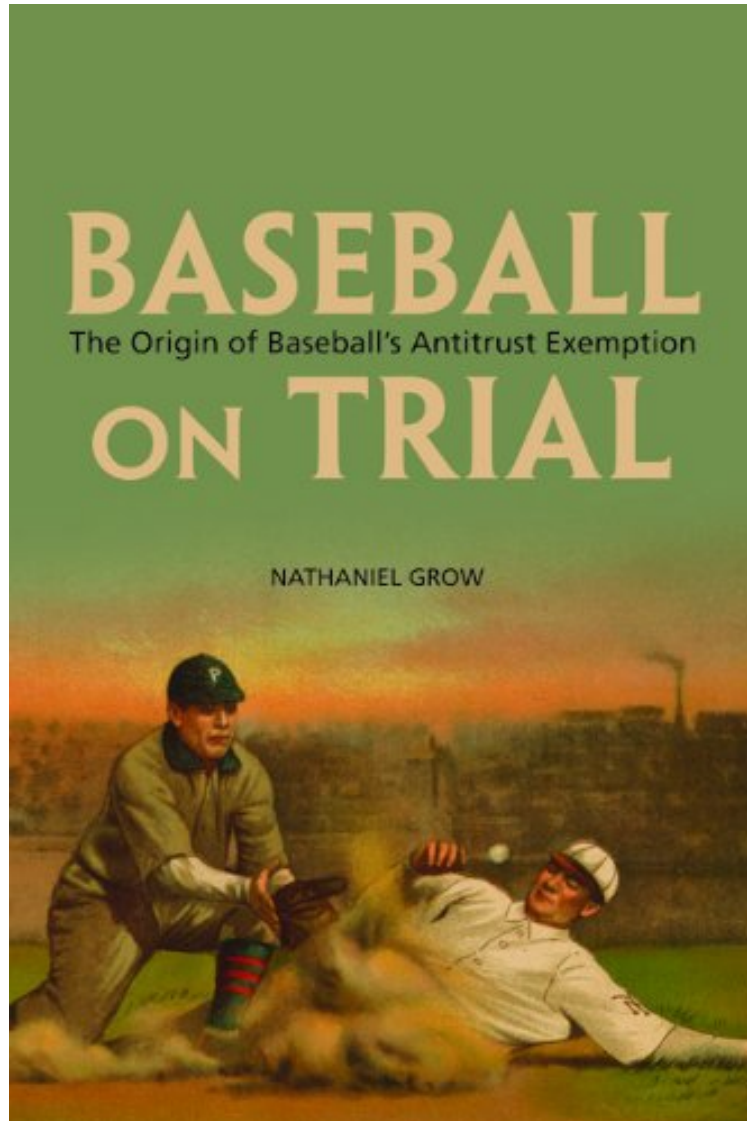


[Free] Baseball on Trial: The Origin of Baseball's Antitrust Exemption

## Baseball on Trial: The Origin of Baseball's Antitrust Exemption

*Nathaniel Grow*

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**Nathaniel Grow : Baseball on Trial: The Origin of Baseball's Antitrust Exemption** before purchasing it in order to gage whether or not it would be worth my time, and all praised Baseball on Trial: The Origin of Baseball's Antitrust Exemption:

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.

"Grow explains that the afterlife of *Federal Baseball* is more remarkable than the conclusions in the case itself. With careful and measured scholarship, Grow urges later reader of *Federal Baseball* to recognize that the case was heard before widespread interstate radio coverage, and before the broad interpretation of 'commerce' in the New Deal decisions."--*Western Legal History* "[A] thoughtful and provocative analysis of one of the most controversial topics in sports law: Baseball's antitrust exemption. Grow adroitly connects recent disclosures from the Baseball Hall of Fame to advance his argument that the *Federal Baseball* holding made much more sense ninety years ago than contemporary commentators tend to regard it. As baseball's antitrust exemption continues to face legal challenges--including whether the Oakland A's can move to San Jose--Grow's book will undoubtedly play an influential role." --Michael McCann, *Sports Illustrated* legal analyst