

OPINION | COMMENTARY

## When Blue Laws Applied at the Ballpark

Sunday baseball used to be a crime in some American states.

By Randy Maniloff  
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The Arizona Diamondbacks play the Cleveland Indians at Chase Field in Phoenix, March 30.

PHOTO: RALPH FRESO/GETTY IMAGES

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Joseph Neet was once behind bars in a Missouri county jail. He lost his freedom over a century ago for playing baseball on a Sunday. A state law forbid horse racing, cockfighting or playing “cards or games of any kind.” Lawmakers sought to promote religion or a day of rest.

Neet was sprung after the state’s highest court, in *Ex Parte Neet* (1900), concluded that baseball was not a “gambling game or productive of immorality.” Rather, the court declared it to be a “sport or athletic exercise.”

This Sunday, players from nearly all Major League Baseball teams are scheduled to take the field. No arrests are expected. But that wasn’t always the case.

Around the turn of the last century, as baseball soared in popularity, some players found themselves on the wrong side of state and local laws that banned certain activities on Sunday. Offenders sometimes challenged their convictions. Unlike Neet, most whiffed.

George Hogreiver was found guilty of violating an Indiana law that prohibited playing baseball on a Sunday where a fee is charged. He was fined \$25. Hogreiver balked because the penalty for Sunday hunting and fishing was only \$10. He argued that the law violated the equal protection clauses of the

federal and Indiana constitutions.


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The state’s Supreme Court disagreed, finding in *State v. Hogreiver* (1899) that the Legislature had the authority to graduate penalties for offenses that differ in their circumstances. The court observed that baseball games can disturb the peace and quiet. Lawmakers can be less concerned with someone who “shot a partridge” on Sunday.

William Hiller also turned to the constitution for help following his conviction for playing baseball on a Sunday. He argued that the Baltimore ordinance, which outlawed the playing of a “game or sport” on that day, violated the guarantee of religious liberty.

But Maryland’s highest court, in *Hiller v. State* (1914), was unconvinced. The justices observed that they had “never heard of a religious denomination which declared as an article of faith that it was the duty of its members to play baseball on Sunday.”

Four years later Baltimore passed a law to allow Sunday afternoon baseball. But Maryland’s top court, in *Levering v. Williams* (1919), struck it down.

Over 5,000 people were in attendance on a Sunday in 1914 to witness a professional baseball game in Scranton, Pa. The contest was stopped as soon as it started. The president of the league was arrested and found guilty of violating Pennsylvania’s 1794 “Act for the prevention of vice and immorality, and of unlawful gaming, and to restrain disorderly sports and dissipation.”






The league official was unable to convince a Pennsylvania appeals court to toss his conviction. The tribunal in *Commonwealth v. Coleman* (1915) concluded that the act was violated because baseball invites “extreme enthusiasm, excessive noise and occasional physical controversies.”

Much has changed about the national pastime since its earliest days, including the need to hire someone in a pinstriped suit to play ball on Sunday.






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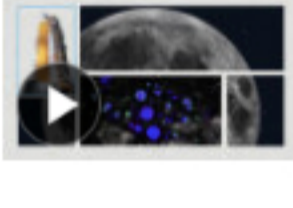

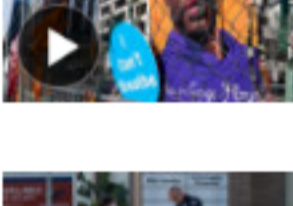
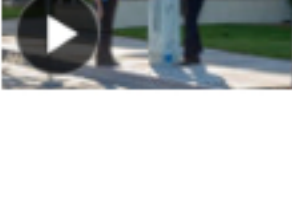
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