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Book Review: Legal Bases: Baseball and the Law

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BOOK REVIEWS

LEGAL BASES: BASEBALL AND THE LAW

Roger I. Abrams

[Philadelphia, Pennsylvania, Temple University Press 1998]

xi / 226 pages

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In spite of the greater popularity of football and basketball, baseball remains the sport of greatest interest to writers, artists, and historians. The same appears to be true for law professors as well. Recent years have seen the publication *Spencer Waller, Neil Cohen, & Paul Finkelman's, Baseball and the American Legal Mind* (1995) and *G. Edward White's, Creating the National Pastime: Baseball Transforms Itself, 1903-1953* (1996). Now noted labor law expert and Rutgers-Newark Law School Dean Roger Abrams has entered the field with *Legal Bases: Baseball and the Law*.

Unlike the Waller, Cohen, Finkelman anthology of documents and White's history, Abrams does not attempt the survey the full range of intersections between the baseball industry and the legal system. Instead, he focuses upon the history of labor-management relations. While the subject has been explored before, most notably in Lee Loenfish's *The Imperfect Diamond* (rev. ed. 1991), Abrams brings fresh insights to the subject as well as a talent for story telling. *Legal Bases* is a work that will be of great benefit to lawyers, law students, historians, and baseball fans trying to make sense of the legal issues that have defined the sport in the 1990's.

Abrams crafts his story around case studies of individuals who played instrumental roles in establishing the rights of players to bargain effectively with their employers. Each of his chapters explores a different aspect of player-management relations: the legal process, enforcement of contracts, antitrust, collective-bargaining, arbitration, et al. Given the strangle hold over players that the infamous reserve clause (whereby teams were given the right to automatically renew the contracts of their players in perpetuity) gave to baseball owners from 1879 to 1976, it is hardly surprising that all but three of the ten individuals who are the focus of Abrams book are drawn from the 1970's, 1980's, and 1990's.

Abram's addresses not just the baseball-related issues that have divided owners and players but also legal context in which those issues

have been contested. Complicated issues pertaining to collective bargaining, labor and salary arbitration, and the impact of baseball's anti-trust exemption are rendered in such a way that they are comprehensible to the non-expert.

Abrams book, appropriately divided into nine chapters, begins with John Montgomery Ward, the nineteenth century star who was also a graduate of Columbia Law School, the founder of the first player's union, and the organizer of the ill-fated Players League of 1890, the only serious attempt ever to organize a player-controlled major league. Inning, or rather chapter, 2 is devoted to Napoleon Lajoie, the turn-of-the-century Hall-of-Famer whose decision in 1901 to jump from the National League to the newly established American League resulted in one of the best known contract cases of all time, *Philadelphia Baseball Club v. Lajoie*.

From there Abrams jumps leaps ahead to the 1970's and Curt Flood's famous challenge of the reserve clause (which provides Abrams with an opportunity to explore the history of baseball's antitrust exemption). From Flood, he turns to Marvin Miller, the legendary executive director of the Major League Baseball Players Association who skillfully broke apart the owners monopsonistic control over player salaries. From Miller, he moves back in time to Branch Rickey and to Miller's contemporary Charley Finley (the only two of Abrams subjects to share a chapter) and then to Andy Messersmith, whose challenge to the reserve system led to its downfall. The final three chapters are devoted to Carlton Fisk, Pete Rose, and Judge Sonia Sotomayor whose opinion in *Silverman v. Major League Baseball* ended the player strike of 1994 and 1995.

Each chapter reflects Abrams mastery of the nuances of American labor law and his detailed understanding of the game of professional baseball. Because Abrams primary goal is to make difficult material exciting and accessible, the specialist in the history of baseball labor relations will find relatively little that is new here except in the chapters that deal with the events of the last decade. For example, in his "historical" chapters, Abrams relies upon the standard secondary sources in the field. However, to fault the work on this basis would be to misinterpret its purpose. As Abrams notes in his preface, the purpose of this book is to fulfill "the lawyer's responsibility . . . to teach the public about the legal process. . . . Baseball is tailor-made for this educational purpose, filled with colorful characters and perfect examples of the legal process in action." (p. x)

Legal Bases should be required reading in college courses on sports history, in business school courses on the sports industry, and law school sports law courses. It wouldn't hurt to assign it in labor law as well.

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