



2009

The House That Taxpayers Built: Exploring the Rise in Publicly Funded Baseball Stadiums from 1953 Through the Present

Marc Edelman

Follow this and additional works at: <http://digitalcommons.law.villanova.edu/mslj>



Part of the [Entertainment, Arts, and Sports Law Commons](#)

Recommended Citation

Marc Edelman, *The House That Taxpayers Built: Exploring the Rise in Publicly Funded Baseball Stadiums from 1953 Through the Present*, 16 Jeffrey S. Moorad Sports L.J. 257 (2009).

Available at: <http://digitalcommons.law.villanova.edu/mslj/vol16/iss2/2>

This Symposium is brought to you for free and open access by Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Jeffrey S. Moorad Sports Law Journal by an authorized editor of Villanova University Charles Widger School of Law Digital Repository. For more information, please contact Benjamin.Carlson@law.villanova.edu.

THE HOUSE THAT TAXPAYERS BUILT: EXPLORING THE RISE IN PUBLICLY FUNDED BASEBALL STADIUMS FROM 1953 THROUGH THE PRESENT*

MARC EDELMAN**

Sixty years ago, Cleveland Municipal Stadium was the only publicly funded Major League Baseball (“MLB”) stadium in the United States.¹ Today, however, most MLB teams play in publicly funded stadiums.² Local governments pay on average between seventy and eighty percent of the costs of new stadium construction.³ In addition, local governments often subsidize the costs of roads and infrastructure that surround these new stadiums.⁴

This imbalance in the relationship between MLB and the American city has emerged as a result of MLB’s successful monop-

* © Marc Edelman, 2009. Excerpts from this Article have previously appeared in the following two articles: Marc Edelman, *Sports and the City: How to Curb Professional Sports Teams’ Demands for Free Public Stadiums*, 6 RUTGERS J.L. & PUB. POL’Y 35 (2008); Marc Edelman, *How to Curb Professional Sports’ Bargaining Power Vis-à-Vis the American City*, 2 VA. SPORTS & ENT. L.J. 280 (2003). Excerpts from this Article have also appeared in the following presentations: Marc Edelman, Villanova Sports & Entertainment Law Journal Symposium: The House that Taxpayers Built (Oct. 25, 2008); Marc Edelman, Harvard Sports Law Symposium: New Stadiums (Mar. 13, 2009).

** Assistant professor of law at Barry Law School and former visiting professor of law at Rutgers School of Law-Camden.

1. See Cleveland Municipal Stadium, <http://football.ballparks.com/NFL/ClevelandBrowns/oldindex.htm> (last visited May 6, 2009); see also Cleveland Municipal Stadium, <http://www.ballparks.com/baseball/american/clevel.htm> (last visited May 6, 2009).

2. See Marc Edelman, *Sports and the City: How to Curb Professional Sports Teams’ Demands for Free Public Stadiums*, 6 RUTGERS J.L. & PUB. POL’Y 42-43 (2008) [hereinafter *Sports and the City*].

3. See Marquette University Law School Sports Facility Reports, <http://law.marquette.edu/cgi-bin/site.pl?2130&pageID=2630> (last visited May 6, 2009) (noting that the only MLB teams that do not receive substantial amounts of publicly financed stadium money are the Boston Red Sox (0% public funding), Chicago Cubs (0% public funding), Los Angeles Dodgers (0% public funding), New York Yankees (0% public funding), New York Mets (0% public funding), San Francisco Giants (5% public funding) and St. Louis Cardinals (12% public funding)); see also John Jasina & Kurt Rotthoff, *The Impact of a Professional Sports Franchise on County Employment and Wages*, INT’L J. SPORTS FIN. 2 (2008), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1151311.

4. See Nathan Scott, *Take us Back to the Ball Game: The Laws and Policy of Professional Sports Ticket Prices*, 39 U. MICH. J.L. REFORM 37, 47 (2005) (noting that the approximate costs of land may range up to \$60 million and the costs of infrastructural improvements may exceed \$70 million).

lization of the premier, professional baseball market.⁵ Thus, if a particular host city refuses to build its MLB team a new stadium, the team's owners could credibly threaten to move to another city, thus depriving the non-subsidizing city of any access to premier, professional baseball.⁶

This Article explains how MLB club-owners use their control over the market for premier, professional baseball to demand free public stadiums. Part I of this Article explains how the United States has moved from having just one publicly funded MLB stadium (pre-1950s) to having over twenty-five publicly funded stadiums (present). Part II shows how, in recent years, MLB club-owners have continued to demand more money from their host cities and how host cities generally succumb to MLB club-owners' demands.

I. THE HISTORY OF PUBLICLY FUNDED BASEBALL STADIUMS

A. A "Brave" New World: Milwaukee Decides to Build a Stadium for a Team to Be Named Later

Although the Cleveland Indians played their Sunday afternoon games at Municipal Stadium beginning in 1932, the era of publicly

5. See *id.* at 37; see also MICHAEL LEEDS & PETER VON ALLMEN, *THE ECONOMICS OF SPORTS* 111-12, 154-55 (2d ed. 2005); Rodney Fort, *Direct Democracy and the Stadium Mess*, in *SPORTS, JOBS & TAXES: THE ECONOMIC IMPACT OF SPORTS TEAMS AND STADIUMS* 149-50 (Roger G. Noll & Andrew Zimbalist eds. 1997); RODNEY FORT, *SPORTS ECONOMICS* 140 (2d ed. 2006) [hereinafter *SPORTS ECONOMICS*]; *Stadium Financing and Franchise Relocation Act of 1999: Hearing on S.952 Before the Sen. Comm. on the Judiciary*, 106th Cong. 11 (1999) (statement of Andrew Zimbalist); ANDREW ZIMBALIST, *MAY THE BEST TEAM WIN: BASEBALL ECONOMICS AND PUBLIC POLICY* 123-24 (Brookings Institution 2003); Marc Edelman & C. Keith Harrison, *Analyzing the WNBA's Mandatory Age/Education Policy from a Legal, Cultural, and Ethical Perspective: Women, Men, and the Professional Sports Landscape*, 3 *NW. J. L. & SOC. POL'Y* 1, 23, 77 (2008) (indicating that even certain other sports leagues such as the WNBA may at times act as monopolists).

6. See *Sports and the City*, *supra* note 2, at 37, 63; LEEDS & VON ALLMEN, *supra* note 5, at 141; JAMES QUIRK & RODNEY D. FORT, *HARD BALL: THE ABUSE OF POWER IN PRO SPORTS TEAMS* 6 (Princeton University Press 1999) [hereinafter *HARD BALL*]; see also Marc Edelman, *How to Curb Professional Sports' Bargaining Power Vis-à-Vis the American City*, 2 *VA. SPORTS & ENT. L.J.* 280, 280 (2003) [hereinafter *How to Curb*].

The mayors of American cities are confronted with a prisoner's dilemma of sorts. If no mayor succumbs to the demands of a franchise shopping for a new home then the team will stay where they are. This, however, is unlikely to happen because if Mayor A is not willing to pay the price, Mayor B may think it is advantageous to open up the city's wallet. Then to protect his or her interest, Mayor A often ends up paying the demanded price.

How to Curb, *supra*, at 280.

funded baseball stadiums truly began in the early 1950s.⁷ Around that time, rapid changes in demographics (primarily Americans moving westward) and the advent of new technologies (particularly airplanes and the television) resulted in increased demands for American cities to host MLB teams.⁸ MLB, however, decided not to expand into new markets to meet this demand.⁹

Frustrated by the inability to secure a MLB team, the city of Milwaukee decided in 1950 to build a public, multipurpose stadium even though it did not yet have a team to play there.¹⁰ Upon breaking ground on this stadium, city officials immediately offered use of the stadium, free of rent, to any MLB club-owner that would agree to move their team to the Brew City.¹¹

After numerous MLB club-owners rejected Milwaukee's offer, on March 13, 1953, Braves owner Lou Perini announced plans to move his team from Boston to Milwaukee.¹² This move marked the first time since the signing of the Major League Agreement in 1903 that a MLB team relocated.¹³ It also marked the true start to MLB's public stadium era.¹⁴

B. If You Build It, They Will Come: Other Cities Follow Milwaukee's Lead in Wooing MLB Teams

The Braves' move to Milwaukee was both daring and unprecedented.¹⁵ It also paid immediate dividends.¹⁶ Not only did Perini's team receive free use of a new stadium, but the Braves also enjoyed a new and vibrant fan base.¹⁷ During their first season in Milwaukee, the Braves sold 1.8 million tickets – more than six times as

7. See *How to Curb*, *supra* note 6, at 285; see also Matthew J. Parlow, *Publicly Financed Sports Facilities: Are They Economically Justifiable? A Case Study of the Los Angeles Staples Center*, 10 U. MIAMI BUS. L. REV. 485, 486 (2002).

8. See *How to Curb*, *supra* note 6, at 285 (noting that the demand for MLB teams grew as people moved west and technology increased).

9. See *id.*

10. See *id.* (noting that Milwaukee built a multi-purpose stadium without having any professional sports teams to play in it).

11. See *id.*

12. See Milwaukee Braves Info, <http://www.milwaukeebraves.info/1953.htm> (last visited May 11, 2009) (noting that National League owners voted 8-0 to allow the Braves to move to Milwaukee).

13. See *How to Curb*, *supra* note 6, at 285-86.

14. See *id.*

15. See *Sports and the City*, *supra* note 2, at 39-40.

16. For a further discussion about how the Braves' move paid immediate dividends, see *infra* notes 17-19 and accompanying text.

17. See *How to Curb*, *supra* note 6, at 286.

many as they had sold during their previous season in Boston.¹⁸ During each of the next four years, the Braves performed even better – enjoying annual attendance figures that each season exceeded two million fans.¹⁹

Other MLB club-owners took notice of the Braves' success in Milwaukee and began to pursue their own plans to enter new markets in exchange for free stadiums.²⁰ On September 28, 1953, the St. Louis Browns (a team that actually had moved to St. Louis from Milwaukee in 1902) relocated to Baltimore, where they became known as the Orioles.²¹ Then, the following year, the Athletics left a shared market in Philadelphia for a new home in Kansas City.²²

In 1958, both the Brooklyn Dodgers and New York Giants decided to make even more drastic moves – leaving behind their established markets in the New York City boroughs in favor of new and emerging markets in California.²³ Specifically, the Dodgers moved to Los Angeles in exchange for the promise of prime real estate.²⁴ Meanwhile, the Giants went to San Francisco with the hope of landing a new, publicly financed stadium, which the city eventually built and named Candlestick Park.²⁵

18. *Id.*

19. See Baseball Almanac, Atlanta Braves Attendance Data, <http://www.baseball-almanac.com/teams/bravatte.shtml> (last visited May 14, 2009) (tracing the Braves' attendance statistics from 1877-2008).

20. See *How to Curb*, *supra* note 6, at 286-87.

21. See JAMES EDWARD MILLER, *THE BASEBALL BUSINESS: PURSUING PENNANTS AND PROFITS IN BALTIMORE* 79 (UNC Press 1990); *HARD BALL*, *supra* note 6, at 15; Baltimore Orioles, Orioles Timeline, <http://baltimore.orioles.mlb.com/bal/history/timeline1.jsp> (last visited May 11, 2009). Under the agreement between Browns ownership and the city of Baltimore, the team changed its name to the Orioles and moved into Municipal Stadium – a ballpark that had been built four years earlier to host minor league baseball. See Memorial Stadium: Ballparks of Baseball, <http://www.ballparksofbaseball.com/past/MemorialStadium.htm> (last visited May 6, 2009).

22. See Oakland Athletics, Athletics Timeline, <http://oakland.athletics.mlb.com/oak/history/timeline3.jsp> (last visited May 11, 2009). Upon accepting Kansas City's offer to host their team, the Athletics announced that they would play their games at Municipal Stadium – a stadium that was initially built in 1923 for both a Negro League team and minor league baseball team, but which city officials promised to substantially renovate in time for the MLB season. See K.C. Municipal Stadium: Ballparks of Baseball, <http://www.ballparksofbaseball.com/past/KCMunicipal.htm> (last visited May 6, 2009).

23. See *How to Curb*, *supra* note 6, at 286-87.

24. See *id.* (noting that the Brooklyn Dodgers left New York City in return for premier real estate in Los Angeles).

25. See *id.* at 286; see also Stadiums of the NFL: Candlestick Park, <http://www.stadiumsofnfl.com/nfc/CandlestickPark.htm> (last visited May 6, 2009).

C. Show Me the Money: MLB Clubs Begin to Demand Subsidies from their Current Host Cities

As each of these five MLB teams thrived in their new markets, other cities began to request MLB teams as well; however, MLB club-owners decided not to expand into these markets.²⁶ Though expanding into new markets would have allowed the existing MLB club-owners to obtain lucrative franchise fees from new ownership groups,²⁷ not expanding proved to be even more profitable because it allowed the existing club-owners to extort huge subsidies from their current host communities, which feared that if they did not pay these subsidies, they would lose their teams to other cities that were willing to pay them.²⁸

From a MLB club-owner's standpoint, the only real risk of not expanding was that it opened the door for an entirely new baseball league to form in these untapped markets. Indeed, in 1959, New York lawyer William Shea and former Dodgers general manager Branch Rickey announced plans to launch a rival baseball league, which they planned to call the Continental League, and which would have placed teams in New York City to replace the Dodgers and Giants, as well as in other cities that had recently been denied expansion teams.²⁹ However, ultimately, in August of 1960, it was agreed that the Continental League would not launch subject to MLB's promise to expand its total number of teams from sixteen to twenty-four.³⁰ Since then, due to the high fixed costs of launching

26. See generally E. THOMAS SULLIVAN & JEFFREY L. HARRISON, UNDERSTANDING ANTITRUST AND ITS ECONOMIC IMPLICATIONS 12-22 (3d ed. 1998) (discussing the law of supply and demand).

27. See, e.g., JOHN J. GUTHRIE & FRANK P. JOZSA, RELOCATING TEAMS AND EXPANDING LEAGUES IN PROFESSIONAL SPORTS: HOW THE MAJOR LEAGUES RESPOND TO MARKET CONDITIONS 49 (Greenwood Publishing Group 1999) (noting that in 1969 MLB's National League added two new teams, the Montreal Expos and San Diego Padres, for franchise fees of \$13 million).

28. See ZIMBALIST, *supra* note 5, at 96; HARD BALL, *supra* note 6, at 19-20; see also Dennis Zimmerman, Congressional Research Service Report for Congress, *Tax Exempt Bonds and the Economics of Professional Sports Stadiums* CRS-3 (May 29, 1996), available at <https://www.policyarchive.org/bitstream/handle/10207/302/96-46019960529.pdf?sequence=1>.

29. See SPORTS ECONOMICS, *supra* note 5, at 134.

30. See JEROLD J. DUQUETTE, REGULATING THE NATIONAL PASTIME: BASEBALL AND ANTITRUST 53-54 (Praeger Publishers 1999); JAMES P. QUIRK & RODNEY D. FORT, PAY DIRT: THE BUSINESS OF PROFESSIONAL TEAM SPORTS 479-87 (Princeton University Press 1997) [hereinafter PAY DIRT] (explaining that MLB added eight new teams in the years from 1962-69, with new teams beginning play in New York City; Houston; San Diego; Montreal; Los Angeles; Washington, D.C.; Seattle and Kansas City); SPORTS ECONOMICS, *supra* note 5, at 134, 148 (discussing how leaving viable locations without teams increases the risk of new leagues forming).

a new league, no other group has put forth a serious proposal to compete directly against MLB.³¹

II. PUBLICLY FUNDED BASEBALL STADIUMS TODAY

Since MLB's last wide-scale expansion in the 1960s,³² a new series of on-hold cities have emerged seeking to acquire MLB teams.³³ These cities include Charlotte, NC; Las Vegas, NV; Norfolk, VA; and Portland, OR.³⁴ Consequently, much like in 1960, the demand to host a MLB team today is once again far greater than the supply of teams. Hence, American cities continue to fund on average between seventy and eighty percent of the costs of new MLB stadiums.³⁵

As compared to the 1960s, however, the American city today has even less bargaining power in terms of negotiating stadium agreements.³⁶ One example of how the American city is worse off today is that cities today pay a far greater total dollar amount in subsidies, even after accounting for inflation.³⁷ For instance, the most expensive MLB stadium built or refurbished prior to 1968, the Houston Astrodome, cost taxpayers just \$38,000.³⁸ By contrast, the Washington Nationals' new, publicly funded stadium, which

"[E]xpansion and relocation also protect existing owners from outside competition." SPORTS ECONOMICS, *supra* note 5, at 141.

31. See *How to Curb*, *supra* note 6, at 286 (noting that there is a very low likelihood of a new, startup professional baseball league competing against MLB given the high fixed costs of entry).

32. See Kevin G. Quinn & Paul B. Bursik, *Growing and Moving the Game: Effects of MLB Expansion and Team Relocation 1950-2004*, 3 J. QUANTITATIVE ANALYSIS IN SPORTS 2, available at <http://www.bepress.com/jqas/vol3/iss2/4/> (explaining that since MLB's last major expansion in 1969, MLB has continued to grow gradually, expanding from twenty-four to thirty teams).

33. See *How to Curb*, *supra* note 6, at 290.

34. See *id.*; see also *Portland Prepared for Next Team that Moves*, ESPN.COM, <http://sports.espn.go.com/mlb/news/story?id=1868729> (last visited May 1, 2009).

35. See, e.g., Michael Cunningham, *Stadium Deal Just Doesn't Make Sense: Money Could Be Used on Much More Important Priorities*, S. FLA. SUN-SENTINEL, Feb. 22, 2008, at 1C (evaluating stadium subsidy percentages since 1992); see also ZIMBALIST, *supra* note 5, at 96 tbl.1 (detailing expenditures on new sports facilities for professional teams by decade); SPORTS ECONOMICS, *supra* note 5, at 338 (finding that from 2000 to 2006 the median public contribution for a new sports stadium was sixty-three percent, and noting that this figure is skewed downward because it includes the San Francisco Giants' nearly privately financed stadium).

36. For a further discussion about the American city's bargaining power, see *infra* notes 37-46 and accompanying text.

37. See ALEXANDER GARVIN, *THE AMERICAN CITY: WHAT WORKS, WHAT DOESN'T* 98 (McGraw-Hall, 2d. ed. 2002).

38. See PAY DIRT, *supra* note 30, at 161-63.

opened in April 2008, cost taxpayers an astounding \$611 million.³⁹ Meanwhile, the Seattle Mariners' new ballpark, Safeco Field, which opened in 1999, cost taxpayers \$372 million.⁴⁰ Also, the Florida Marlins' proposed new ballpark, which is under construction and expected to open in 2012, will cost taxpayers an estimated \$357 million.⁴¹

In addition to the increasing total cost that most MLB cities are paying toward building new ballparks, MLB club-owners have also begun to negotiate for themselves a greater share of the revenues derived from these ballparks – including revenues derived from off-season events such as concerts, and from the sale of stadium naming rights. For instance, a covenant in Miami-Dade County's recent agreement to build a new ballpark for the Florida Marlins will provide the Marlins ownership group with one hundred percent of the proceeds from the new stadium's naming rights and non-baseball related revenues, even though the Marlins club-owners are paying less than thirty percent of the ballpark construction costs.⁴²

Finally, MLB club-owners are no longer even willing to share publicly funded stadiums with National Football League ("NFL") teams; instead, they are demanding that their host cities build separate stadiums for baseball and football.⁴³ Thus, over the past two decades, most cities with both MLB and NFL teams have obtained separate publicly funded stadiums, almost always located within a few blocks of one another.⁴⁴ Whereas as many as twenty MLB teams shared their stadiums with local NFL teams in 1989, only three

39. See Eric Fisher, *In D.C., Baseball Hits a Crossroads at New Park*, STREET & SMITH'S SPORTS BUS. J., Mar. 10, 2008, at 18.

40. See Marquette University Law School Sports Facility Reports, <http://law.marquette.edu/cgi-bin/site.pl?2130&pageID=2630> (last visited May 11, 2009).

41. *Sports and the City*, *supra* note 2, at 35.

42. *Id.* at 45.

43. See Editorial, *Take Us Out*, RICHMOND TIMES DISPATCH, Apr. 29, 2008, at A10 ("Orioles Park at Camden Yards started the trend away from multipurpose stadiums shaped like doughnuts and toward baseball-only stadiums with so-called throwback designs."); see also David Armstrong, *49ers on the Move? Economics, Football-Only Stadiums Rarely Pay Off for Cities, Experts Say*, S.F. CHRON., Nov. 10, 2006, at B4; *Bengals have Sold 20 Percent of Seat Licenses in Three Weeks*, COLUMBUS DISPATCH, Jan. 9, 1997, at 4D (discussing the city of Cincinnati's construction of separate ballparks for the Reds and Bengals); *Stadium Financing and Franchise Relocation Act of 1999: Hearing on S.952 Before the Sen. Comm. on the Judiciary*, 106th Cong. 11, 14 (1999) (statement of Sen. Arlen Specter of Pa.) ("[Pennsylvania is] looking at four new [publicly funded] stadiums. Two are under construction now in western Pennsylvania for the Steelers and the Pirates, and two are in the immediate offering for the Phillies and the Eagles.")

44. See *How to Curb*, *supra* note 6, at 286 (commenting that cities have moved away from multi-purpose stadiums and now most MLB teams have individual stadiums).

MLB teams do so today (the Florida Marlins, Minnesota Twins and Oakland Athletics).⁴⁵ By 2012, this number is expected to drop down to one, as both the city of Minneapolis and Miami-Dade County are in the process of building new baseball-only stadiums.⁴⁶

III. CONCLUSION

Even before American cities began to publicly fund baseball stadiums, owning a MLB team was considered to be a very lucrative investment.⁴⁷ Historically teams such as the New York Yankees have earned a rate of return double that of a diversified investment portfolio.⁴⁸ In addition, teams such as the Brooklyn Dodgers have turned a profit on the sale of their franchise even during America's darkest financial periods such as the Great Depression.⁴⁹

Today, in an era in which most cities provide their MLB club-owners with publicly funded stadiums and increasingly luxurious ones at that, MLB club-owners are financially doing better than ever – thus, calling into doubt any fair market need for subsidies.

The Great Recession of 2008-09 has wiped out more than fifty percent of the common American's savings, left the nation with an unemployment rate that exceeds 8.5%, and left states such as California on the brink of bankruptcy.⁵⁰ In this economic climate, pro-

45. See Marlins Ballpark, Ballparks of Baseball, <http://www.ballparksofbaseball.com/future/MiamiBallpark.htm>; Target Field, Ballparks of Baseball, <http://www.ballparksofbaseball.com/future/TargetField.htm>; Cisco Field, Ballparks of Baseball, <http://www.ballparksofbaseball.com/future/CiscoField.htm>.

46. See Target Field, Ballparks of Baseball, <http://www.ballparksofbaseball.com/future/TargetField.htm> (stating April 2010 as the planned opening month for the new Twins stadium); Marlins Ballpark, Ballparks of Baseball <http://www.ballparksofbaseball.com/future/MiamiBallpark.htm> (stating a proposed opening in April 2012 for the new Marlins facility).

47. See *Sports and the City*, *supra* note 2, at 45-46.

48. See SPORTS ECONOMICS, *supra* note 5, at 1-2 (showing that since 1915 owning the New York Yankees has provided, on average, twice as large a rate of return as owning a diversified portfolio).

49. See *How to Curb*, *supra* note 6, at 285 (noting that the Brooklyn Dodgers franchise value upon sale increased from \$200,000 in 1912 to \$4,200,000 in 1950).

50. See *California City Moves Closer to Bankruptcy Filing*, BLOOMBERG.COM, <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=ajxCNoS2DEzE> (last visited May 1, 2009) (noting the causes of possible bankruptcy in California); see also Socio-Economics History Blog, *California Economy Near Collapse – Pension Funds Close to Bankruptcy*, <http://socioecohistory.wordpress.com/2009/02/02/california-economy-near-collapse-pension-funds-close-to-bankruptcy/> (last visited May 1, 2009). Nonetheless, MLB club-owners such as Jeffrey Loria of the Florida Marlins have spent recent months continuing to push forward with their demands for new publicly financed ballparks, and communities such as Miami-Dade County have continued to succumb to baseball club-owners' stadium demands. See *Sports and the City*, *supra* note 2, at 35-37; see also Brian Hamacher & Todd Wright, *Play Ball! Marlins*

viding public subsidies to already wealthy MLB club-owners seems all the more controversial.

U.S. Senator Arlen Specter (former R-PA), in his 1999 testimony before Congress, described the way in which MLB club-owners use their monopoly power to obtain stadium subsidies as “legalized extortion.”⁵¹ While this is a strong claim, there is an element of truth to it: American cities would not subsidize sports stadiums if not for the monopolist control that MLB has over the total supply of professional baseball teams.

Thus, now is the time to change the relationship between Major League Baseball and the American city into something more palatable to the local taxpayer. Either the U.S. government must curb the monopoly power of MLB as exercised by its club-owners to obtain publicly funded stadiums, or it must pass a bill to protect American taxpayers from inequitable stadium financing arrangements.

In either event, some action is needed to better align the benefits and burdens of building new MLB stadiums. Otherwise, America’s national pastime may begin to lose its pristine image in the eyes of many taxpayers and fans. And, once lost, the glory of Major League Baseball might disappear forever.

Stadium Wins Approval, NBCSPORTS.COM, Mar. 24, 2009, <http://www.nbcmiami.com/sports/baseball/marlins/Last-Pitch-For-New-Park.html>; *Marlins’ New Stadium Approved*, WASH. POST, Mar. 25, 2009, at E04, available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/24/AR2009032403078.html>.

51. *Stadium Financing and Franchise Relocation Act of 1999: Hearing on S.952 Before the Sen. Comm. on the Judiciary*, 106th Cong. 11, 14 (1999) (statement of Sen. Arlen Specter of Pa.).

