

A HISTORY OF BASEBALL'S
ANTITRUST EXEMPTION



STUART BANNER

The Baseball Trust A History Of Baseballs Antitrust Exemption

Mitchell J. Nathanson

The Baseball Trust A History Of Baseballs Antitrust Exemption:

The Baseball Trust Stuart Banner, 2013-03-01 The impact of antitrust law on sports is in the news all the time especially when there is labor conflict between players and owners or when a team wants to move to a new city And if the majority of Americans have only the vaguest sense of what antitrust law is most know one thing about it that baseball is exempt In The Baseball Trust legal historian Stuart Banner illuminates the series of court rulings that resulted in one of the most curious features of our legal system baseball s exemption from antitrust law A serious baseball fan Banner provides a thoroughly entertaining history of the game as seen through the prism of an extraordinary series of courtroom battles ranging from 1890 to the present The book looks at such pivotal cases as the 1922 Supreme Court case which held that federal antitrust laws did not apply to baseball the 1972 *Flood v Kuhn* decision that declared that baseball is exempt even from state antitrust laws and several cases from the 1950s one involving boxing and the other football that made clear that the exemption is only for baseball not for sports in general Banner reveals that for all the well documented foibles of major league owners baseball has consistently received and followed antitrust advice from leading lawyers shrewd legal advice that eventually won for baseball a protected legal status enjoyed by no other industry in America As Banner tells this fascinating story he also provides an important reminder of the path dependent nature of the American legal system At each step judges and legislators made decisions that were perfectly sensible when considered one at a time but that in total yielded an outcome baseball s exemption from antitrust law that makes no sense at all

[Baseball on Trial](#) Nathaniel Grow, 2014-02-15 The controversial

1922 Federal Baseball Supreme Court ruling held that the business of base ball was not subject to the Sherman Antitrust Act because it did not constitute interstate commerce In *Baseball on Trial* legal scholar Nathaniel Grow defies conventional wisdom to explain why the unanimous Supreme Court opinion authored by Justice Oliver Wendell Holmes which gave rise to Major League Baseball s exemption from antitrust law was correct given the circumstances of the time Currently a billion dollar enterprise professional baseball teams crisscross the country while the games are broadcast via radio television and internet coast to coast The sheer scope of this activity would seem to embody the phrase interstate commerce Yet baseball is the only professional sport indeed the sole industry in the United States that currently benefits from a judicially constructed antitrust immunity How could this be Drawing upon recently released documents from the National Baseball Hall of Fame Grow analyzes how the Supreme Court reached this seemingly peculiar result by tracing the Federal Baseball litigation from its roots in 1914 to its resolution in 1922 in the process uncovering significant new details about the proceedings Grow observes that while interstate commerce was measured at the time by the exchange of tangible goods baseball teams in the 1910s merely provided live entertainment to their fans while radio was a fledgling technology that had little impact on the sport The book ultimately concludes that despite the frequent criticism of the opinion the Supreme Court s decision was consistent with the conditions and legal climate of the early twentieth century

[American Sport in International](#)

History Daniel M. DuBois,2022-12-15 This book explores how American sports especially basketball baseball and American football have projected the US into the world and brought the world into America Taking a chronological approach it traces the development of American sports from the turn of the 20th century highlighting how international forces such as immigration geopolitics and war have influenced the trajectory of sport in the US and thus the American experience DuBois also considers the globalization of American sport and how this soft power shaped international relations throughout the American century Addressing key questions about the role of sport in the rise of the United States it frames themes that have come to define sports history gender race economics and politics It argues that while sport has not necessarily been a catalyst for change it has often mirrored social issues and sometimes served as an important tool of progress Synthesizing major works alongside primary sources the chapters study boxing hockey track and field and soccer alongside the big three basketball baseball and American football through a number of case studies to offer a novel interpretation of American sport history Spanning early Native American sport the export of baseball in the American empire the role of basketball in the Cold War the influence of immigrants and women in sports and modern day sport culture American Sport in International History asks what the role of sport has been and will be in a shifting international environment

Attorneys in the Baseball Hall of Fame Louis H. Schiff,Robert M. Jarvis,2025-07-25 There is no greater honor for anyone in baseball than being elected to the Baseball Hall of Fame in Cooperstown New York Since its creation in 1936 the Hall has inducted 346 individuals Of this number only 11 have been lawyers This book celebrates this unique group which consists of three players Hughie Jennings Jim O Rourke and Monte Ward two managers Miller Huggins and Tony La Russa three executives Larry MacPhail Walter O Malley and Branch Rickey and three commissioners Happy Chandler Bowie Kuhn and Kenesaw Mountain Landis Each inductee is the subject of a detailed essay that recounts their legal education admission to the bar and legal career Written by either a law professor or a law librarian the essays are the product of extensive research and are supplemented by an exhaustive set of notes

Congressional Record United States. Congress,1997 **The Court-imposed Major League Baseball Antitrust Exemption** United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Antitrust,

Business Rights, and Competition,1996 Distributed to some depository libraries in microfiche

Gehaltsobergrenzen im Berufssport in den USA und Europa Jan Mertens,2022-09-14 Die Begrenzung von Gehaltern im Berufssport aus Grunden der Kostenkontrolle und sportlichen Ausgeglichenheit hat in den professionellen Sportligen Nordamerikas lange Tradition Zuletzt mehrten sich Stimmen die auch fur den europaischen Fussball eine solche Gehaltsbegrenzung fordern Es stellt sich jedoch jeweils die Frage der kartellrechtlichen Zulassigkeit Warum werden die bestehenden Gehaltsobergrenzen in Nordamerika nicht als kartellrechtswidrig angesehen Konnen derartige Begrenzungssysteme im europaischen Berufsfussball eingefuert werden ohne an kartellrechtlichen Hurden zu scheitern Wie ist die jeweilige Sportorganisation ausgestaltet und zeitigt dieser Sachverhalt einen Einfluss auf Gehaltsobergrenzen Wie stellen sich die verschiedenen Kartellrechtssysteme dar

und bestehen Besonderheiten und Ausnahmen für den Sport Entlang dieser Fragestellungen untersucht Jan Mertens die Zulässigkeit von Gehaltsobergrenzen für Nordamerika und Europa aus kartellrechtlicher Sicht *Baseball's Antitrust Exemption* United States. Congress. House. Committee on the Judiciary. Subcommittee on Economic and Commercial Law, 1993 America's National Game Dylan Carson, 1994 A brief history of the game of baseball and the antitrust legislation surrounding it Major League Baseball & the Antitrust Rules - Where are We Now? Harvey Gilmore, 2013 This essay will attempt to look into the history of professional baseball's antitrust exemption which has forever been a source of controversy between players and owners This essay will trace the genesis of the exemption its evolution through the years and come to the conclusion that the exemption will go on ad infinitum What exactly is the Sherman Antitrust Act The Sherman Antitrust Act 15 U S C A sec 1 as amended is a federal statute first passed in 1890 The object of the statute was to level the playing field for all businesses and oppose the prohibitive economic power concentrated in only a few large corporations at that time The Act provides the following Every contract combination in the form of trust or otherwise or conspiracy in restraint of trade or commerce among the several states or with foreign nations is declared to be illegal Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a felony It is this statute that has provided a thorn in the side of professional baseball players for over a century Why is this the case Because the teams that employ the players are exempt from the provisions of the Sherman Act

The Application of Federal Antitrust Laws to Major League Baseball United States. Congress. Senate. Committee on the Judiciary, 2002 **In Defense of Baseball's Antitrust Exemption** Nathaniel Grow, 2012 This Article challenges the overwhelming scholarly consensus opposing baseball's historic antitrust exemption on policy grounds by providing the first comprehensive defense of the exemption The Article does so by advancing two primary arguments first it argues that the common criticisms of the baseball exemption are largely without merit Specifically given the treatment of the other major professional sports leagues under antitrust law simply exposing baseball to antitrust liability alone will not yield the benefits that the exemption's critics believe and in some cases would actually harm the public interest Second and perhaps more importantly the Article argues that the existing literature has overlooked significant pro competitive benefits that result from baseball's antitrust exemption Specifically because baseball is loath to lose its exemption legislatively Congress has been able to use threats of revocation to help extract a variety of valuable concessions from Major League Baseball MLB These concessions provide pro competitive benefits that would not have been directly obtained through antitrust litigation alone Perhaps most notably every single round of league expansion in MLB history has been directly preceded by a Congressional threat to revoke the sport's antitrust exemption Therefore baseball's antitrust exemption provides Congress with considerable leverage over the sport ultimately leading to significant but heretofore overlooked pro competitive benefits for the public Thus this Article rejects the existing scholarly consensus and concludes that baseball's antitrust exemption

ultimately has a net pro competitive effect **In the Kingdom of Coal** Dan Rottenberg,2004-03 First Published in 2003 Routledge is an imprint of Taylor Francis an informa company Professional Baseball Teams and the Antitrust Laws United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Antitrust, Monopolies, and Business Rights,1995

Major League Baseball Antitrust Reform United States. Congress. Senate. Committee on the Judiciary,1997

Baseball's Antitrust Exemption United States. Congress. House. Committee on the Judiciary. Subcommittee on Economic and Commercial Law,1993 A Case for Rescinding Professional Baseball's Antitrust Exemption Craig Schwartz,2004 My thesis has attempted to give the reader an objective overview of the issues surrounding Major League Baseball's antitrust exemption In addition I have presented the history leading up to the exemption as well as the subsequent history that has served to maintain the exemption Finally I have presented the arguments both for and against maintaining the exemption and have concluded that Congress as well as the Supreme Court has shirked their responsibility in not removing the exemption *Adjusting the Stream? Analyzing Major League Baseball's Antitrust Exemption After American Needle* Michael J. Mozes,Ben Glicksman,2011 While Major League Baseball was not a party to the American Needle suit the Supreme Court can draw lessons from its decision in that case in determining whether to abolish what remains of professional baseball's long standing antitrust exemption This article begins with a short history of how baseball's antitrust exemption developed and how courts have interpreted it in the nearly ninety years since it was first set down by the Court This article then analyzes the current reach of the antitrust exemption This article concludes with a discussion of the antitrust exemption after American Needle and how that case should influence the Court's reasoning in future cases regarding baseball's exemption as well as a discussion about the effects of removing the exemption

The Court-Imposed Major League Baseball Antitrust Exemption United States Committee On Th Judiciary,2018-02-13 The Irrelevance of Major League Baseball's Antitrust Exemption Mitchell J. Nathanson,2017 This article examines Major League Baseball's MLB antitrust exemption from a practical historical perspective and concludes that it is largely irrelevant to the actual as opposed to theoretical workings of the business of baseball This article focuses first on the exemption's supposed protection of baseball's reserve clause and finds that it was irrelevant to its creation in 1879 as well as its demise in 1975 Despite the exemption the reserve clause has always been subject to challenge under contract law and it was a simple argument based on contract law principles that led to its eventual dismantling This article then focuses on the exemption's purported ability to allow team owners to prevent franchise relocation and unwanted expansion unlike their brethren in the NFL and concludes that the exemption is merely a mirage while it appears to exist from afar up close it disappears As a result MLB owners have historically acted no differently than their counterparts in the NFL and in accordance with the principles of the Sherman Act out of fear that if they did not Congress would step in and formally remove the exemption Thus in an ironic effort to prevent the Sherman Act from applying to it MLB has voluntarily abided by it

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