Major League Baseball's Antitrust Exemption and Its Consequences on Player Labor Standards

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HIST 400

In the bottom of the 10th inning, the New York Giants were leading the Boston Red Sox 2-1 in the final game of the 1912 World Series. Hall of Fame pitcher Christy Matthewson had given the Giants nine innings of quality pitching, but a fielding error by an outfielder, a walk, and a timely hit had allowed the Red Sox to tie the game. The 17,000 spectators in brand-new Fenway Park cheered as Red Sox third baseman Larry Gardner hit a fly ball to center field that was caught, but it was deep enough to score the runner from third base. This sacrifice flyball ended the game and gave the Boston Red Sox their second ever championship and awarded the New York Giants their second consecutive World Series loss.[1]

This unique World Series gave baseball fans something exciting to talk about, and one particular baseball fan was so interested he asked a clerk to give him score updates while sitting on the bench of the Supreme Court. This was Justice William Day, who is widely considered the first baseball fan on the Supreme Court. The court case that was interrupting Justice Day's score updates concerned the Sherman Antitrust Act, a law passed in 1890 to allow healthy business competition and prevent monopolies from forming. Although the Supreme Court ruled Sherman Act applied to patent owners, it would soon rule inversely in favor of Major League Baseball giving the league a major economic boost.

There are only three main enterprises given exemption from antitrust laws from the courts: organized labor unions, insurance, and baseball. MLB's antitrust exemption is a professional sport anomaly, as every other major sport organization in the United States is subject to most antitrust laws. Not only does MLB have special treatment within the business of professional sports, but their exception was recognized in 1922 near the end of the Progressive Era – an American period focused on numerous reform agendas. One of those agendas was

[1]"1912 World Series Game 8, New York Giants vs Boston Red Sox: October 16, 1912," Baseball Reference, accessed November 23, 2022, https://www.baseball-reference.com/boxes/BOS/BOS191210160.shtml.

controlling big businesses and busting monopolies. But MLB received a monopoly exception because of its argument that baseball is an "institution" so therefore cannot be a competitive business. The fact is that many federal judges, including a majority on the Supreme Court in the 1920s were self-avowed baseball fans. When he was sitting on the federal bench in the Northern Illinois United States District Court, the future baseball commissioner Kenesaw Mountain Landis laid the groundwork for today's MLB 10 years before the full antitrust exemption was granted. This exemption greatly impacted the standard for labor in the game, as well as the treatment of players until the creation of free agency by the Seitz decision, which was made in 1975.

In summary, the institutionalization of baseball in American culture is the result of the judicial system's years of intervention while the game and organizational structure was developing. In this paper, I will explore the origins of MLB's entanglement with the judicial branch and its categorization of baseball as an institution rather than a business. Then expand on those implications as it relates to the labor standards of players. These challenges to the court's decision ultimately created the conditions for the advent of free agency. The current bias towards the two established leagues, and its ignorance towards labor standards is the product of each challenge to MLB's absolute power over baseball that was struck down by the court's doctrine of *stare decisis*. As the game continued to grow commercially, the reserve clause was repeatedly called into question as it is a method of retaining players for the entirety of their careers for the same price, leaving players no choice but to kneel to the MLB until 1975.

Competition Off the Field

Prior to the Supreme Court's decision to rule in favor of MLB's control over baseball, they were challenged in the lower courts by a new, competing organization called the Federal League. The

Federal League was a group of eight clubs in the midwest and emerged in 1913 as the last league to compete with the established American and National League.[2] Prior to the Federal League's establishment, the American and National Leagues merged in 1903 to form Major League Baseball, and the winners of each league would compete in the World Series and be crowned "World Champions." The newly-formed Federal League opposed this presumptuous title, as they were determined to become an equal to the two major leagues.

In an effort to attract major league caliber players, the Federal League offered player-friendly contracts with larger salaries and player opt-outs. The main incentive to switch from MLB to the Federal League was the Federal League's omission of the reserve clause in player contracts.[3] The reserve clause was a provision in the player contract that limited a player's involvement with other clubs. This clause allowed a club to list players not on its active roster as being on its "reserve list." Other clubs were prohibited from talking to that player unless their contract "was sold, traded, or terminated, the player remained reserved forever, even after he had formally retired from the game."[4] This greatly limited the bargaining power of players as well as controlled their salaries league-wide. In effect, the reserve clause was used to blacklist any players who migrated from MLB to the Federal League.

In an effort to dismantle the stranglehold that the MLB had on the labor market, the Federal League sued the National League in 1915. This case was heard a year later in the U.S. Circuit Court of Northern Illinois, presided over by Judge Kenesaw Mountain Landis. The Federal League argued that the National League broke antitrust laws by controlling the labor

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[2] By, ARTHUR DALEY. "Sports of the Times: The Federal League." New York Times (1923-), Nov 20, 1958. https://login.ezproxy.ups.edu:2443/login?url=https://www.proquest.com/historical-newspapers/sports-times/docview/114511824/se-2.

[3]Emil H. Rothe, "Was the Federal League A Major League?," SABR Research Journals Archive, accessed November 21, 2022, http://research.sabr.org/journals/federal-league-a-major-league.

[4]Roger Abrams, "Arbitrator Seitz Sets the Players Free ," Society for American Baseball Research, accessed November 17, 2022, https://sabr.org/journal/article/arbitrator-seitz-sets-the-players-free/.

market of players and not allowing for healthy business competition. The case had languished in the court for a year, and by the time the case was heard in 1916, the Federal League had wrapped up its second and final season. After the Federal League was abandoned due to financial difficulties, a handful of clubs were bought by the National and American League owners. In effect, the Court's natural delay forced the Federal League out of the baseball business while MLB was allowed to continue on with monopolistic policies. This hesitation by the court is due to Judge Landis' fandom for the game and his interpretation of baseball as an institution, not a business. Judge Landis saw the argument as organized baseball versus "outlaws," and cited personal expertise as a leading factor in his decision.[5] Landis also delegitimized the Federal League's labor arguments by exclaiming: "I am shocked because you call playing baseball 'labor.'"[6] This anecdote alludes to the classification of baseball players outside the realm of labor, which allows club owners to treat them differently. Judge Landis' opinion provided the groundwork and reasoning for the Supreme Court's ruling in favor of MLB's position in 1922, and cemented Judge Kenesaw Mountain Landis' public defense of MLB. Unsurprisingly in 1920, Judge Landis was appointed the first Commissioner of Baseball, a position that was created in response to the 1919 Black Sox Scandal.[7]

Judicial decisions have been intertwined with the development of professional baseball, and the court's categorization of the sport as an institution rather than a business legitimizes MLB's claim, therefore creating the institution of baseball. This bias towards MLB is ongoing

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[5]"From the SABR Archives: Judge Landis Dismisses 1915 Federal League Lawsuit," Society for American Baseball Research, 2014, https://sabr.org/latest/from-the-sabr-archives-judge-landis-dismisses-1915-federal-league-lawsuit/.
[6] Zimbalist, Andrew S. May the Best Team Win Baseball Economics and Public Policy. Washington, D.C: Brookings Institution Press, 2003. 16.
[7]Ron Fimrite, "His Own Biggest Fan - Sports Illustrated Vault," SI.com (Sports Illustrated Vault | SI.com, July 19, 1993), https://vault.si.com/vault/1993/07/19/his-own-biggest-fan-baseballs-first-commissioner-kenesaw-mountain-landis-was-part-hero-all-ego.

and has swayed numerous judicial decisions regarding the institutionalization of baseball in the United States.

Playing Ball with the Supreme Court

Baseball's position in American culture is no accident; it was influenced by multiple federal judges' interest in baseball, including Supreme Court Justices Joseph Mckenna, William Day, Mahlon Pittney, as well as Chief Justice William Howard Taft. The biggest baseball fans on the Supreme Court in 1922 were Chief Justice Taft, the first president to throw out the first pitch in 1910, and Justice Day, who requested that the score to the 1912 World Series, inning by inning, be discreetly passed along to the Justices during the court's hearing.[8]

Even though Justice Day was a bigger fan of the game, Justice Taft received a much higher level of press for his fandom because of his accolades in the political world, most notably being the 27th President of the United States from 1909-1913. Because of Taft's prominence, his casual fandom is well documented. But that ceremonial first pitch in 1910 came as a surprise to Taft – as he took the ball with his non-throwing hand and accidentally threw it to the pitcher, Walter Johnson, instead of the catcher who was standing behind home plate.[9] A day after the game, Johnson had the ball signed by the president, as Taft wrote: "For Walter Johnson, with the hope that he may continue to be as formidable as in yesterday's game."[10] Taft got a mulligan: the following year he threw the first pitch from the mound to the catcher, creating the tradition of presidential involvement with a D.C. baseball organization. However, Taft did not attend many

[8] Davies, Ross E. "A Crank on the Court: The Passion of Justice William R. Day." Society for American Baseball Research. admin /wp-content/uploads/2020/02/sabr_logo.png, August 4, 2022. https://sabr.org/journal/article/a-crank-on-the-court-the-passion-of-justice-william-r-day/#_edn63.
[9] Davies, "A Crank on the Court." 2022.
[10] "TAFT HONORS BALL PLAYER." New York Times (1857-1922), Apr 16, 1910. https://login.ezproxy.ups.edu:2443/login?url=https://www.proquest.com/historical-newspapers/taft-honors-ball-player/docview/97136787/se-2.

non-opening day games, other than an occasional appearance when a game corresponded with a press event, such as the time when he received an honorary degree from Princeton. Taft himself admitted to being a casual fan and did not keep up with the game "as a good fan should."[11] Taft's other connection to baseball was through his brother, Charles, who was heavily involved with the Chicago Cubs organization, even being a majority owner from 1914 to 1916. Although this involvement was never publicly addressed, it could have created a conflict of interest for the Chief Justice. Taft was appointed by Teddy Roosevelt, a known trustbuster, so the court's numerous rulings citing the Sherman Act created an adverse decision for baseball that went largely unnoticed, as the 1922 Supreme Court decision did not make the front page of the *New York Times*. Additionally, because of Taft's public persona as a fan, and his rumored support of the reserve clause, he was offered the job of Commissioner of Baseball in 1918, but passed on the position in order to spend more time playing golf, his true sports love. Chief Justice Taft's jurisprudence is headlined by "the importance of nationalism, the defense of property, the necessity for intelligent social management, and the enforcement of law and order," which coincides with his conservative presidency prior to taking on his position as Chief Justice.[12]

On the other hand, Justice William Day can rightly be described as the first official baseball fan on the Supreme Court. His insistence on being kept up-to-date during World Series games created a practice in the court, intertwining baseball with the government and strengthening the claim that baseball is an institution. Whenever hearings were scheduled during Washington Nationals games, Justice Day would attend hearings "under dire protest." Whenever his specific services were not needed, he would rush away to the ballpark.[13] Justice Day's

[11] Davies, "A Crank on the Court." 2022.
[12] Melvin I. Urofsky, ed., "Taft, William Howard," CQ Supreme Court Collection, 2006, https://library.cqpress.com/scc/document.php?id=bioenc-427-18170-979574&v=1b97c674c0ea69d6.
[13] Davies, "A Crank on the Court." 2022.

jurisprudence leaned towards individual state power rather than federal oversight, but he was a strong supporter of the Sherman Act and other monopoly-busting policies, citing interstate commerce as the driving force of those policies.[14]

Both of these justices— along with Justices Mckenna, White, and Pittney— were known fans of baseball, and so when *Federal League v. National League* reached their desk, the case was almost decided before it was heard. Before this case, multiple situations and decisions laid foundations for baseball antitrust exemption and its further limitations on ethical labor standards for players.

The Demise of the Federal League

The American League and National League merged in 1903, thus ending the need to compete with each other and increasing control over player pay in both leagues. However, in 1913 the Federal League was established and tried to poach high caliber players from the American League and National League by offering higher pay, longer-term contracts, and the elimination of the reserve clause. With pressure from the Federal League mounting, MLB blacklisted players who transitioned over to the Federal League, arguing that it was a breach of contract via the reserve clause. This resulted in protracted litigation that languished before Judge Landis. The delay ended up enticing the Federal League and MLB to enter into an agreement for about $600,000 for the Federal League owners in exchange for the end of the Federal League.

Many Federal League owners, including Phil Wrigley, became MLB owners afterwards but the owner of the Baltimore Federal League club was uncompensated, due to racism towards Baltimore's large black population and the owners unwillingness to move the team to another

[14] Melvin I Urofsky, ed., "Day, William Rufus," CQ Supreme Court Collection, 2006, https://library.cqpress.com/scc/document.php?id=bioenc-427-18166-979192&v=633a7ebb707b0e07.

city.[15] Baltimore's Federal League club owner filed an antitrust suit against MLB in 1916, which was decided in favor of the National League in April 1919, but was reversed in April 1921 by the Court of Appeals. In the appeal to the Supreme Court, the basis of the antitrust claim was that it violated an interstate clause in the Sherman Act because clubs traveled across state lines. The interstate commerce argument, as well as accusations of bribery and conspiracy between other Federal League clubs and MLB, fueled the plaintiff's case.[16] However, the Court held in the ruling written by Justice Oliver Wendell Holmes, a member of the Court with no relation to baseball, that "the players … travel from place to place in interstate commerce, but they are not the game."[17] The Court's explanation of baseball's interstate commerce exemption boiled down to "the fact that in order to give the exhibitions the Leagues must induce free persons to cross state lines and must arrange and pay for their doing so is not enough to change the character of the business."[18] Thus, in the *Federal Baseball Club of Baltimore. v. National League* Supreme Court case, the court decided unanimously in favor of the National League and MLB, holding that baseball exhibitions were "purely state affairs", and traveling across state lines was incidental, not essential.[19]

Challenge to MLB's Ultimate Authority

The *Federal Baseball* decision went unchallenged for twenty-five years as club owners continued to exercise the reserve clause and regulate player pay league wide. Shortly after World War II, the Mexican League was established and then-MLB Commissioner, Happy

[15] Zimbalist, May the Best Team Win, 2003. 16.
[16] "BASEBALL IS VICTOR IN TRUST LAW FIGHT." New York Times (1857-1922), May 30, 1922. https://login.ezproxy.ups.edu:2443/login?url=https://www.proquest.com/historical-newspapers/baseball-is-victor-trust-law-fight/docview/99564748/se-2.
[17] Zimbalist, May the Best Team Win, 2003. 17.
[18] Federal Club v. National League, 259 U.S. 200, 208-9 (1922) https://casetext.com/case/federal-club-v-national-league.
[19] Ibid

Chandler, announced that any U.S. players who played in the Mexican League would be banned from MLB for five years.[20] The Mexican League was built upon the fortune of Jorge Pasquel, son of the Mexican cigar empire, and used the same tactics as the Federal League to recruit major league talent.[21] This caught the attention of Danny Gardella, a left fielder for the New York Giants, who rode a hot streak of hitting into the majors and played two seasons with the team. But Gardella turned down his contract option for the Giants, as his salary increase was only $500, and instead signed a five-year contract with the Veracruz Blues of the Mexican League. Gardella explained, "You may say for me that I do not intend to let the Giants enrich themselves at my expense, by selling me to a minor league club after the shabby treatment they have accorded me. So I have now decided to take my gifted talents to Mexico."[22] Gardella was the first of many American players who jumped over to the Mexican League, and MLB Commissioner Chandler stayed true to his word by blacklisting the "jumpers" from returning to MLB.

Halfway through the season, tensions developed between expensive, imported American players and the Mexican and Cuban players who had once dominated the Mexican League. Brawls broke out between the two and Pasquel started to realize that the Mexican League could not maintain the expensive contracts it had promised. Pasquel's solution came in limiting payrolls and establishing a minimum number of Mexican players on a team, which prompted many American players to leave. Because of MLB's blacklisting of the "jumpers," these players were left barnstorming and looking for other foreign leagues to play in. In Gardella's case, it

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[20] Zimbalist, May the Best Team Win. 2003. 17.
[21]David Mandell, "Danny Gardella and the Reserve Clause," Society for American Baseball Research (admin /wp-content/uploads/2020/02/sabr_logo.png, December 6, 2021), https://sabr.org/journal/article/danny-gardella-and-the-reserve-clause/.
[22]David Mandell, "Danny Gardella and the Reserve Clause," Society for American Baseball Research (admin /wp-content/uploads/2020/02/sabr_logo.png, December 6, 2021).

meant playing part time in Quebec and working as a hospital orderly in New York earning $36 per week.

In 1947, desperate to get back to the Majors, Gardella sued MLB for $300,000 and reinstatement into MLB, citing violations of antitrust laws through the reserve clause. Although the reserve clause is a commonality between this case and the 1922 *Federal Baseball* decision, Gardella was a player, not a competing league, and he was not specifically under contract, which made MLB's argument concerning the reserve clause slightly weaker. Another reason why Gardella's case was stronger than the Federal League's case: his lawyer was an accomplished constitutional lawyer who was a law school classmate of the commissioner.[23] The lower court ruled in MLB's favor by lower courts, but an appeal by Gardella resulted in a reversal and subsequent trial, as the Circuit of Appeals court decided "that no court should strive ingeniously to legalize a private (even if benevolent) dictatorship."[24] When the news broke, MLB owners and players alike attacked Gardella as un-American and his attempt to, in his own words, "end a baseball evil."[25] Legendary Dodgers General Manager Branch Rickey chimed in, and called Gardella's attack on the reserve clause a "communist tendency."[26] This remark shows the negative attitude of labor reform that was veiled in the Red Scare narrative common in Cold War-era America, and coerced public opinion against Gardella and the other "jumpers." This narrative was powerful because of the court's earlier decision to regard baseball as an *institution* and not a *business*, so when Gardella attacked the business side of baseball, MLB was able to frame the attack as an attack on an American institution.

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[23]David Mandell, "Danny Gardella and the Reserve Clause," Society for American Baseball Research (admin /wp-content/uploads/2020/02/sabr_logo.png, December 6, 2021).
[24] Gardella v. Chandler, 172 F.2d 402, 415 (2d Cir. 1949) https://casetext.com/case/gardella-v-chandler.
[25] David Mandell, "Danny Gardella and the Reserve Clause," Society for American Baseball Research (admin /wp-content/uploads/2020/02/sabr_logo.png, December 6, 2021).
[26]David Mandell, "Danny Gardella and the Reserve Clause," Society for American Baseball Research (admin /wp-content/uploads/2020/02/sabr_logo.png, December 6, 2021).

Right as the trial was about to start in November of 1949, Gardella held a press conference where he withdrew his lawsuit and announced that he was joining the St. Louis Cardinals for the following season. This surprised many. Questions of bribery were brought up and repeatedly denied by MLB, the Cardinals organization, and Gardella. He returned the following season and played one game for the Cardinals before being sold to a minor league team in Houston, where Gardella immediately retired. He stayed quiet about his lawsuit until 1961, when Gardella admitted to taking a $60,000 settlement from MLB to withdraw his suit.[27] The fact that this settlement was reached less than a month before the trial is evidence that MLB thought its antitrust exemption was at risk. If the trial had gone before the court, MLB would have risked the loss of the reserve clause, and according to most owners, the end of organized baseball. Recognizing this small weakness in the "indestructible" baseball trust laid the groundwork for the removal of the reserve clause.

"Worth More Than $100k a Year"[28]

Curt Flood was an outfielder for the St. Louis Cardinals, and the most influential baseball player of record. Although Flood is not considered an all-time great player, he was influential for his actions against the reserve clause and MLB's continued control over players. This is not to say Flood was an average or below-average player, as he was a two-time World Series champion, three time All-Star, and won seven Gold Gloves in center field during his time in St. Louis.[29] To his surprise, after 14 years with the Cardinals, he was traded to the Philadelphia Phillies in 1969. Flood refused to report to Philadelphia, citing the lack of consultation before the trade and

[27] David Mandell, "Danny Gardella and the Reserve Clause," Society for American Baseball Research (admin /wp-content/uploads/2020/02/sabr_logo.png, December 6, 2021).
[28] "Flood v. Kuhn," mlbpa, accessed November 21, 2022, https://www.mlbplayers.com/flood-v-kuhn.
[29] "Curt Flood," Baseball Reference, accessed November 30, 2022, https://www.baseball-reference.com/players/f/floodcu01.shtml.

violent racism he had felt as a black player in Philadelphia, calling it "the northernmost southern city" in the U.S..[30] In a letter to MLB Commissioner Bowie Kuhn, Flood requested consideration from other clubs, saying, "after 12 years in the major leagues, I do not feel that I am a piece of property to be bought and sold irrespective of my wishes."[31] This powerful quote speaks to the subpar labor conditions at the time, as well as a reference to the 13th amendment and club owners' treatment of players as property. This appeal was unsuccessful, and led to Flood's consultation with the newly formed MLB Players Association (MLBPA) and their director, Marvin Miller, about possibly taking legal action against MLB. In the winter of 1969, Flood met with the MLBPA and received an endorsement to sue the MLB, with all legal expenses being paid by the players.[32] Despite warnings from Miller about the Court's previous bias towards MLB's antitrust exemption and a potential retaliatory blacklisting of Flood, his legal team decided to sue the commissioner.

The case worked its way through the lower federal courts, and was heard by the Supreme Court in March of 1972. In the case *Flood v. Kuhn*, the Court predictably sided with MLB, citing the 1922 decision as precedent for the club's use of the reserve clause, as well as deflecting the dismantling of MLB's stranglehold on labor to Congress.[33] The first part of the court's decision was expected, but the court acknowledged wrongdoing of MLB by suggesting that legislation be passed to limit MLB's labor control. The *New York Times* commented on the ruling:

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[30]Alan B. Cohen, "Curt Flood's 1969 Trade to the Philadelphia Phillies," Society for American Baseball Research (sabr /wp-content/uploads/2020/02/sabr_logo.png, August 9, 2022), https://sabr.org/research/article/curt-floods-1969-trade-to-the-philadelphia-phillies/.
[31]"Flood v. Kuhn," mlbpa, accessed November 21, 2022, https://www.mlbplayers.com/flood-v-kuhn.
[32]Alan B. Cohen, "Curt Flood's 1969 Trade to the Philadelphia Phillies," Society for American Baseball Research (sabr /wp-content/uploads/2020/02/sabr_logo.png, August 9, 2022), https://sabr.org/research/article/curt-floods-1969-trade-to-the-philadelphia-phillies/.
[33]"Flood v. Kuhn, 407 U.S. 258 (1972)," Justia Law, accessed November 30, 2022, https://supreme.justia.com/cases/federal/us/407/258/.

> The only basis for the judge-made monopoly status of baseball is that the Supreme Court made a mistake the first time it considered the subject 50 years ago and now feels obligated to keep on making the same mistake because Congress does not act to repeal the exemption it never ordered.[34]

The shaky logic of the Supreme Court poked holes in the institution of baseball, as it seemed to acknowledge that an institution cannot be created in a court ruling. This case also lies in contrast to the Gardella case because Flood received backing from other players, including Jackie Robinson, whose testimony nearly brought Flood to tears as his idol testified on his behalf. Robinson stated in the District Court:

> It takes a tremendous amount of courage for any individual -- and that's why I admire Mr. Flood so much for what he is doing to stand up against something that is appalling to him, and I think that they ought to give a player the chance to be able to be a man in situations like this, and I don't believe this is what has happened. Give the players the opportunity to be able to say to themselves., "I have a certain value and I can place it on myself."[35]

This testimony, along with others, showed how a unified player front can help the battle for labor reform in baseball, and finally created enough legitimacy for actual reform to occur.

The Birth of Free Agency

A year after the *Flood v. Kuhn* decision, the MLBPA and Marvin Miller negotiated the first collective bargaining agreement (CBA) which included a higher pay-floor for players, as well as

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[34] Zimbalist, May the Best Team Win. 2003. 21.
[35] United States District Court- Southern District of New York, "Flood v. Kuhn (407 U.S. 258) Trial Transcript" (1970). Curt Flood Trial: May 19 - June 10, 1970. 1. https://scholarship.law.nd.edu/curt_flood_trial/1

an arbitration system to solve contract disputes.[36] The arbitration system that was put in place included a collection of arbiters that were independent from MLB and the MLBPA, and heard cases regarding a player's individual pay based on their past performance. In accordance with the CBA, the MLBPA and MLB had to accept the arbiter's decision as final. This agreement was put to the test by arbiter Peter Seitz.

In 1975, Seitz heard the cases of Andy Messersmith and Dave McNally, two pitchers who could not agree on contracts for the following year and decided to try their luck in arbitration. Their argument was that because of the failure to reach contractual deals, both players were under no club authority. The argument from the MLBPA was to clarify the language of the reserve clause and resolve its ambiguity. Seitz agreed with the players, as the language of renewing a contract "on the same terms for one year" meant only one year, contrary to clubs interpretation that the option of one year is renewed every year, like consecutive one-year contracts.[37] The ruling allowed Messersmith and McNally to shop their talents around the entire league, for the highest bidder.

The decision was met with backlash from MLB, as Commissioner Kuhn stated "professional baseball no longer has confidence in the arbitrator's ability to understand the basic structure of organized baseball."[38] The Commissioner also compared Seitz to Abraham Lincoln in a negative light, a convoluted move that used the Emancipation Proclamation as a weapon against Seitz' neutrality, calling it "liberation arbitration."[39] Nevertheless, players who were not

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[36]"History," mlbpa, accessed November 23, 2022, https://www.mlbplayers.com/history.
[37]Roger Abrams, "Arbitrator Seitz Sets the Players Free ," Society for American Baseball Research, accessed November 17, 2022, https://sabr.org/journal/article/arbitrator-seitz-sets-the-players-free/.
[38]Joseph Durso, "Arbitrator Frees 2 Baseball Stars," The New York Times (The New York Times, December 24, 1975), https://www.nytimes.com/1975/12/24/archives/arbitrator-frees-2-baseball-stars-arbitrator-frees-mcnally-and.html.
[39]Roger Abrams, "Arbitrator Seitz Sets the Players Free ," Society for American Baseball Research, accessed November 17, 2022, https://sabr.org/journal/article/arbitrator-seitz-sets-the-players-free/.

in their singular "option year" of their contract were granted free agency, resulting in the first free agency signing of Catfish Hunter to the New York Yankees for $3.2 million.[40]

The Seitz decision freed players from one-sided contracts, an effort that coincidentally came from outside the U.S. judicial system. This is an important omission from the relationship between MLB and the courts, and without the judicial system to bail out major league clubs from labor disputes, players were finally given freedom to work wherever they wanted for money they deserved. The judicial system may have helped create the institution of baseball and gave it room to grow unchecked, but now, with an extensive minor league system that houses most major league players for multiple years in their development, Judge Landis' argument of not considering baseball as "labor" can be disqualified by the judicial system and giant institution the courts built.

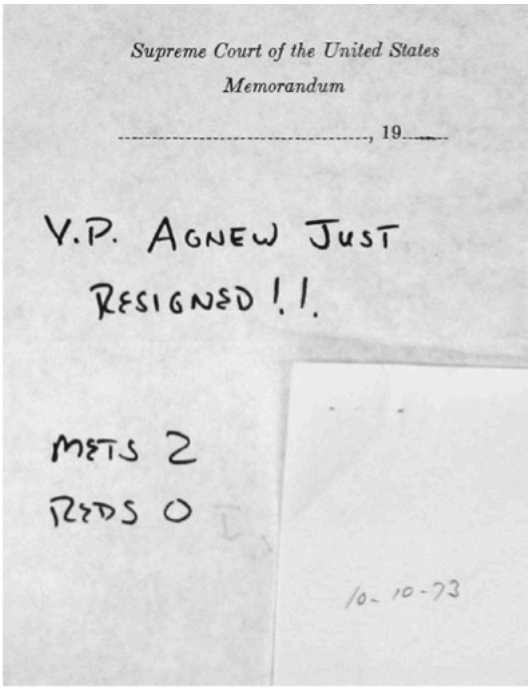
The Institution of Baseball

Every American is aware of the "National Pastime" of baseball, and its imprint on American culture can be seen in idioms like "ballpark estimates" and "getting thrown a curveball" to the Congressional Baseball Game where Democrats and Republicans play for charity.[41] Our collective indoctrination associating baseball with patriotism is no accident. Rather it is a by-product of the Supreme Court's rulings and continued efforts to exempt MLB from antitrust laws. The Court's old claim that baseball lies outside the realm of business commerce has been proven false, as MLB generated $10.37 billion at its peak in 2019.[42] Additionally, the interstate travel of teams was seen as nonessential to the profitability of teams in the 1922 ruling, but

[40] Matt Kelly, "Catfish Hunter Signs Free Agent Contract with New York Yankees," Baseball Hall of Fame, accessed November 30, 2022, https://baseballhall.org/discover/inside-pitch/catfish-hunter-signs-with-yankees.
[41]"History," Congressional Baseball Game, May 3, 2018, https://www.congressionalbaseball.org/history/.
[42]Christina Gough, "MLB League Revenue 2011-2021," Statista, May 27, 2022, https://www.statista.com/statistics/193466/total-league-revenue-of-the-mlb-since-2005/.

rivalries like Red Sox-Yankees and Cardinals-Cubs demonstrate how interstate rivalries generate more viewers and more expensive television deals than a less enthusiastic game between say, the Tampa Bay Rays and Miami Marlins. Although the judges of the early 20th century could not have imagined what baseball has turned into, their ignorance towards MLB's monopoly allowed an industry to grow unchecked, which impacted the labor standards of players. However, with the formation of the MLBPA, players are beginning to find equal footing with club owners.

The institutionalization of baseball was cemented in 1922, and with an increased discussion regarding baseball's place in politics due to MLB's decision to move the 2021 All-Star Game from Atlanta to Denver, because of a bill in Georgia that suppressed voting. Therefore, to conclude that baseball is not political is a logical impossibility, as its monopolistic practices of suppressing labor reform were not only granted by the government, but applauded. Baseball has marked almost every American institution, as the biggest news is coupled with score updates and player performances, seen in a Supreme Court note from 1973 informing the court about Vice President Agnew's resignation in wake of Watergate coupled with the score from the National League pennant race that same day.[43] Now, everyone is subject to the institution of baseball, whether it's watching a game on television or comparing Babe Ruth to Shohei Ohtani, baseball is part of the American landscape and its institutionalization is integral to its importance and its revenue.


Supreme Court of the United States
Memorandum
, 19
V.P. AGNEW JUST RESIGNED!!
METS 2
REDS 0
10-10-73

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