

Nevertheless, discounting my historic bias, it now seems abundantly clear to me – as it did to Justice [William O.] Douglas when he acknowledged in his dissent in *Flood* that his vote in *Toolson* [*v. New York Yankees*, in 1953, to uphold the baseball antitrust exemption] had been wrong – that it simply makes no sense to treat organized baseball differently from other professional sports under the antitrust laws. Nor would it be reasonable to conclude that the San Francisco Giants could not prevent the A’s from moving their ball club to Oakland in 1967 but can now prevent them from moving from Oakland to San Jose.

In his lecture on the Path of the Law printed in the *Harvard Law Review* in 1897, Oliver Wendell Holmes made this oft-quoted observation: “It is revolting to have no better reason for a rule of law than that it was so laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since and the rule simply persists from blind imitation of the past.”¹ I think Justice Holmes would agree that his observation is equally applicable to a statement of law – even in one of his own opinions – “if the grounds upon which it was laid down have vanished and the rule simply exists from blind imitation of the past.”

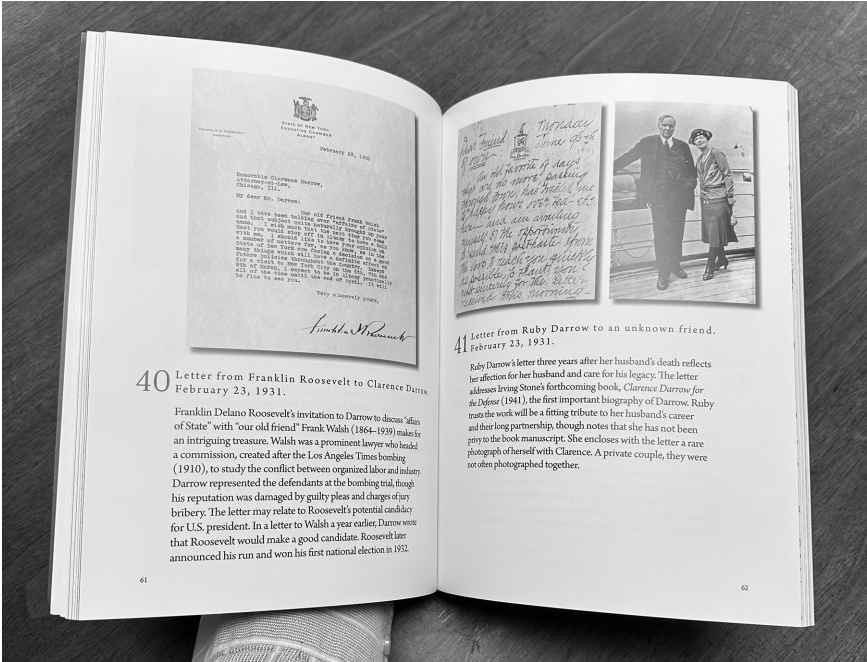
There you go.

RECOGNITION FOR RIESENFELD

Congratulations to Ryan Greenwood and Patrick Graybill of the University of Minnesota Law Library, who recently received the American Association of Law Libraries’ Joseph L. Andrews Legal Literature Award for their book, *Jewels of the Collection: Treasures of the Riesenfeld Rare Books Research Center*. It is a well-deserved honor for an excellent (and handsome – see page 285) book about a collection that is truly impressive both for its content and for its staff, with whom it is a joy to work.

Jewels of the Collection has not been published for sale to the public, yet, but perhaps it will be if enough of us ask about it. If you do manage to get hold of a copy, make sure to look at page 53.

¹ Oliver Wendell Holmes, *The Path of the Law*, 10 Harv. L. Rev. 457, 469 (1897).



40 Letter from Franklin Roosevelt to Clarence Darrow, February 23, 1931.

Franklin Delano Roosevelt's invitation to Darrow to discuss "Affairs of State" with "our old friend" Frank Walsh (1864-1939) makes for an intriguing treasure. Walsh was a prominent lawyer who headed a commission, created after the Los Angeles Times bombing (1910), to study the conflict between organized labor and industry. Darrow represented the defendants at the bombing trial, though his reputation was damaged by guilty pleas and charges of jury bribery. The letter may relate to Roosevelt's potential candidacy for U.S. president. In a letter to Walsh a year earlier, Darrow wrote that Roosevelt would make a good candidate. Roosevelt later announced his run and won his first national election in 1932.

41 Letter from Ruby Darrow to an unknown friend, February 23, 1931.

Ruby Darrow's letter three years after her husband's death reflects her affection for her husband and care for his legacy. The letter addresses Irving Stone's forthcoming book, *Clarence Darrow for the Defense* (1941), the first important biography of Darrow. Ruby trusts the work will be a fitting tribute to her husband's career and their long partnership, though notes that she has not been privy to the book manuscript. She encloses with the letter a rare photograph of herself with Clarence. A private couple, they were not often photographed together.

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