



# Emil Rothe Chicago Chapter

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## What's On Deck?

Get Your Pencils and Scorecards Ready

- **Next SABR Lunch**

December 8, 2018 - Noon  
Palmer Place  
56 S. LaGrange Road  
LaGrange, IL 60525

[CLICK FOR MENU AND DIRECTIONS](#)

The restaurant is located one block south of the Metra Station.

- **SABR Day 2019**

February 2, 2019  
Evanston Public Library  
1703 Orrington Avenue  
Evanston, IL 60201

[CLICK FOR DIRECTIONS](#)

Activities will include...

Trivia Challenge: Chris Kamka vs. Dave Zeaman  
Best Teams in Baseball History: Scott Lindholm

- **SABR 49 - San Diego**

June 26-30, 2019  
Manchester Grand Hyatt  
1 Market Place  
San Diego, CA 92101

[CLICK FOR DETAILS](#)

# Lugnuts, Peaches and Game Re-creations

November 3, 2018: Lisle Public Library



Above: Jesse Goldberg-Strassler, Lansing Lugnuts announcer and author, discussed Minor League Baseball, game re-creations and his new book.

Bottom Left: SABR member, Dave Zeman, shared recent Chapter news and donated several books.

Bottom Right: Greg Schwanke from the Friends of Beyer Stadium provided an update regarding the restoration of the former home of the All-American Girls Professional Baseball League's Rockford Peaches.



CLICK FOR PRESENTATION VIDEO

CLICK FOR GAME RE-CREATIONS

CLICK FOR PRESENTATION VIDEO

# December 2018 Trivia Quiz

By Dave Zeman

1. The 2018 Baltimore Orioles finished a staggering 61 games out of first place. What was the last team to complete a season even more games behind?
2. When was the last World Series rematch and which clubs were involved?
3. What was the last time consecutive World Series were won by first time victors?
4. Until the latter stages of this season, Jose Ramirez had a shot at leading the American League in both home runs and stolen bases. Who was the last to top his league in both categories in the same season?
5. Who was the last pitcher to toss 10 shutouts in a season?

Look for answers next month!

# November 2018 Trivia Answers

By Christopher Kamka

1. Nick Altrock and Mordecai Brown
2. Ed Reulbach
3. Heinie Zimmerman
4. Red Faber
5. Lefty Tyler and Hippo Vaughn
6. Morrie Rath
7. Howard Ehmke
8. Frank Demaree
9. Chuck Klein
10. Dizzy Dean
11. Phil Cavarretta
12. Ted Kluszewski
13. Willie Harris
14. Mike Montgomery

Did you miss the questions? [Here's a link.](#)

# Around Baseball 2018

By Bill Pearch



Top: Washington Nationals vs. Chicago Cubs at Wrigley Field, August 11, 2018



Left: Boston Red Sox vs. Chicago White Sox at Guaranteed Rate Field, August 31, 2018

Bottom: Youngstown State University vs. University of Illinois at Chicago, Curtis Granderson Stadium, May 19, 2018



## Get Social with SABR's Emil Rothe Chicago Chapter

There are four easy ways to interact with Chicago Chapter members. Click today and start talking baseball.



# Colonel John Henry Wigmore's Puzzling Proposal

By: John Racanelli



## MUSTACHIOED JAPANESE BASEBALL PIONEER

John Henry Wigmore was born in San Francisco in 1863 to immigrant parents. He would eventually graduate near the top of his class from Harvard Law School, a founding member of the Harvard Law Review. Wigmore practiced law briefly in Boston before moving to Japan, where he was appointed the first professor of American law at Keio University. In his three years there, Wigmore taught himself Japanese and played shortstop on what was—by his account—the first baseball team in Tokyo.

Wigmore moved back stateside in 1893 and joined the faculty of Northwestern University's School of Law, where he was later named the first full-time law school dean in 1901. In 1904-1905, Wigmore published a four-volume treatise on evidence that would quickly gain renown as the seminal authority, hailed as "unrivaled as the greatest treatise on any single subject of the law" by Supreme Court Justice Felix Frankfurter.

During World War I, Wigmore took a leave of absence from his duties as dean to serve as a major in the office of the Judge Advocate General of the United States Army. He was promoted twice, and eventually returned to the Law School in 1919 as a colonel.



## FEDERAL BASEBALL

While Wigmore was stationed in Washington, D.C., the case that would forever cement Major League Baseball's status as the only legal monopoly in America was winding its way through the courts. When the Federal League folded after its two years of operations in 1915, the member clubs executed a "Peace Agreement" with the National and American Leagues that resulted in the dissolution of the Federal League and its clubs—save the Baltimore Terrapins—in exchange for a reported \$10 million settlement (approximately \$238 million today) divided among the seven settling clubs. Instead of taking part in the settlement, however, the owners of the Baltimore club chose to sue the National and American Leagues under the Sherman Antitrust Act, claiming that defendants were operating an illegal monopoly—principally through the "reserve clause"—that foiled their efforts to contract with desirable players. Presumably, Wigmore took notice.

The case went to trial and Terrapins won, with the Baltimore club being awarded treble damages in the amount of \$240,000 (approximately \$3.2 million today). The National and American Leagues appealed the verdict, however, claiming that their operations were not subject to the Sherman Act because baseball was not engaged in interstate commerce. The Court of Appeals of the District of Columbia agreed with ownership and reversed in an opinion published December 6, 1920. Predictably, the Baltimore club ownership was not pleased and sought redress with the Supreme Court.

## COL. WIGMORE OFFERS HIS GRAND SOLUTION

On September 9, 1921, Babe Ruth clobbered his 54th home run of the season in Philadelphia, tying his single-season record set the year before. At Comiskey Park, the White Sox out slugged the Tigers 20-15 in a game that featured just a lone home run by Chicago first baseman Earl Sheely. That same evening at his suburban Evanston home—just months removed from the acquittal of the Black Sox scandal participants in a Chicago courthouse—Col. Wigmore gathered colleagues and reporters to propose his elegant plan to "save" baseball. While easy to agree with his declaration that baseball was "the greatest national game in the world," the rest of Col. Wigmore's plan was not so assured.

Col. Wigmore proclaimed that just like the United States Postal Service, baseball "should be declared a public service and be taken over by the state for management" so the sport could be "deloused from top to bottom." He proposed exploiting the power of eminent domain to "let the state expropriate for public purposes the property in franchises of the league clubs, expelling the mercenary cynics who exploit it for private gain, putting all league players on the salaried civil service merit list and conducting the game as a public enterprise for the public good."

To accomplish this bold publicization plan, Col. Wigmore advocated for the establishment of a federal Department of Sport with a seat on the presidential cabinet. Not surprisingly, Col. Wigmore recommended Judge Kennesaw Mountain Landis—baseball's newly-minted commissioner—to be the first "Secretary of Baseball."

*"Since the management of our national game now is a virtual monopoly and since its service is deemed a popular necessity, let the legislature now declare that the business of baseball is now a public service, impressed with a public interest, and therefore subject to expropriation for public purposes."*

*-Col. John H. Wigmore, Chicago Tribune, September 10, 1921.*

Col. Wigmore's halcyon vision of baseball was evident in his ambitious plan to "retain and cultivate local and state pride by letting each city have its own team, made up solely of residents, and each state its own team, selected by competitive promotion from the city teams. City will play against city and state against state."

## A COOL RECEPTION

Col. Wigmore's grand plan was mentioned again in the October 8, 1921 edition of the Chicago Eagle but seems to have, otherwise, fallen on deaf ears.

As for the Federal Baseball case, the Supreme Court affirmed the appellate decision in favor of the National and American Leagues on May 29, 1922. The opinion, written by Justice Oliver Wendell Holmes for a unanimous court, held that baseball was not engaged in interstate commerce because baseball games were simply local exhibitions and were not "trade" or "commerce" as defined by the Sherman Act.

One can only ponder what baseball would look like today if the keys to the national pastime had been turned over to the federal government.

## SOURCES

Richard Friedman, "John Henry Wigmore," *University of Michigan Law School Scholarship Repository* (2009), 587-589.  
*National League of Professional Baseball Clubs v. Federal Baseball Club of Baltimore*, 50 App.D.C. 165, 269 F. 681 (1920).  
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"Urges U.S. Operate Baseball, Like Mails," *Chicago Tribune*, September 10, 1921, 9.  
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<https://sites.northwestern.edu/plrcwwi/john-henry-wigmore/>, accessed November 15, 2018.

## BIO

JOHN RACANELLI is a Chicago lawyer with an insatiable interest in baseball-related litigation. When not rooting for his beloved Cubs (or working), he is probably reading a baseball book or blog, planning his next baseball trip, or enjoying downtime with his wife and family. He is probably the world's foremost photographer of triple peanuts found at ballgames and likes to think he has one of the most complete collections of vintage handheld electronic baseball games known to exist. Please check out his blog at [www.baseballlawreporter.com](http://www.baseballlawreporter.com) to share in his obsessions.

## Get Your Baseball Research Published

Are you conducting baseball research? SABR's Emil Rothe Chicago Chapter can help. We are looking for new articles to publish in the Chapter's monthly newsletter and social media outlets. Submit your articles to Chapter Secretary David Malamut via email at [david@malamut.net](mailto:david@malamut.net). Submittal deadlines are the 15th of each month for inclusion in the next edition.