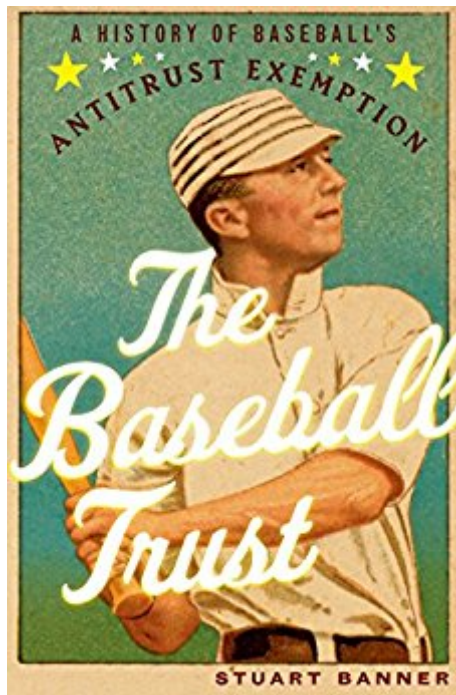




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# The Baseball Trust: A History Of Baseball's Antitrust Exemption



## 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

File Size: 1927 KB

Print Length: 287 pages

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

Publication Date: March 1, 2013

Sold by:Â Digital Services LLC

Language: English

ASIN: B00BEFUSVQ

Text-to-Speech: Enabled

X-Ray: Not Enabled

Word Wise: Enabled

Lending: Not Enabled

Screen Reader: Supported

Enhanced Typesetting: Enabled

Best Sellers Rank: #607,344 Paid in Kindle Store (See Top 100 Paid in Kindle Store) #16

in Kindle Store > Kindle eBooks > Law > Specialties > Sports #19 in Kindle Store > Kindle eBooks > Law > Business > Antitrust #74 in Books > Law > Administrative Law > Antitrust

## Customer Reviews

A great book, which likely is more appreciated by antitrust lawyers, which I am. Banner shows the essential irrationality of baseball's antitrust exemption and how its continuance is more a matter of politics than law. At the same time, he makes good points about how applying antitrust to baseball could lead in some circumstances to undesirable consequence. Well worth reading for those who wonder how baseball, alone among American sports, is exempt from antitrust laws. The author does a good job of making it readable for non-lawyers.

This was a really a well researched book that solved a longtime mystery for me: I knew baseball had an antitrust exemption, but never knew what it did in practice or where it came from. And I think I learned as much or more about the Supreme Court and the legal system as I did about baseball.

This an absolutely terrific book filled with interesting stories and written in accessible and articulate prose. It packs an enormous amount of baseball, legal, and cultural history into a relatively short book.

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

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 idiosyncratic 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.

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.

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

Very informative explanation of the history of the anti trust exemption. Clearly this exemption should be dropped, but the chances of that seem remote. This exemption is what the Giants are using to block the move of the A's to San Jose.

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