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The Braves' baseball club today filed Answer in Federal Court in Milwaukee, charging that Milwaukee County, not the Braves, breached the lease which Milwaukee County claims requires the Braves to play in Milwaukee in 1965.

Braves' Answer says that although the lease runs until December 31, 1965, it had an implied covenant that the County of Milwaukee would not interfere with, obstruct or frustrate the Braves enjoyment of the lease. The Answer asserts that in malicious disregard of such covenant, Eugene Grobschmidt, Chairman of the County Commissioners of Milwaukee County, broadcast public statements implying that persons of responsibility in the Braves' management were deliberately trying to have the Braves not win games. Additionally the Answer charges that the county failed to protect the Braves against ticket speculators operating on Stadium premises, and failed in its commitment to "make up" to the Braves for failures of season ticket sales and radio and TV income.

The Braves' Answer asserts that by these various breaches, the County of Milwaukee deprived the Braves of its lawful rights and relieved it from any further performance under the lease.

The Answer recites that the Braves' 1963 season resulted in a loss in excess of \$800,000 under accounting methods approved by the Internal Revenue Service and that attendance figures show that Braves attendance has dropped from 2,215,000 in 1957 to 773,000 in 1963 and 910,000 in 1964 and alleges that 85% of the increase between 1963 and 1964 came about because Braves, in an effort to offset the disparagement of it by county officials and others, sold 119,000 tickets at reduced rates.

ADDITION - BRAVES' ANSWER

In explaining the Braves' desire to move to Atlanta, Georgia the Answer says: "A professional baseball team cannot fulfill the avowed purpose of the League to perpetuate baseball as the national game of the United States unless it is self-sustaining and profitable; that it is essential that a professional baseball team be able to compete with other professional athletic endeavors in acquiring skilled players at attractive rates of compensation; that the reduced attendance figures set forth above, and necessarily increasing costs, will result in a substantial loss.... for the current season. Defendant shows that for the foregoing, among other reasons, and because Atlanta, Georgia is the hub of the southeastern portion of the country and reasonably is believed to have many sports enthusiasts who will support this Defendant rather than revile and frustrate it as Plaintiff has, its directors, exercising their judgment in the premises, arrived at the reasonable conclusion that the best interest of the sport and this Defendant would be served by moving to Atlanta".

Braves further takes the position that it is relieved of all obligations to Milwaukee County, but that if the Court holds otherwise, it is able to pay the \$175,000 which the county has estimated it will receive in prospective rental payments in the year 1965. It asserts: "That the successful playing of professional baseball is more than a mere business or mechanical matter; that a professional baseball team cannot, and should not, be required to play in the face of public antipathy and hostility to them or their management; that a court of equity will not enforce professional servitude under such conditions".

Braves' president John J. McHale said: "We had hoped to be able to stay in Milwaukee but the events of 1964 have made it impossible. Our tax return for 1964 will show a loss of an estimated \$500,000. Furthermore, Major League baseball players cannot be expected to play under the conditions that have come into existence during the past year. An unwelcome, anti-baseball atmosphere has developed as the result of

SECOND ADDITION - BRAVES' ANSWER

reckless, irresponsible statements of county leaders and others. It is a miracle our team did as well as it did in 1964.

"Despite the harassment we have been subject to, the Braves have enjoyed the support of many loyal people in Wisconsin. We are appreciative of that and regret leaving them. Perhaps after we have left and tempers have cooled, some other team may be able to make a success in Milwaukee. We hope so.

"Because the County of Milwaukee has taken us into court, and out of respect to the courts, any additional statement of our position must be made there".

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