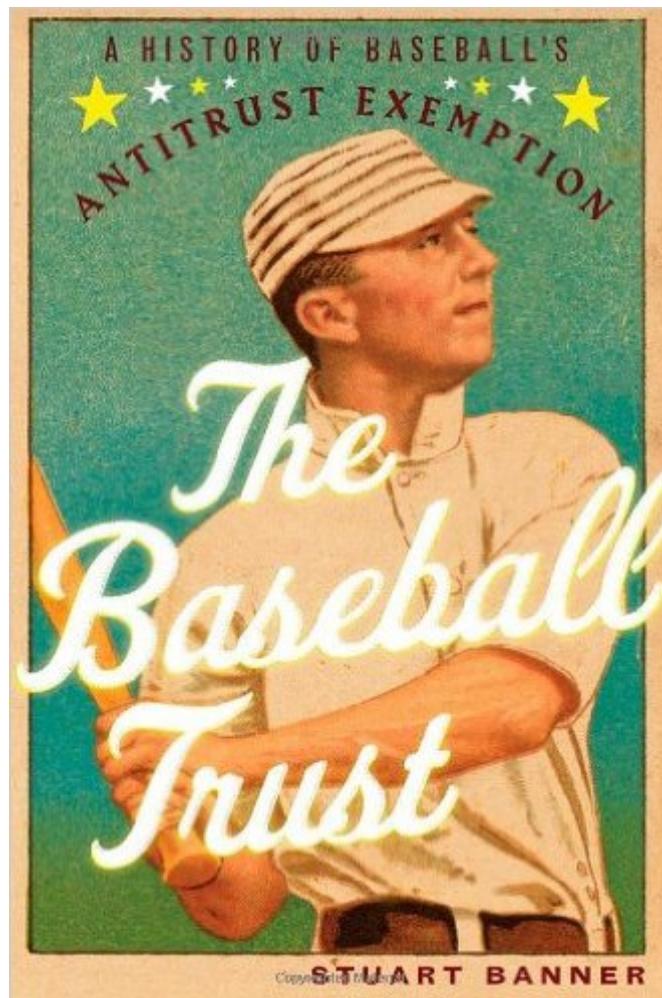


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# The Baseball Trust: A History Of Baseball's Antitrust Exemption



## Synopsis

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.

## Book Information

Hardcover: 304 pages

Publisher: Oxford University Press; 1 edition (April 1, 2013)

Language: English

ISBN-10: 0199930295

ISBN-13: 978-0199930296

Product Dimensions: 9.3 x 0.9 x 6.4 inches

Shipping Weight: 1.2 pounds (View shipping rates and policies)

Average Customer Review: 4.7 out of 5 stars See all reviews (12 customer reviews)

Best Sellers Rank: #391,634 in Books (See Top 100 in Books) #15 in Books > Law > Specialties > Sports #19 in Books > Law > Administrative Law > Antitrust #459 in Books > Law > Legal History

## Customer Reviews

This book was recommended to me as an emerging sports history enthusiast. I was expecting something dry, detailed and complicated. What I found was a highly readable, fascinating explanation of how America's pastime functions as the professional level.

Robert C. Cottrell in Library Journal, writes "In this important study, Banner (law, Univ. of California, Los Angeles) provides extensive treatment of organized baseball's battle with antitrust regulations. He goes back to 1879--before federal antitrust laws were in place--when baseball's reserve clause was devised, contractually binding a player to a team for the whole of his career. Banner refutes the long-standing analysis that competitive balance and the safeguarding of capital investments required the reserve clause, but acknowledges that many relatively well-paid players felt ambivalent about the clause. He counters stereotypical notions regarding baseball and antitrust law, including the belief that a 1922 Supreme Court ruling asserted that Congress determined "to exempt baseball from the antitrust laws." Nevertheless, that 1922 ruling was predicated on an analysis of interstate commerce that soon dissipated. Decades of challenges to the reserve clause followed, culminating in the agreement to allow free agency. As of today, baseball's antitrust exemption remains battered but intact. **VERDICT** Not for casual baseball fans, this is a decidedly strong contribution to the literature on organized baseball and the law. -- RCC" Banner, Stuart. *The Baseball Trust: A History of Baseball's Antitrust Exemption*. Oxford Univ. Apr. 2013. 304p. notes. index. ISBN 9780199930296. \$29.95. SPORTS

I bought this for my nephew, who is a lawyer, and he loved it. My husband and sons want a copy now. Great for all baseball fans.

Written for the general public rather than anti-trust practitioners, the book provides a lucid and informative history of the application of federal and state anti-trust law to professional sports and describes the diosyncratic basis for the exemption of baseball from the Sherman Anti-Trust Act. In demonstrating the legal history for the anomalous baseball anti-trust exemption, the author exposes the political and judicial forces which prevented a normal reconciliation of anti-trust law with changing notions of federal regulation of interstate commerce. The book also provides insights into the plight of professional athletes until the development of effective player's unions.

Excellent book - it fits in nicely with a baseball course I teach at the University of Connecticut. Great

overview and useful.

This book made a terrific gift for a baseball-lover. It's a topic well worth researching. This book did the job!

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