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PROFESSIONAL SPORTS AND  
THE ANTITRUST LAWS: A  
SELECTED BIBLIOGRAPHY

OSCAR E. SCOTT  
Economic Analyst  
Economics Division

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PROFESSIONAL SPORTS AND THE ANTITRUST LAWS  
A SELECTED BIBLIOGRAPHY

This bibliography focuses on selected references examining the activities of four major professional sports (baseball, basketball, football, hockey) concerning their relationship to the antitrust issue. This survey of the literature found that most of the citations concerned legal issues. However, a small number of books and periodical references were located which consider economic questions.

Most citations are annotated and have been compiled from the Congressional Research Service data banks, the CRS files, the Library's catalog's, and a survey of selected periodical indexes.

Citations to items which are in the classified collections of the Library of Congress include the Library's call number. A number of unclassified items are held in the Law Library of the Library of Congress. This is shown by the designation "LAW" in the citation. Documents available from a Senate or House Committee or from the Senate or House document room are noted in the bibliography as "Avail from Comm. or Doc. Rm." All magazine articles are provided with the call number for the bound volumes of the magazines regardless of whether the issues cited have actually been bound at this time. Unbound issues will be found in the Newspaper and Current Periodical Room.

1974-1976

Koppett, Leonard. What the rhubarb is all about; antitrust in the ball park. Nation, v. 222, May 15, 1976: 587-592.

Examines how the issue of control of players has raised antitrust questions in professional baseball, football, and basketball.

AP 2 N2

Novick, Donald. The legality of the Rozelle rule and related practices in the National Football League. Fordham urban law journal, v. 4, spring 1976: 582-596.

Comment discusses Federal district court decisions with regard to the National Football League rules which place restrictions on the movement of players between teams in the league. Court decisions indicate that such rules violate antitrust laws. Author suggests that collective bargaining may be a potential solution to the problems players and management which are created by NFL rules.

LAW

Professional Sports and the Law. A study by the Select Committee on Professional Sports. House of Representatives. 94th Congress. 2nd session.

Included in this study is an examination of the Federal interest in the Professional Sports Organization and operation of professional sports leagues, sports in the courts, and recent developments.

Avail in Doc. or Comm. Rm.

Symposium: sports and the law. Western State University law review, v. 3, spring 1976: 185-283.

Contents.--The emancipation of professional athletes, by L. Sobel.--Congress tackles sports and broadcasting, by P. Hochberg.--Title IX and the NCAA, by J. Koch.--The aftermath of Flood V. Kuhn: professional baseball's exemption from antitrust regulation, by P. Martin.

LAW

Leavell, Jerome F. and Howard L. Milland. Trade regulation and professional sports. Mercer law review, v. 26, winter 1975: 603-616.

Article examines various unfair trade practices which occur in professional sporting activity, especially in terms of league structure, reserve systems, player drafts and eligibility rules, blacklisting, and restraints on owners and potential owners.

LAW

Lynch, Mitchell C. Tackling the pros: possible big changes in professional sports: Wall Street journal, v. 186, Dec. 15, 1975: p. 1.

Key issue concerns the hold that the National Football League gives teams over players.

Periodical Reading Rm.

Horowitz, Ira. Sports broadcasting. In Noll, Roger G., ed. Government and the sports business. Washington, Brookings Institution 1974. p. 275-323.

Sports broadcasts have given rise to a series of interesting economic issues and to questions of government regulation, some of which are examined in this article.

GV 583 G68

Profits in pro sports seen result of franchise monopoly feature; Newsweek, July 29, 1974: p. 62

AP 2 .N6772

Gives a brief synopsis of the Brookings Institute's study entitled Government and the Sports Business.

Shooshan, Harry M., III. Confrontation with Congress: professional sports and the television antiblackout law. Syracuse law review, v. 25, no. 3, 1974: 713-745.

"While Congress acted with unusual speed in giving its final approval to the anti-blackout legislation, the issue was not a new one. In one form or another, sports telecasting had been a matter of congressional concern for over a decade; and the home game blackout had generated the introduction of remedial legislation in previous years." Comment gives genesis of sports antiblackout law with some background on its legal history and earlier legislative manifestations of concern.

LAW

U.S. Federal Communications Commission. Report...on the effect of Public Law 93-107, the sports anti-blackout law, on the broadcasting of sold-out home games of professional football, baseball, basketball, and hockey. Washington, U.S. Govt. Print. Off., 1974. 475 p.

At head of title: 93d Cong., 2d sess. Senate Committee on Commerce print.

Avail from Comm. or Doc. Rm.

1973

Burr, Keith J. Player control mechanisms in professional team sports. University of Pittsburgh law review, v. 34, summer 1973: 645-670.

Comment examines "whether agreements among professional team sports and leagues to restrict the bidding among them for players' services result in violation of the antitrust laws, in view of the fundamental proposition that league athletic competition necessitates anticompetitive economic cooperation."

LAW

Carlson, Robert S. The business of professional sports: a reexamination in progress. New York law forum, v. 18, spring 1973: 915-933.

"This article will focus on four...concepts: the reserve clause, the player draft, the four-year rule, and exclusive territory agreements."

LAW

Foley, James F. Antitrust and professional sport: does anyone play by the rules of the game? Catholic University law review, v. 22, winter 1973: 403-426.

Comment analyzes the problems which exist, in an antitrust context, as a result of the present relationship of the leagues to players and teams, focusing on the restraints on the players' ability to bargain and restraints upon the independent operation of the teams.

LAW

Hochberg, Philip R. Second and goal to go: the legislative attack in the Ninety-second Congress on sports broadcasting practices. Federal Communications Bar journal, v. 26, 1973: 118-182.

Article detailing legislative histories of broadcasting and antitrust practices vis-a-vis organized sports foresees a continuing attack on existing policies. Reprinted from the New York Law Forum.

LAW

Koppett, Leonard. Sports and the law: an overview. New York law forum, v. 18, spring 1973: B15-839.

Article considers why law is so involved in sports now, explores the central issues: player control, television policy, and franchises and makes some suggestions for future ramifications and approaches.

LAW

Morris, John P. In the wake of the Flood. Law and contemporary problems, v. 38, winter-spring 1973: 85-98.

"The purpose of this article is to investigate the extent to which the unique attributes of professional sports can be accommodated under traditional antitrust doctrine. It is accepted that legal doctrine ought not be applied to cause a radical change in the nature of the sports involved."

LAW

Quirk, James. An economic analysis of team movements in professional sports. Law and contemporary problems, v. 38, winter-spring 1973: 42-66.

Article analyzes the economic effects that movement of baseball franchises from one city to another has had and recommends application of the antitrust laws to the sport to correct abuses.

LAW

Professional sports and antitrust laws - status of reserve system. Baylor law review; v. 25, N 1, 1973: p. 1-25.

This article traces the history of the confrontation between professional sports and the antitrust laws.

LAW

Scully, Gerald W. Economic discrimination in professional sports. Law and contemporary problems, vol. 38 (Winter-Spring 1973).

In this paper, the evidence accumulated to date is presented concerning the question of race discrimination. The basic conclusion is that race discrimination in professional team sports exists to a degree at least equal to that found in the society in general.

LAW

What happens if home games are put up for local grab? Broadcasting, v. 85, Sept. 3, 1973: 15-17.

"The freedom of professional football to enforce television blackouts may be withdrawn in a matter of days. Poised to deliver the blow is a Congress that seems determined to alter, perhaps outlaw, the National Football League's TV blackout policy."

TK 6540 .B85

U.S. Congress. Senate. Committee on Commerce. TV blackout-- professional sports; report to accompany S. 1841. Washington, U.S. Govt. Print. Off. 1973. 10 p. (93d Cong., 1st sess. Senate. Report no. 93-347)

Avail from Comm. or Doc. Rm.

U.S. Congress. House. Committee on Interstate and Foreign Commerce. Special Subcommittee on Investigations.

Evaluation of the necessity for television blackouts of professional sporting events; report. 93d Cong., 1st. sess. Washington, U.S. Govt. Print. Off., 1973. 136 p.

At head of title: Subcommittee print.

Avail from Comm. or Doc. Rm.

U.S. Congress. House. Committee on Interstate and Foreign Commerce. Professional sports--TV blackouts; report to accompany H.R. 9553. Washington, U.S. Govt. Print. Off. 1973. 10 p. (93d Cong., 1st sess. House. Report no. 93-483)

Favorable report by the Interstate and Foreign Commerce Committee on H.R. 9553, to amend the 1934 Communications Act regarding the broadcasting of professional home games.

Avail from Comm. or Doc. Rm.

U.S. Congress. House. Committee on Interstate and Foreign Commerce. Subcommittee on Communications and Power.

Professional sports blackouts. Hearings, 93d Cong., 1st sess., on H.R. 9536, H.R. 9644, H.R. 9553, and H.R. 9188 (and all identical bills). Washington, U.S. Govt. Print. Off., 1973. 290 p.

Hearings held July 31...Sept. 7, 1973.

Avail from Comm. or Doc. Rm.

1972

Discipline in professional sports: the need for player protection. Georgetown law journal, v. 60, Feb. 1972: 771-798.

"This comment examines the disciplinary abuses which have developed under the regulatory systems governing professional sports and discusses the inability of existing remedies to cope with such abuses. In addition, it suggests judicial and legislative remedies capable of achieving a more equitable balance among the interests of sports, individual athletes, and the public."

LAW

Fagan, Julian. Professional baseball's immunity from antitrust regulation upheld. Mississippi law journal, v. 43, Nov. 1972: 718-721.

The note discusses the Flood v. Kuhn decision where the Supreme Court held that the long-standing antitrust exemption which baseball and its reserve clause have enjoyed is entitled to the benefit of stare decisis and the removal of any inconsistencies or the indication of any remedies is for congressional, not judicial, action.

LAW

High court upholds baseball's antitrust exemption. New York times, June 20, 1972: p. 1.

Periodical Reading Room

Madison Square Garden antitrust suit on hockey, basketball ticket sales. Wall Street journal, Jan. 6, 1972: p. 7.

Paonessa, Joseph P. Professional baseball remains exempt from State and Federal antitrust statutes. Notre Dame lawyer, v. 48, Dec. 1972: 460-474.

Case note analyzes Supreme Court decision holding "that although the exemption of professional baseball from the antitrust laws was an 'established aberration' in light of contrary decisions for other professional sports, the former decisions of Federal Baseball Club v. National League and Toolson v. New York Yankees, Inc. were firmly entrenched and any change would be a matter for legislative, not judicial resolution."

LAW



U.S. Congress. Senate, Committee on the Judiciary. Subcommittee on Antitrust and Monopoly.

Professional basketball. Hearings, 92d Cong., 1st sess., on S. 3473 pursuant to S. Res. 32, part 4. Part. 1. Sept. 21, 22, and 23, 1971. Washington, U.S. Govt. Print. Off., 1972. 523 p.

Avail from Comm. or Doc. Rm.

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Antitrust and Monopoly.

Professional basketball. Hearings, 92d Cong., 2 sess., on S. 2373. Part 2. Washington, U.S. Govt. Print. Off., 1972.

"A bill to allow the merger of two or more professional basketball leagues."

"Pursuant to S. Res. 256, Part."

Avail from Comm. or Doc. Rm.

U.S. Congress. Senate. Committee on the Judiciary. Authorizing the merger of two or more professional basketball leagues, and for other purposes; report to accompany S. 2373. Washington, U.S. Govt. Print. Off. 1972. 13 p. (92d Cong., 2d sess. Senate. Report no. 92-1151)

Avail from Comm. or Doc. Rm.

U.S. Congress. Senate. Committee on Commerce. Subcommittee on Communications.

Blackout of sporting events on TV. Hearings, 92d Cong., 2d sess., on S. 4007 and S. 4010. Oct. 3-5, 1972.

Washington, U.S. Govt. Off., 1972. 224 p.

"Serial no. 92-78"

Avail from Comm. or Doc. Rm.

U.S. Congress. House. Committee on the Judiciary. Subcommittee No. 5. The antitrust laws and organized professional team sports including consideration of the proposed merger of the American and National Basketball Associations. Hearings, 92d Cong., 2d sess. Washington, U.S. Govt. Print. Off., 1972. 348 p.

Avail from Comm. or Doc. Rm.

U.S. Congress. Senate. Committee on Commerce. Federal Sports Act of 1972. Hearings, 92d Cong., 2d sess., on S. 3445. June 16, 19, 23, and 28, 1972. Washington, U.S. Govt. Print. Off., 1973. 288 p.

"Serial no. 92-96"

Avail from Comm. or Doc. Rm.

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Antitrust and Monopoly.

Antitrust and monopoly activities, 1972; report pursuant to S. Res. 256, sec. 4, 92d Cong., 2d sess. Washington, U.S. Govt. Print. Off., 1973. 8 p. (93d Cong., 1st sess. Senate. Report no. 93-520)

Avail from Comm. or Doc. Rm.

U.S. Supreme Ct. Records and Briefs. vol. 407, 1972: 258-296.

LAW

1971

Antitrusters take on professional sports. Business week, no. 2197, Oct. 9, 1971: 60-61, 63.

Pursuit of profits prompts Congress to ask: What's the real name of the game?

HR 5001 .B89

Ducker, Bruce. Pros offside? The antitrust laws and professional sports. Case & comment, v. 76, Sept.-Oct. 1971: 32-37.

Discusses baseball and other sports exemption from antitrust laws and the flood case.

LAW

Ed-Modiri, Mohamed. and Quirk, James. An economic model of a professional sports league. Journal of political economy, v. 79, Nov.-Dec. 1971: 1302-1319.

"This paper investigates the economic structure of professional sports to determine the extent to which the current operating rules justify exemption of professional sports leagues from some aspects of antitrust statutes." Mathematical model.

HB 1 J 7

Jacobs, Michael S., and Ralph K. Winter, Jr. Antitrust principles and collective bargaining by athletes: of superstars in peonage. Yale law journal, vol. 81, November 1971: 1-2.

LAW

This article expresses the view that the dispute over the impact of antitrust on the allocation of players in professional sports has, by focusing so intently upon merger and group boycott questions, generally overlooked. A matter within is basically an issue of National Labor Policy.

Large, Arlen J. Blowing the whistle on pro sports. Wall Street journal, v. 178, Oct. 20, 1971: p. 20.

Maher, Charles. Major sports stadiums: they keep going up. Los Angeles times, November 14, 1971.

Periodical Reading Room

Menitove, Barton, J. Baseball's antitrust exemption: the limits of stare decisis. Boston College industrial and commercial law review, v. 12, Mar. 1971: 737-746.

LAW

The purpose of this article is to determine the impact of Salerno, Flood, and the earlier baseball decisions on the law-making processes, and further, to examine the rationale utilized to exempt baseball from the purview of the Sherman Act. The propriety of the Supreme Courts reinterpretation of statutes previously passed upon is also considered.

LAW

Pre - 1971

The balance of power in professional sports: Maine law review, vol. 22 (1970). no. 2, 1970: 495 p.

This examines the problems of the professional athlete in dealing with management in the sports business.

LAW

Players go to bat against baseball. Business Week, no. 2113, Feb. 28, 1970: 74, 76. Challenge to professional baseball's "reserve system," the complex set of rules by which club owners can hold, trade, sell, or fire their players as they see fit.

HF 5001 B 89

Hoffman, Robert, B. Is the NLRB going to play the ball game? Labor Law journal, v. 20 April 1969: 239-46.

Considers whether the National Labor Relations Board will assert jurisdiction over professional baseball.

LAW

The Record of the Association of the Bar of the City of New York vol. 24, N. 5 May 1969.

This citation contains an extensive bibliography on the legal aspects of sports prior to 1969.

LAW