begin to look elsewhere

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<sup>15</sup> “Referee Linked to Fixes in Six Pro Games, *Chicago Tribune*, Nov. 3, 1951, at B1. See also, “Pro Basketball Chief Tells of Games Involving Levy, *Chicago Tribune*, Jan. 16, 1952 at B3.

<sup>16</sup> “Basketball Stars Must Sell Stock,” *New York Times*, Oct. 23, 1951, at 26; Paul Weiler, *Leveling the Playing Field* 42 (2002).



for entertainment. On the other hand, if the NBA did nothing, and word of the game fixing leaked out, then it might appear that the league itself was trying to cover up the fact that its games were rigged, a la professional wrestling.

No one could deny that the National Basketball Association was in a precarious economic position in 1954. Between 1949 and 1953, the number of teams in the league had dropped from 17 to 9, and at least two or three of the surviving franchises were on shaky financial ground. The nine member clubs during the 1953-1954 season were divided between teams in large cities with other major league sports teams (New York Knickerbockers, Boston Celtics, Philadelphia Warriors, Baltimore Bullets, and Milwaukee Hawks) and those in smaller cities in which the NBA team was the only major league franchise (Minneapolis Lakers, Fort Wayne Pistons, Rochester Royals, and Syracuse Nationals), and there were strong and weak franchises in both categories. However, none of the NBA teams, with the possible exception of New York and Boston, drew well enough to justify playing half of all games in its home city. Consequently, the NBA had moved to a three pronged approach to scheduling. In 1953-1954, for example, NBA teams played a 72 game schedule which included 24 home games, 24 games at the homes of game opponent, and 24 games at neutral sites. Neutral sites were sometimes the home of another league team, and double-headers featuring four different teams playing in one site, especially New York, were not uncommon. In spite of the various gimmicks, average attendance at league games (including neutral site matchups) had been just 3210 fans in 1952-53, and while a few teams like New York, Boston, and Philadelphia averaged significantly more fans for their home games, Rochester, Baltimore, and Milwaukee were drawing fewer than that when

playing at home in 1953-54.<sup>17</sup> Some observers considered Baltimore, Milwaukee, and, because of earlier financial difficulties, Philadelphia candidates for collapse at any point.<sup>18</sup> (The Baltimore Bullets did in fact fold in the fall of 1954.) Surviving financial records for seven of the nine teams (not including Washington and Milwaukee, the two financially weakest teams) show that only two of the seven would turn a profit during the 1953-54 season.<sup>19</sup> The two money-making teams were New York and Syracuse, and the latter would net only \$940.<sup>20</sup> Boston, which drew the league's second largest crowds (almost 7500 fans per game), lost a reported \$53,000, while Fort Wayne lost \$59,000.<sup>21</sup> In an era in which most professional sports revenues still came from ticket sales--in Fort Wayne, ticket prices in 1953-54 ranged between one and two dollars<sup>22</sup>--whether fans would continue to show up for NBA games if the truth about game fixing became known was an urgent question.

If anything, the prospects of a gambling scandal were even direr for Pistons owner, Fred Zollner. Zollner, a Fort Wayne-based industrialist, was the owner of the Zollner Machine Works, Inc., best known for the production of aluminum parts, including pistons, for automobile and airplane engines. Organized as a company sponsored amateur team in 1939, the Zollner Pistons made the switch to professional basketball in 1941 when they joined the American

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<sup>17</sup> For NBA attendance figures in the 1950's and early 1960's, see the Association for Professional Basketball Research website at <http://www.apbr.org/attendance.html>

<sup>18</sup> Rosen, *supra*, note 1, at 98.

<sup>19</sup> See <http://webcache.googleusercontent.com/search?q=cache:I-J9ibYTqG0J:www.prenhall.com/divisions/bp/app/fort/Common/OtherData/NBAIncomeExpense/NBA%2520Finances53-54.xls+nba+salaries+1953-54&cd=27&hl=en&ct=clnk&gl=us>

<sup>20</sup> *Id.*

<sup>21</sup> See notes 13 and 19, *supra*.

<sup>22</sup> Roger Nelson, *The Zollner Piston Story* 210 (1996).

Basketball League where they remained until the formation of the NBA.<sup>23</sup> Although the team was now just the Pistons, Zollner was both emotionally and financially invested in the Pistons. He was also aware that Indiana's other NBA team, the Indianapolis Olympians, had never recovered from the loss of its two best players because of the 1951 gambling scandal. (The Olympians had played two more unsuccessful seasons before folding in the spring of 1953.) Neither Podoloff nor Zollner wanted players who consorted with gamblers on their teams, but neither was willing to take the risk of exposing the full extent to which game fixing had penetrated the NBA. Zollner had already tried to frighten his players into severing ties with gamblers by telling them openly that they were under investigation and that their phones were being tapped.<sup>24</sup>

Although the precise chronology is unknown, sometime in late December 1953, or very early January 1954, Podoloff and Zollner decided that something had to be done regarding the situation in Fort Wayne. On Friday, January 8, the Pistons returned to Fort Wayne after a short road trip. According to Molinas' biographer Charley Rosen, Molinas was asked the following evening to come to Zollner's Fort Wayne home, where he was arrested and taken to the Fort Wayne police station. There he was interrogated by the local police, and possibly by the FBI, as well as by President Podoloff who had flown in from New York that evening. Before meeting with Podoloff, Molinas admitted to the police that he had placed bets on Pistons games, but only to win, and he had signed a confession to that effect. Throughout the interview he consistently

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<sup>23</sup> On Zollner, see Todd Gould, *Pioneers of the Hardwood: Indiana and the Birth of Professional Basketball* 104-113 (1998); Rosen, *supra*, note 1, at 14; and Myron Cope, "The Big Z and His Misfiring Pistons," *Sports Illustrated*, Dec. 18, 1967, accessed at SI Vault, <http://sportsillustrated.cnn.com/vault/article/magazine/MAG1080689/index.htm>

<sup>24</sup> Gould, *supra*, note 11, at 104-105 et passim.

denied (falsely, as it turned out) that he had ever shaved points or intentionally tried to lose games. He was then interviewed by Podoloff and Vollner, even though it well after midnight, and after they read his confession, Podoloff told Molinas that he was likely to be suspended.<sup>25</sup> Other players were interrogated that evening, but none were ever charged with crimes or disciplined by the league.<sup>26</sup>

The extent to which Podoloff consulted directly with Vollner and the Fort Wayne police before Molinas' arrest is not known. It is possible that Podoloff anticipated that Molinas would initially try to confess only to placing bets on the Pistons to win, and he may have directed the police to try to obtain such a confession. If that did not happen, then Podoloff upon learning of the nature of the confession, immediately realized the potential advantages of having a written confession from Molinas to an act (betting on one's own team) specifically prohibited by his contract but one which would not likely bring the overall integrity of the league into question. The following day, Podoloff announced in New York that Molinas had been placed on indefinite suspension.<sup>27</sup> He also reported that while Molinas was entitled to a hearing on his suspension, he did not expect him to request one. The next day's newspapers also reported that the New

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<sup>25</sup> Rosen, *supra*, note 1, at 13-19. Piston Monk Mienieke, who was also at Vollner house that evening and who was also interrogated has insisted that the FBI were present that evening and that he was interviewed by FBI agents. Rosen, on the other hand, makes no mention of the FBI. For Mienieke's experiences that evening, see Tom Archdeacon, "Monk Meineke tells a story of scandal, murder and UD [University of Dayton] basketball," *Dayton Daily News* May 17, 2009, available at [http://mo.daytondailynews.com/blogs/content/shared-gen/blogs/dayton/throughthearch/entries/2009/05/17/a\\_story\\_of\\_scandal\\_pornography\\_1.html](http://mo.daytondailynews.com/blogs/content/shared-gen/blogs/dayton/throughthearch/entries/2009/05/17/a_story_of_scandal_pornography_1.html)

<sup>26</sup> Archdeacon, *supra*.

<sup>27</sup> "Fort Wayne Rookie Pro Cager Faces Expulsion for Basketball Betting," *Toledo Blade*, Jan. 11, 1954, at 18. (AP wire story).

York police were investigating the individuals who had assisted Molinas in placing his bets, and that Bronx District Attorney George DeLuca had promised a full interrogation.<sup>28</sup>

By January 10, it was clear that Podoloff had already formulated his plan regarding how to deal with the Fort Wayne situation. Molinas would be permanently suspended from the NBA, but officially only because he had bet on his own team. Nothing would be said about his involvement with point-shaving and gamblers, and nothing would be said about the similar acts of misconduct on the part of his teammates. While the harshness of the penalty imposed on Molinas would likely frighten other players who had been associated with gamblers, the public could be told that the problem was an unfortunate, but isolated, incident. To the press he stated, “I don’t think this will have any effect on professional basketball. It was simply an isolated case.”<sup>29</sup> Although the contract appeared to guarantee Molinas a hearing, Podoloff expressed his view that a hearing would be pointless, since Molinas had voluntarily confessed to an offense that justified his suspension. The President also announced that he was planning to request that the NBA Board of Governors authorize the hiring of a full-time investigator to make sure that there were no future gambling connections in the league.<sup>30</sup> Here again, Molinas’ supposedly isolated conduct was being used to help facilitate a crackdown of player misbehavior without the league having to acknowledge publicly the extent of the misbehavior.

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<sup>28</sup> For various accounts of the investigation into Molinas’ activities, see “Man Quizzed in Molinas Case,” *Long Island Star-Journal*, Jan. 11, 1954, at 11; “Judge Prepared to Announce Decision in Molinas Case,” *Quebec Chronicle-Telegram*, Jan. 11, 1961, at 8; “Pro Basketball President Asks Legal Investigator for League,” *The Deseret News*, Jan. 12, 1954, at 2B; “Molinas Says He Did No Betting on University Games,” *The Cape Girardeau Southeast Missourian*, Jan. 12, 1954, at 5; “Little Headlines,” *Toledo Blade*, Jan. 13, 1954, at 32.

<sup>29</sup> “Life Ban Seen for Molinas,” *Binghamton Press*, Jan. 11, 1954, at 15.

<sup>30</sup> “Pro Basketball President Asks Legal Investigator for League,” *The Deseret News*, Jan. 12, 1954, at 2B.

This strategy produced a number of benefits for Podoloff and the NBA. Molinas had just been named to the NBA All-Star game to be played later that month, so the suspension of one of the league's young stars on the eve of the All-Star game for a relatively minor gambling offense would send a message to basketball fans that the NBA was absolutely serious about weeding out all connections to gambling. It would also distract attention away from the reports in the New York and Fort Wayne newspapers of rumors that Fort Wayne players were throwing selected games in exchange for payments from gamblers. More importantly, it would send a message to every player in the NBA that those who were involved with gamblers needed to immediately clean up their acts or else face the possibility of a lifetime suspension. And this had all been made possible because of the wording of the gambling clause in Molinas' contract.

For Fred Zollner, Podoloff's decision meant that his team would lose one of its young stars and without any form of compensation. Nevertheless, Zollner appeared willing to accept this outcome, particularly if it would wipe out the scourge of game fixing among the remaining team members. First of all, even though Molinas had been chosen for the All-Star game in his first year in the league, his presence had not had as much of an impact on the team's performance as Zollner might have hoped when he chose the Columbia star with the fourth pick in the 1954 player draft. At the time of Molinas' suspension, the Pistons were only 18-17, and three of the wins had come in early season games in which Molinas had not participated. Although he was averaging 11.7 points per game, Molinas' scoring had been erratic. He had scored between 20 and 24 points on five occasions, but he had also scored four and zero points, respectively, in two recent home losses to the Knicks and Lakers on December 27 and January

3.<sup>31</sup> (These games also appeared to provide evidence that Molinas was intentionally “tanking” games.)

Zollner had also been around professional basketball long to be aware that a single player was rarely indispensable. The previous season, the Pistons had lost their star rookie guard, former Duke University All-American Dick Groat, to the military draft near the halfway point of the season. Even though Groat was a leading candidate for NBA Rookie-of-the-Year at the time that he was drafted, the Pistons played almost as well without him (19-18) as they did with him (17-15).<sup>32</sup> Furthermore, on December 20, 1953, the Pistons had acquired former All-Star guard Max Zaslofsky from the Milwaukee Hawks. Although subsequent events would show that Zaslofsky was near the end of his career, he had been an all-star as recently as two years before, and at the time of his acquisition by the Pistons, he was one of the leading scorers in NBA history. Certainly, the Zaslofsky acquisition made Molinas somewhat expendable, especially given the team’s depth at the forward position. (The timing of the acquisition of Zaslofsky also suggests that Vollner may have already begun making plans to get rid of Molinas.)

Nor was it clear that anyone really wanted Molinas on the team. As mentioned, the Pistons roster contained a surplus of talented forwards—Monk Mienke had been the 1953 NBA Rookie-of-the-Year; Mel Hutchins, acquired in a pre-season trade, was a former first round pick of the Milwaukee Hawks and was one of the best rebounders in the NBA; and former Stanford All-American George Yardley was a former first round pick of the Pistons whose arrival had been delayed for three years by military service—and coach George Birch had struggled all fall

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<sup>31</sup> Unless otherwise indicated, information on National Basketball Association teams, players and games is taken from the website [www.basketball-reference.com](http://www.basketball-reference.com).

<sup>32</sup> Evidence of Groat’s baseball accomplishments can be found at [www.baseball-reference.com](http://www.baseball-reference.com).

to find playing time for the talented quartet. Moreover, while Molinas had initially been popular with fans and his teammates, his flamboyant and aggressive New York style was starting to wear out its welcome in Fort Wayne. Finally, Molinas was the highest paid player on the team with salary and signing bonuses totaling \$9600. As of January 10, less than half of Molinas' salary had been paid, so Zollner would save a considerable sum if the contract were terminated.

As it turned out, Zollner was right that Molinas was expendable. Over the rest of the season, the Pistons actually played much better than they had when he was a member of the team. After he was suspended, the Pistons won 22 of their remaining 37 games. For the season, Fort Wayne was 15-17 when Molinas played, and 25-15 when he did not. Whether this was because the remaining players flourished because of more playing time or because they stopped trying to throw games is, of course, a difficult question to answer.

In spite of Podoloff's efforts to control the story, his interpretation was not the only one reported in the press in the wake of Molinas suspension. Pistons coach Paul Birch told reporters in Fort Wayne that he had suspected that Molinas was throwing games for some time, and Bronx District Attorney DeLuca vowed that he planned to investigate Molinas' connections to gamblers throughout his high school, college, and professional career.<sup>33</sup> Even so, most reporters and sports fans accepted Podoloff's "he was only betting on his own team" explanation. When Molinas requested a formal hearing, Podoloff refused to schedule it, maintaining that a hearing would be pointless since the player had already confessed in writing to conduct that would warrant his suspension from the league. However, he did meet with Molinas and his father informally during the final week of January at the NBA offices in the Empire State Building. In

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<sup>33</sup> "Police, NBA Plan to Probe Molinas Wagering Scandal," *Niagara Falls Gazette*, Jan. 13, 1954.



Molinas' later account of the meeting, Podoloff informed him that he had no intention of every reinstating him and that he was aware that other players in Fort Wayne were guilty of "dumping" games. He also indicated to Molinas that if he went public with his charges that other players were engaged in much more serious violations, the league would challenge his veracity and that the public would be unlikely to believe him [Molinas] because his comments would seem so self-serving.<sup>34</sup>

Two months later, Molinas was exonerated of any criminal charges by the Bronx grand jury. In spite of initial promises that the grand jury would investigate the full range of Molinas' past associations with gamblers (which could have shown that he had participated in game-fixing in high school, college, and at Fort Wayne) it focused only upon the bets that he placed through his friend Stanley Retensky, who was apparently a student at Brooklyn Law School.<sup>35</sup> The only witnesses called to testify before the grand jury were Stanley, his father Isodore Retensky who owned a Bronx candy store, Morris Rosenzweig, a part-time bookie and the operator of a poolroom near the candy store, Rosenzweig's "runner" Jack Israel, and police detective Lt. William Hyland.<sup>36</sup> Although members of the grand jury apparently admonished Molinas for his bad judgment, on March 24, it announced that it could find no evidence that he had committed any crimes.<sup>37</sup> (Betting on one's own team to win was not a crime in New York or Indiana, although using the phone to place bets technically was.) While assistant district attorney George Tilzer somewhat disingenuously described the investigation as "painstaking and exhaustive," it

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<sup>34</sup> Rosen, *supra*, note 1, at 136-138.

<sup>35</sup> For Molinas' later admission that he engaged in game fixing prior to his professional career, see Bruce Keiden, "The Fixer: Out of Prison, Jack Molinas Reveals Taking Bribes as Collegian," *Philadelphia Inquirer*, Jan. 6, 1964, quoted in Figone, *supra*, note 1, at 178.

<sup>36</sup> Rosen, *supra*, note 1 at 140; "Molinas Hassle Still Boiling," *The Palm Beach Post*, Jan. 16, 1954, p. 11.

<sup>37</sup> "Molinas Cleared in Betting Inquiry," *New York Times*, March 25, 1954, at 42.

was actually quite limited, and there is no evidence that the widespread inquiry promised two months earlier ever took place. Tilzer's further description of the grand jury as "charitable" may have reflected his belief that Molinas had somehow successfully evaded prosecution for his real crimes.<sup>38</sup> By the time of the grand jury report, charges that Molinas had been involved in more serious involvement with gamblers appeared to have been forgotten, and the *New York Post*, the source of the allegations the previous January that Fort Wayne games were being fixed, called for Molinas' reinstatement in the NBA.<sup>39</sup>

Whether Podoloff somehow successfully lobbied the two New York District Attorneys (Hogan, Manhattan, and DeLuca, the Bronx), to narrow the focus of the grand jury investigation is a fascinating question. Some people at the time speculated that that must have been the case. In his biography of Molinas, Charley Rosen quotes an unidentified "Hall of Fame player" for the claim that Podoloff persuaded Hogan, who had exposed the 1951 scandals, not to conduct an investigation into game fixing in professional basketball. According to this player, "It was Podoloff who persuaded Hogan to close the book on Molinas and keep the lid on."<sup>40</sup>

Armed with this "acquittal" Molinas again petitioned Podoloff for a hearing in hopes that he could be reinstated for the 1954-1955 season. (The Pistons had played their final game of the season on March 21, three days before the report of the grand jury exonerating Molinas.) Podoloff responded immediately that Molinas had "broken faith with us [the NBA]" and that no

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<sup>38</sup> "No Crime in Molinas Case But Reinstatement Unlikely," *The Day*, March 25, 1954, at 14.

<sup>39</sup> Rosen, *supra*, note 1, at 141.

<sup>40</sup> *Id.* at 129.

re-instatement would be forthcoming.<sup>41</sup> In response, Molinas retained a lawyer to file suit against the NBA. In his complaint, he argued that the league and Podoloff had failed to provide him with the notice and hearing guaranteed by his contract, and that the punishment imposed was disproportionate to his offense. He requested that an injunction be issued ordering the NBA to remove him from its “disqualified” list and to grant him a reinstatement hearing. He also requested that he be awarded slightly more than \$5000 for the money still owed him from his Fort Wayne contract, and \$50,000 for emotional harm.<sup>42</sup> In the meantime, Molinas had enrolled for the spring semester at Brooklyn Law School, which had accepted him conditionally, pending the outcome of the grand jury investigation. Once the grand jury returned its report, he became a full-fledged law student.

The lawsuit was tried in the Bronx division of the New York Supreme Court in June of 1954. Unfortunately for Molinas, acting Supreme Court Justice Samuel Joseph agreed with Podoloff (who testified at the trial) on every issue.<sup>43</sup> In an opinion issued on June 23, Joseph denied all of Molinas’ requests. Finding the former player’s conduct “reprehensible” and the NBA’s rule against all forms of betting reasonably necessary to maintain the credibility of the sport, Joseph agreed that Molinas’ statement to the Fort Wayne police was an admission that he had breached the gambling clause in his contract and thus obviated the need for notice and a

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<sup>41</sup> “Cager Molinas is Freed, But Future is Doubtful,” *Milwaukee Journal*, March 25, 1954, at 16; “Podoloff Hints Molinas Is Done Despite Clearance,” *Washington Post*, March 26, 1954, at C6

<sup>42</sup> Rosen, *supra*, note 1, at 143.

<sup>43</sup> *Molinas v. Podoloff*, 133 N.Y.S.2d 743 (N.Y. Sup. Ct. 1954); Rosen, *id.* On the trial, see also, Charles E. Quirk, *Sports and the Law: Major Cases* 125-128 (1996).

hearing. He also agreed that Molinas' "unclean hands" (i.e., unethical conduct) prevented him from seeking the equitable remedy of injunction.<sup>44</sup>

For the next seven years, Molinas continued to campaign for reinstatement, periodically petitioning the league that his expulsion be retracted. In the meantime, he graduated from law school and was admitted to the New York bar. Never giving up on the idea of a basketball career, during law school Molinas had begun to play in the minor league Eastern League, which was widely viewed as the second best professional basketball league in the United States. Playing only on weekends, Molinas starred as a player-coach, averaging over 30 points per game.<sup>45</sup> Following his graduation from law school, he reapplied for reinstatement with the NBA, but he was again denied. (According to his life-long friend and college teammate Paul Brandt, Molinas believed that Podoloff had promised him that he would be reinstated, if he successfully finished law school and was admitted to the bar.<sup>46</sup>) Angered by the rejection, Molinas decided to sue the NBA again, this time on the theory that his suspension and subsequent treatment constituted a violation of the federal antitrust laws.

This lawsuit was made possible by a significant change in the legal landscape of American sports that occurred in the mid-1950's. In 1954, when Molinas was initially suspended, the National Basketball Association was widely viewed as immune from federal antitrust liability. This view had been reinforced the previous year by the United States Supreme

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<sup>44</sup> "Court Denies Damages to Suspended Player," *New York Times*, June 24, 1954, at 38.

<sup>45</sup> Rosen, *supra*, note 1, at 147-151.

<sup>46</sup> Michael Fatale, "The Jack Molinas Story: He threw it all away," *Columbia Daily Spectator*, Sept. 20, 1982. Accessible at the *Columbia Spectator Archive* <http://spectatorarchive.library.columbia.edu/cgi-bin/columbia?a=d&d=cs19820920-01.2.20&srpos=1&ddiv=none&e=-----en-20--1--txt-IN-Molinas-ARTICLE-1001-->

Court's decision in *Toolson v. New York Yankees*<sup>47</sup> which had reaffirmed its 1922 decision that professional baseball was exempt from the antitrust laws.<sup>48</sup> However, in 1957, the Court ruled in *Radovich v. NFL*<sup>49</sup> that only Organized Baseball, and not leagues in other professional sports, was exempt from the federal antitrust laws. The action was filed in the United States District Court for the Southern District of New York in May 1958,<sup>50</sup> but the case remained on the court's crowded docket for two and half years before finally coming to trial in January 1961 in the courtroom of noted District Court judge Irving Kaufman. Representing Molinas in the antitrust action were Joel H. Weinberg and Abraham L. Shapiro, two well-known New York trial lawyers who frequently collaborated in high profile cases. While Weinberg was best known for representing New York's clients from illegal narcotics and "adult entertainment" industries, the two had previous experience with the sports industry.<sup>51</sup> They regularly represented well-known

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<sup>47</sup> 346 U.S. 356 (1953).

<sup>48</sup> The 1922 two case was *Federal Baseball Club v. National League*, 259 U.S. 200 (1922).

<sup>49</sup> 352 U.S. 445 (1957).

<sup>50</sup> "Basketball Loop Sued by Molinas," *New York Times*, June 5, 1958, at 41. Although this suit was initially filed in June, Molinas refilled the lawsuit the following October. "Player Sues League," *New York Times*, Oct. 1, 1958, at 31; "Molinas Sues Pro Basketball for \$3 Million," *Washington Post*, Oct. 1, 1958, at C4.

<sup>51</sup> For examples of such cases undertaken by Weinberg and Shapiro, see *People ex rel. Weiss v. Nenna*, 22 N.Y.2d 709; 238 N.E.2d 924; 291 N.Y.S.2d 817 (N.Y. Ct. of App. 1968); *People v. Rooks*, 35 Misc. 2d 598; 229 N.Y.S.2d 923 (N. Y. Co. Ct. 1962). On Weinberg's role as a defense attorney for the pornographic film industry, see Raymond J. Haberski, Jr., *Freedom to Offend: How New York Remade Movie Culture* (2007), passim.

Although Weinberg and Shapiro were more than willing to take on the NBA, and they were clearly not bothered by the prospect of representing an ethically challenged client, they may not have been the best choices to represent Molinas. Two years earlier, in the lawsuit involving the relocation of the New York Giants to San Francisco, they had been chastised by the judge for their nearly incoherent pleadings and somewhat preposterous arguments. In that case, the trial judge had observed:

The complaint is very loosely drawn and it is very difficult to ascertain from it exactly what rights the plaintiff seeks to assert, and what damage has been sustained by him. In form, the action

boxing figure Constantine “Cus” D’Amato, best known as the manager and trainer of world heavyweight boxing champion Floyd Paterson. D’Amato was carrying on a running battle with the New York District Attorney’s Office and the New York Athletic Commission and he frequently found himself in court.<sup>52</sup> In the world of team sports, the two lawyers had also represented a disgruntled minority owner of the New York Giants baseball team in a lawsuit that unsuccessfully sought to prevent the team from relocating to San Francisco.<sup>53</sup>

The argument advanced by Molinas, Weinberg, and Shapiro was three-pronged. First, they maintained that the agreement of the (now) eight NBA teams to “black list” Molinas because of his suspension by Podoloff constituted a group boycott and a conspiracy in restraint of trade in violation of Section 1 of the Sherman Antitrust Act.<sup>54</sup> Second, they argued that the reserve clause in Molinas’ contract, which gave Fort Wayne the right to renew his contract year after year and prevented other teams in the league from bidding for his services, was also an unreasonable restraint of trade. The third claim was that Molinas had been injured economically by the NBA’s alleged threat to suspend any player who participated in any basketball game in

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appears to be brought by the plaintiff individually, but aside from some peripheral allegations attempting to set forth some intangible injury to plaintiff, and numerous others, as "fans", the damage alleged is to the "business and affairs of the corporation", and to the "plaintiff as a stockholder, and all other stockholders similarly situated.

November v. National Exhibition, 10 Misc. 2d 537, at 539, discussed below.

<sup>52</sup> See Application of D’Amato, 23 Misc. 2d 473; 198 N.Y.S.2d 119 (N.Y. Sup Ct. 1960); People v. D’Amato, 12 A.D.2d 439; 211 N.Y.S.2d 877 (N.Y. App. Div. 1961).

<sup>53</sup> November v. National Exhibition Co., 10 Misc.2d 537 (1958).

<sup>54</sup> In the fall of 1954, the Baltimore Bullets folded, reducing the number of teams in the NBA from nine to eight. “Bullets Five Quits for Season,” *Pittsburgh Post-Gazette*, Nov. 27, 1954, at 11. Also, by 1961, Fort Wayne had moved to Detroit; Milwaukee to St. Louis; Rochester to Cincinnati; and Minneapolis to Los Angeles.

which Molinas appeared.<sup>55</sup> (Playing in off-season exhibition games was an important source of income for professional basketball players in the 1950's and early 1960's.) The complaint asked for \$3,000,000 dollars in damages—one million trebled pursuant to the treble damages clause of the Sherman Act—as well as Molinas' immediate reinstatement in the league and an injunction prohibiting the NBA from engaging in such conduct in the future.<sup>56</sup>

The trial began on January 4, 1961.<sup>57</sup> The NBA defended the reasonableness of its anti-gambling rule, denied that the reserve clause had any relevance in this case, and disputed the existence of any rule that would have prevented NBA players from participating in exhibition games with Molinas. As it turned out, the assignment of Irving Kaufman as the trial judge was not a factor that worked in Molinas' favor. Kaufman was a distinguished jurist who would later be promoted to the Second Circuit Court of Appeals and at the end of his career awarded the Presidential Medal of Freedom. However, he also had a reputation for extreme moral rectitude—the Jewish Kaufman was known as “Pope Kaufman” and was once described as looking “like a cross between a rabbinical student and an Army sergeant”—and he was best known for his 1951 decision to sentence accused Soviet spies Julius and Ethel Rosenberg to

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<sup>55</sup> See *Molinas v. National Basketball Association*, 190 F. Supp. 242 (S.D. N.Y. 1961), at 242-43.

<sup>56</sup> Edward Ranzel, “Molinas Presses \$3,000,000 Case,” *New York Times*, Jan. 3, 1961, at 38.

<sup>57</sup> For accounts of the trial see, “Cash Sought by Ex-Cager,” *Spokane Daily Chronicle*, January 4, 1961, at 11; “Trial Starts Today,” *New York Times*, Jan. 4, 1961, at 38; “Suit Against N. B. A. Up for Today,” *Chicago Daily Tribune*, Jan. 4, 1961, at C2; “\$3 Million Suit Against NBA Goes to Trial,” *The Washington Post*, Jan. 4, 1961, at A21.

death in the electric chair.<sup>58</sup> As a confessed gambler and contract breaker represented by two somewhat shady attorneys, Molinas was not well situated to appeal to Kaufman's prejudices.

As in his 1954 case, Molinas was faced with a trial judge who agreed with the NBA on every point.<sup>59</sup> In his January 11, 1961, decision, Kaufman dismissed the challenge to the reserve rule out of hand, as he found that there was no evidence that Molinas had ever objected to, or was harmed by, either the reserve clause or the NBA draft. Second, he ruled that the league rule permitting the banning of players for any kind of betting on league games was entirely reasonable under the antitrust laws, and, in fact, was necessary to maintain the sport's credibility. In addition, he also found that Molinas had not disproven the NBA's assertion that there was no league rule that required NBA players to avoid appearing on the basketball court with him.<sup>60</sup> Not surprisingly, Podoloff praised Kaufman's ruling, while Molinas, apparently expecting the worst, failed to appear in court the day of the decision.<sup>61</sup> One interesting aspect of the trial that went unmentioned upon was Pistons owner Fred Vollner's testimony that based on the evidence from the wiretaps, he had come to believe back in late 1953 that Molinas was also throwing games. Such testimony was, of course, inconsistent with the league's official position that Molinas' only offense was that he had placed bets on his own team to win. However,

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<sup>58</sup> For Kaufman, see Bruce Wetterau, *The Presidential Medal of Freedom: Winners and Their Achievements* 401, et passim (1996). For the accounts of the trial itself, see Edward Ranzel, Podoloff Defends Molinas Ban In Ex-Star's Suit Against N.B.A., *New York Times*, Jan. 10, 1961, at 32; Ranzel, Podoloff Defends Molinas Ban In Ex-Star's Suit Against N.B.A., *New York Times*, Jan. 10, 1961, at 32; Ranzel, "Sudden Letdown Laid to Molinas: Owner Testifies for League in Player's Reinstatement Suit," *New York Times*, Jan. 11, 1961, at 30.

<sup>59</sup> *Molinas v. National Basketball Association*, 190 F. Supp. 242 (S.D. N.Y. 1961);

<sup>60</sup> Edward Ranzel, "Molinas Loses Antitrust Suit: Court Dismisses Move for Reinstatement in National Basketball Association," *New York Times*, Jan. 12, 1961, at 33.

<sup>61</sup> "Molinas Loses Bid for Re-instatement," *Milwaukee Journal*, Jan. 12, 1961, at 6, pt. 2.



because the events that had prompted Molinas' suspension were now seven years in the past, such an acknowledgement no longer threatened the current image of the NBA and actually worked to reinforce the "reasonableness" of Podoloff's action.<sup>62</sup> Two months later, Molinas was arrested for his involvement in a college game fixing scheme, which set in motion a chain of events that resulted in his being sentenced to a 10 to 15 year term in the state penitentiary and disbarred in the state of New York.<sup>63</sup>

The dismissal of Molinas' antitrust lawsuit and his subsequent criminal conviction on game-fixing charges were the final vindication of Podoloff's strategy of how to contain the gambling problem confronted by the National Basketball Association in 1954. While the NBA was not exactly flourishing in 1961, per game league attendance was up 71.2% from 1953 (from 3210 fans per game to 5494), thanks in part to the relocation of the Minneapolis, Milwaukee, Rochester, and Fort Wayne franchises to Los Angeles, St. Louis, Cincinnati, and Detroit, and a new generation of stars, including Wilt Chamberlin, Bill Russell, Elgin Baylor, Oscar Robertson, and Jerry West.<sup>64</sup> But the league's continued existence and steady growth was also the product of its ability to avoid a major betting/game fixing scandal in a decade in which the rigging of basketball games was rampant.

That the latter had been avoided could be directly traced to the way that Podoloff handled the Fort Wayne betting crisis. By shielding the true dimensions of the problem and placing the focus on a single player who appeared to have simply made a mistake in thinking that it was

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<sup>62</sup> Ranzel, "Sudden Letdown Laid to Molinas: Owner Testifies for League in Player's Reinstatement Suit," *New York Times*, Jan. 11, 1961, at 30.

<sup>63</sup> "Jack Molinas Charged as Master Fixer," *Washington Post*, May 18, 1962, at C5.

<sup>64</sup> See note 17, *supra*.

okay to bet on his own team, Podoloff gave fans no reason to think that the NBA games they attended were anything but completely clean. At the same time, the severity of the penalty imposed on Molinas, combined with the league's steadfast refusal to even consider lifting his suspension, sent a powerful message to other NBA players who might have felt tempted to take money to alter the outcome of games. As Alex Hannum, a member of the Rochester Royals roster in 1953-54, later acknowledged, "The owners told us, 'You hang around with gamblers, you're through.' The Molinas case proved their point."<sup>65</sup> Moreover, on at least one later occasion, Podoloff used the example of Jack Molinas to deter other players from making the same mistake. In 1957, he sent letters to each team advising players that he was aware that there were players who were in league with game fixers, and that such players could avoid the embarrassment of a lifetime ban if they would quietly retire at the end of the current season.<sup>66</sup> Whether this was just a bluff or a real effort to get game fixers to leave quietly is difficult to say.<sup>67</sup>

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<sup>65</sup> Quoted in Pluto, *supra*, note 13, at 32.

<sup>66</sup> Rosen, *supra*, note 1, at 173.

<sup>67</sup> Although Rosen suggests that there were some mysterious retirements at the end of the 1957-58 season, an examination of the 36 players who last played in the NBA that year yields few such prospects. Assuming that a player who would be paid to fix the outcome of games would have to be someone who played regularly and scored in double figures, the number of retirees who fit that profile is very small. In fact, only two of the 26 had played in at least 50 games, averaged at least 20 minutes of playing time and scored at least ten points per game during the 1957-58 season. Moreover, one of the two was Maurice Stokes who suffered a tragic career ending injury near the end of the season, and the other was Harry Gallatin, who retired at age 30 after ten years in the league to become a college coach. Four years later Gallatin returned to the NBA as the head coach of the St. Louis Hawks, His return to the coaching ranks came while Podoloff was still president, so that makes it very unlikely that Gallatin was known to have been involved in the fixing of games.

Most of the 26 players were individuals who never quite made it in the NBA or else were clearly at the end of their careers. In addition to Stokes, six Cincinnati Royals players retired after the season, but that phenomenon is usually attributed to the shock of Stokes' career-ending, on-court injury that left him incapacitated for the remainder of his life.

Podoloff's strategy had been made possible by his ability to manipulate the morals/gambling clause in Molinas' contract. By suspending Molinas for life for what many probably viewed as a relatively minor offense, he sent a strong message that no form of association with gamblers would be tolerated. At the same time, it allowed him avoid calling public attention to the league's actual problem with players conspiring with gamblers to alter the outcome of games. In the larger picture, Podoloff's treatment of Molinas was consistent with the way in which he had dealt with the crooked referee Roth, with Groza and Beard (whose offenses had occurred prior to joining the NBA but for whom there was no investigation of their conduct once they joined the NBA), and with the alleged perpetrators of 1957. If possible, "crooked" players had to be dealt with, but only in ways that would not risk tarnishing the public image of the National Basketball Association.

Whether or not Podoloff's conscious deception of the public for the purpose of protecting the NBA's image of integrity of the NBA was morally justifiable is a difficult question, but there seems little doubt that it helped preserve the credibility of the National Basketball Association at a critical time in its history. It is also a reminder that "morals" clauses can have uses other than the policing of individual player conduct.<sup>68</sup>

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<sup>68</sup> While it is obviously beyond the scope of this study, the experience of Podoloff and Molinas at least raises the possibility that later professional sports league gambling suspensions or retirements may have involved similar covert machinations. The suspension of Alex Karras and Paul Hornung by the NFL in 1962 for allegedly betting on their own teams, the suspension of Pete Rose by Major League Baseball for similar reasons in 1989, and Michael Jordan's unexpected retirement from the NBA in 1993 come immediately to mind as examples.