

Motorists traveling on the East-West expressway Wednesday were greeted with

this sign posted by some prankster at the turn-off road to the Stadium.

—Sentinel Photo

## City to Aid State Drive On Bars' Back Sales Tax

The city of Milwaukee has agreed to help in the state tax Local licensing boards in Milwaukee, subject to county approval throughout the state have been set up.

# Residential Voc School Urged

George A. Parkinson, director of the Milwaukee vocational school, recommended Wednesday that Milwaukee apply for a federal grant to establish a residential vocational school which would be much like a college campus.

The school would include dormitories and classroom space for approximately 1,500 students between 15 and 21 years of age.

The total cost of construction and equipment, estimated at approximately five mil-

lion dollars, would be financed by the federal government, under Parkinson's proposal.

Preliminary grants of \$100,000 for planning and architectural services for the school are included in the 1967 federal fiscal budget, he said.

Parkinson said that under the present law the government will finance all operations of the school. However, after a number of years, federal participation in the project might decrease, he said. Then the project would be

continued in the vocational school budget with costs for outside students covered by their communities.

Parkinson said that "high ranking officials" in the bureau of vocational and adult education in the federal department of health, education and welfare (HEW) suggested that Milwaukee would be an "ideal place" for such a school.

The vocational education act of 1963 authorizes appropriations for construction,

equipment and operation of these schools.

Sites for seven such institutions were selected two years ago by the commissioner of vocational education. These sites have now been discarded and new sites will be selected this spring, Parkinson said.

Members of the Milwaukee board of vocational and adult education will vote on the recommendation Apr. 22.

Parkinson said the school would be exclusively for those students whose home environ-

ment is not conducive to study. He said that students would probably have to be recommended for admission by the welfare department of their county.

Parkinson stressed that the students would not necessarily be "problem" children, but persons from homes where the parents were the problem or other distractions are present.

The school would be set up on a regional basis with students from several states coming to Milwaukee for training.

## City April Traffic Hits New High

Milwaukee's downtown traffic load has hit record proportions this month and can only be relieved through greater use of mass transit, Martin E. Bruening, city traffic engineer, said Wednesday.

Bruening said a regular

monthly count of traffic on the East-West freeway, taken last week, tallied 93,000 vehicles in a 24 hour period.

This surpassed the previous high of 90,000, set last August.

Bruening said downtown traffic is rising by "leaps and bounds" this year.

Previous 24 hour traffic counts on the East-West freeway were 79,938 vehicles this way were 79,938 in February and 88,974 in March.

### "Just Too Many Cars"

Although there is much construction downtown, Bruening said, the traffic overload is due simply to "too many cars."

"It's like trying to pour three pints of milk into a quart bottle," he said.

Bruening suggested three solutions:

- Greater use of "freeway flyers," particularly by those who work downtown.
- A graduated system of parking fees to "weed out the all-day parker."
- The ultimate closing of Wisconsin av. from N. 8th st. east to all but mass transit and delivery.

Bruening said in an interview that motorists coming downtown daily cannot continue to expect "portal to portal service."

### Freeway Flyers Help

He said the East-West freeway already would have surpassed its rated capacity of 5,000 cars per hour in one direction in rush hours except for the freeway flyers from the Metropolitan Center, where

## Council Urged To Buy 1,025 Vote Machines

The city election commission Wednesday recommended that low bids for the sale or lease of 1,025 voting machines to Milwaukee be accepted by the central board of purchases.

The commission's recommendation, however, was contingent upon a city attorney's office review to make certain the machines satisfy all legal requirements.

Andrew L. Lehrbaumer, city purchasing agent, and William J. O'Malley, secretary of the commission, said that the choice between outright purchase or lease of the machines would be the task of the common council.

### Two Bids Accepted

Lehrbaumer Tuesday accepted bids from the Shoup Voting Machine Corp., Bala-Cynwyd, Pa., and the Automatic Voting Machine Corp., Jamestown, N. Y.

He rejected a bid from International Business Machines





# Complete Coverage of Braves Decision

# MILWAUKEE SENTINEL

# EXTRA

IN FIFTIES

Partly cloudy west, fair east Thursday. High: mostly in the fifties, lower near lake. Maps, tables, page 2.

34 PAGES—3 PARTS

\*\*\*\*\* FINALE

THURSDAY MORNING, APRIL 14, 1966

TEN CENTS (By carrier, 15 cents weekly)

# ROLLER: EXPAND IN '67 OR BRAVES HERE IN '66

By WILLIAM JANZ

Circuit Judge Elmer W. Roller Wednesday night ordered the Braves back from Atlanta this season unless the National league expands and grants this city a franchise for 1967.

He gave the league until May 16 to submit a written plan for expansion. He said expansion was feasible in the National league and that Milwaukee can support major league baseball.

and its other clubs, \$3,000 for violation of state antitrust laws.

The historic decision was announced after the judge and his staff had worked 36 straight hours to complete the 175 page document.

At the decision, near pandemonium broke out in the courtroom, filled with 150 persons, including many newsmen who raced through the courtroom to telephones.

The decision was considered a complete victory for the state in its antitrust suit against baseball.

In New York city, William D. Eckert, baseball commissioner said, "I have been informed that the Braves and the National league and the other clubs of the league intend to take an immediate appeal from this order to the Wisconsin supreme court."

Later a spokesman for the commissioner withdrew the statement. He issued a new statement by the commissioner which said, "I have no comment now. I will take it under advisement and make a comment tomorrow."

In discussing the decision with reporters, Judge Roller disclosed that baseball had offered to settle the suit before and during the trial. However, he

said the offers were not acceptable to the state.

"All I can say is that there was a discussion but no consummation," the 64 year old judge said. "I've always been in hopes of settlement."

(An informed source told The Sentinel that the compromise offered was an expansion franchise in 1968 or 1969.) The decision was in conflict

with an earlier decision by a superior court in Fulton county, Ga., which ordered the Braves to play their games in Atlanta.

Judge Roller, County Judge Marvin Holz and several court reporters started their marathon session in chambers around 9 a.m. Tuesday. The decision was passed out to

Turn to Page 5, Col. 1

## Lloyd Larson

### Decision Ends 1st Skirmish In Fight That's Not Finished

JUDGING by early reaction to Judge Elmer Roller's decision, it is only the beginning. The ball game has just started. In fact, leading baseball people, including Commissioner William D. Eckert and National league president, Warren Giles, seem to lean more toward the idea that what has been going on these many weeks in room 300 of the courthouse was so much "bating" and "feeling" practice for the legal battles coming up in higher courts.



LOYD LARSON

Now what about its specific provisions? What are the odds that they will be carried out?

Frankly, there appears to be very little chance of bringing the Braves back to Milwaukee. I have the feeling that baseball will do anything, absolutely anything, rather than bow to that part of the "either/or" edict. Even expand.

Not that expansion is much more acceptable. All baseball leaders and owners have made themselves very clear on that point time and again. But expansion is possible in a number of ways, depending on the quality desired for the new teams. The best plan, to my way of thinking, would be for each existing team to name a reasonable number of untouchables—say 15 or 16. From the other members of the regular roster and the 15 minor league players under control, the expansion teams would do their drafting.

That would guarantee the new clubs some quality and protect them against the "growing pains" experienced by the New York Mets, Houston Colts and Washington Senators. The California Angels got off to a much better start, thanks to a combination of good management and good luck.

A sound expansion plan should include a reduction in regular rosters from 25 to 21 or 22, thus making three or four extra players available. Many such fringe players have the talent and sure fire big league potential. They lack only the opportunity for daily play and the experience gained therefrom.

Along with a workable expansion system, the situation calls for statesmanship and leadership if the image of baseball, the national pastime from the immemorial, is to be kept bright and shining.

This is a critical period in the grand old sport's history. Problems seem to be mounting. But they can be solved. Let's hope the necessary give and take spirit prevails.

## Group Ready To Run Club, Selig Says

By GORDON GOTTLIEB

"We are ready, willing and able to immediately begin the active running of a Milwaukee franchise," Allan H. (Bud) Selig declared Wednesday night after learning of Circuit Judge Elmer W. Roller's decision.

Selig, who is vice-president of Knippel-Wieg Co. and president of the Milwaukee Brewers Baseball Club, Inc., said, "The Milwaukee Brewers have applications pending before both leagues—the American and National. We are most happy and hopeful about being able to operate a team in Milwaukee."

"Both applications (for franchises) have been taken under advisement."

"We feel we've taken the necessary preliminary steps so that we are ready, willing and able to immediately begin the active running of a Milwaukee franchise."

Selig's group has been spearheading efforts to bring another team to Milwaukee since the Braves announced their move to Atlanta.

Carlton P. Wilson, president of the Greater Milwaukee committee, a local civic group, called the judge's ruling "wonderful."

"I was just getting in from New York city when the decision was announced," Wilson told a reporter.

Robert A. Uhlstein, jr., president of the Jos. Schlitz Brewery, said, "I was just getting in from New York city when the decision was announced."

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## It's Wild Scene in Courtroom

By JOE PECOR

Someone yelled, "He's ordered the Braves back to Milwaukee!"

Then it was wild. Near pandemonium broke loose Wednesday night in Circuit Judge Elmer W. Roller's courtroom. Reporters ran for telephones, clutching the judge's 175 page decision.

Courtroom spectators jumped up and down amid cheers and applause. Cameras flashed.

That was the first fraction of 150 persons who crammed the courtroom awaiting the decision.

Judge Roller had indeed ordered the Braves back to Milwaukee in 1966, unless the National league submitted a plan to provide an expansion franchise here in 1967.

That first cry about the Braves return was yelled by a fan who guessed the meaning of the smiles from reporters who had received the decision.

The only more or less formal announcement was made a few minutes later by Willard S. Stafford, attorney for the state. He read from the decision and discussed the case with newsmen and spectators.

As he worked through the day, a "no admittance" sign in red-letters had separated the judge from the anxious attorneys, newsmen and spectators.

On one side of the sign persons waited, ate oranges and drank coffee. On the other side they worked.

In chambers, Judge Roller worked on his decision.

"I've had two children," said Atty. Gen. Bronson C. La Follette, "and waiting for them wasn't as bad as this."

Five National Broadcasting Co. newsmen had slept on courtroom benches Tuesday night waiting for the decision. A local

Turn to Page 10, Col. 1

Wisconsin Traffic Deaths	
1966	1965
218	223

## TODAY'S CHUCKLE

Definition of that uneasy feeling: Some of us don't know what we want but we feel sure we don't have it.

## Baseball Offered City Club in '68 or '69

Baseball offered Milwaukee an expansion club in 1968 or the following year if Wisconsin would drop its antitrust suit against the Braves and the National league, an authoritative source told The Milwaukee Sentinel Wednesday night.

Circuit Judge Elmer W. Roller, however, said the settlement offers were unacceptable to the state and turned them down.

"Expansion in 1967 is impossible," the source said. "However, expansion, including in Milwaukee, has been discussed for either 1968 or 1969 by important baseball people."

"They spoke in terms of expansion before 1970," the source added, "probably in

1968 but more likely the following year.

"In any event it wouldn't happen earlier than 1968 and by 1970 at the latest."

Baseball Commissioner William D. Eckert is understood to have sat in on the discussions.

Warren Giles, president of the National league, and National league owners disclaim any knowledge of last minute efforts by baseball to avert the ruling in Wisconsin's antitrust suit.

"There was no offer by baseball," Giles claimed.

However, Judge Roller revealed that baseball offered to settle the suit, based on the transfer of the Braves from Milwaukee to Atlanta, before and during the trial.



A tired Judge Elmer W. Roller showed a faint smile Wednesday night and his face showed a growth of beard as he emerged from his chambers in the courthouse to announce his decision to reporters.

—Special Photo by Robert L. Miller

## COVERAGE OF DECISION

- Roller orders expansion. Ready to run club, says Selig. Wild scene in courtroom. Baseball offered a deal. Larson says it's only a battle. Page 1.
- League leaders comment on order. Page 7.
- "I did my best," says Roller. Page 5.
- Roller's conclusions and partial text on Page 6.
- Stadium holds memories. Many legal decisions in Braves shifts. Celler holds decision. Tavern patrons' reaction. Page 7.
- Family unable to slow judge. Page 8.
- Pictures on Pages 1, 6 and 7 and Page 1, Part 2.
- Other stories in Sports Section.

## Today's Feature Index

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## THE COLUMNISTS:

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- RIESEL: How Ship Boycott Works Page 12, Part 1.
- BISHOP: Sports Fan Browes Page 13, Part 1.
- WILSON: JFK Film Is Applauded Page 13, Part 1.
- JAMIE: Resting and Reassessing Page 13, Part 1.

## Dock Accord May Bring Vessel Back

By EARL GOLZ

Because of a tentative waterfront labor agreement, the season's first ocean ship to arrive at Jones Island was expected to return here Thursday to unload its cargo.

The agreement between the longshoremen's union and three terminal operators, reached Wednesday, ended the opera-

wage policy committee will (IILA), the three year agreement

whether the Milwaukee agreement will be approved as a pattern for Great Lakes ports.

John Brzak, secretary-treasurer of the local, said union negotiators will recommend, that

terminal operators agreed to resume cargo handling Thursday instead of next Tuesday after the union agreed that it day night by about 200 regular general cargo handlers representative of the longshoremen's union and three terminal operators, reached Wednesday, ended the opera-

tion's first ocean ship to arrive at Jones Island was expected to return here Thursday to unload its cargo.

terminal operators, reached Wednesday, ended the opera-

tion's first ocean ship to arrive at Jones Island was expected to return here Thursday to unload its cargo.

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ART BUCHWALD

Washington, D. C.—Vice-President Humphrey threw out the first ball of the baseball season at the District of Columbia stadium Monday. How and why the vice-president was chosen for this important task can now be revealed. The vice-president was home when he received a call from the president.



"Hubert, I'm sorry to bother you." "Oh, that's all right, Mr. President. Murrie and I were just going over the plans for our new \$750,000 house." "Fine. Hubert, I have a job that I can only entrust to you." "You want me to go back to Vietnam and talk to the Buddhists?" "No, Hubert. It's trickier than that. I want you to go out to D. C. stadium and throw out the first ball of the baseball season. Are you up to it?"

"Yes, sir, Mr. President. Does that mean you're not going?" "That's right. If I go out there and throw out the first ball, that means I'll commit myself to the Washington Senators team, and after Hawaii I'm not about to commit myself to anybody."

"I think you're wise, sir. If Washington loses, you can always blame it on me." "There are a couple of things, Hubert. Where were you going to throw the ball?" "Where do you want me to throw it, sir?"

'Throw No Curves,' LBJ Told Hubert

"Throw it towards, first base." "That's exactly where I thought I'd throw it." "And don't put a curve on it. If I threw it, they'd expect a curve, but I think you'd look better if you threw it straight." "I've got you, sir. What's the White House policy as far as the Washington Senators are concerned?" "You can say we support them, that we, of course, would like them to win, but it isn't enough just to win. There must also be social and economic reforms for the players. We want nothing for ourselves. We just want them to be happy and to decide their own destiny without outside interference." "That makes sense, Mr. President. I'll draft a speech to that effect." "You'd better not make it a speech, Hubert. They're supposed to play in the afternoon and if you spoke they might be forced to play a night game." "I guess you're right, sir." "One more thing, Hubert. Don't offer the Washington team any financial aid. I know how you get carried away." "I won't, sir. I learned my lesson in India." "You can take my helicopter, Hubert, and I'll send Jack Valenti along with you. He can help you throw out the ball." "I'd appreciate that, sir. Jack can be very helpful at times like this." "Well, that's about it, Hubert. I'll be watching you on TV



and I know you're going to make a throw that will long be remembered." "I'll put everything I've got behind it, Mr. President." "I'm sure you will, Hubert. I put you on the Johnson team because I knew you would always be ready to go out there and pitch." © 1966 Publishers Newspaper Syndicate

Your Social Security

Specific questions of general interest will be answered by personnel in the Milwaukee social security office every Monday and Thursday in The Milwaukee Sentinel. Send questions to Your Social Security, The Sentinel, 818 N. 4th St., Milwaukee, Wis. 53201. Questions which are not possible to answer in the column will be answered by mail from the social security office. You may also obtain information by visiting the social security offices at 342 N. Water St. or 4331 W. Oklahoma av.

Q Recently I tried to get my birth record and found out it was not on file. I know I'll need some proof of my age when I file for my social security benefits. Any suggestions? A. R. Milwaukee.

A You might try to locate a baptismal record if you were baptized in any church before you reached age 5. If this record is not available, your social security office will advise you to secure some proof of your age which was established before your 11th birthday. Suggest you visit your nearest office for more information on the new regulations regarding proof of age.

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World in Brief

From Sentinel Wire Services

Wildcat Strikes Close More Mines

Pittsburgh, Pa. — Soft coal miners tricked back to work in parts of the midwest and south, but rebellious roving pickets spread through eastern Kentucky Wednesday, closing non-union mines in the third day of a mass coal strike. The latest mine closings came as union and management officials resumed contract talks in Washington in an attempt to end the wildcat walkout which has cut off much of the nation's soft coal production.

Hope Envisioned in Married Priests

Chicago, Ill. — An official of the Pan American Union said Wednesday he believes that the ordination of married men would help solve an acute shortage of priests in Latin America. John McAdams, director of publications for the union in Washington, D. C., told the 63rd annual convention of the National Catholic Educational Association that the "grave economic and social problems faced by the Latin American countries also are found in their spiritual life." McAdams said the Vatican II council has assisted in the solution of those problems by authorizing that married men may be ordained as deacons.

Hamilton Need Not Fear Draft Board

Washington, D. C. — Selective service officials Wednesday rated as virtually nil the chance that movie star George Hamilton might be drafted, unless there is a feature of his case not known at national headquarters. Hamilton, who has been dating President Johnson's older daughter, Lynda, and gave her a friendship ring, has been in draft status 3-A since 1962 because of a dependent mother. There have been reports that his deferred draft status might be withdrawn, but officials in Washington said they knew of no basis for such an action.

'I Did the Best I Could'

"I did the best I could," Circuit Judge Elmer W. Roller told a reporter Wednesday night after the release of his decision in Wisconsin's anti-trust suit against the Braves and the league.

The judge smiled. His eyes were swollen and a stubble of beard was on his face as he gave his thoughts on the case.

"It is my hope this decision will bring baseball to the conference table." "I've examined over 100 different plans to put before baseball before making my decision. I don't know what effect my decision will have on baseball."

"His success depends on how seriously baseball takes it." "I wish to hell many times I could have got out of this."

The judge wore an un-wrinkled white shirt. His tie was tight and pinned.

He had been preparing the decision since last Thursday.

He worked 21 hours Monday. He then returned to his chambers at 8:45 a.m. Tuesday and worked until the decision

ATANTA KEPT IT QUIET

By Sentinel Staff Writer Atlanta, Ga. — No announcement of Judge Elmer W. Roller's decision was made at the Braves-Pittsburgh game in Atlanta Wednesday night.

The decision came to reporters in the press box by ticker and telephone, but there was no announcement to the crowd. Nor was it flashed on the Braves-O'Gram electric sign.

The decision came during the ninth inning.

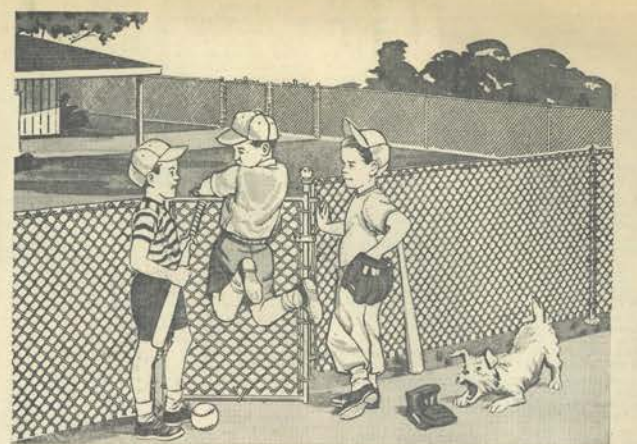
was announced shortly before 9 p.m. Wednesday.

After the announcement, he greeted spectators cordially.

Pops Concert The Milwaukee Pops youth band and the Milwaukee Pops cadet band will perform at 7:30 p.m. Saturday in the new Nathan Hale high school, 11601 W. Lincoln av., West Allis.

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# What Judge Roller Said



SOME SNOOZED, OTHERS WAITED IN JUDGE ROLLER'S COURTROOM FOR THE VERDICT

## Excerpts From Decision

Excerpts from the decision handed down by Circuit Judge Elmer W. Roller:

... Concededly the case is novel, but that does not mean that it can pass on legal merit. I presents unusual and perplexing questions which arise from a business which in modus operandi occupies an unusual position in the economy of the nation. The question is hardly whether an identical factual situation has been adjudicated in the past, but whether the facts presented here constitute a violation of the State's Antitrust laws within applicable principles of law.

The term, organized baseball refers to "the many professional clubs and leagues which have subjected themselves to the jurisdiction of the Commissioner of Baseball and have contracted with one another to abide by certain rules and regulations."

... The claim that organized baseball is a monopoly is fully supported in the record.

Its economic control is achieved principally by agreements, viz: (a) the Constitution and Rules of the National League of Professional Baseball Clubs ... (b) the National League Agreement to which each Major League and all member clubs are parties, and (c) the Major League Rules, promulgated pursuant to the agreement and binding upon both Leagues, their member clubs and players.

... The reserve clause is good for the whole life of the ball player.

The effect of the Uniform Player's Contract and the Major League Rules by which the player agrees in his contract to be bound are:

- (1) A player wishing to play professional baseball must sign a contract with a professional baseball club;
- (2) The terms of that contract commit the player to being reserved for a period during a term for which he is not under contract and to an indefinite number of renewals of his contract;
- (3) A player who fails to contract, who violates his contract or reservation may be placed on the restricted or disqualified list and be ineligible to play for any league in organized baseball.

The interrelated rules and agreements created a monopoly in the market (territorial franchises) and over the raw material of the business (the right to the services of baseball players).

From the very outset of the case the court has been met with a continuing challenge to its jurisdiction. Defendants assert that because of the unique nature of the

baseball business, because of its national scope and character, it requires a uniform, national system of regulation. ... Their jurisdictional objections rest on the federal decision holding that organized professional baseball is not within the scope of the Sherman Antitrust Act, and in progression they maintain that the business is not amenable to state law.

For reasons previously considered, the court was and is of the opinion that the federal decisions are not conclusive of this case.

In seeking to recover a forfeiture the State has a pecuniary interest in the lawsuit and is the real party in interest and, in the court's opinion, if the injunctive remedy was the sole relief sought the State would be the real party in interest in bringing the action to enforce the antitrust laws in its sovereign and governmental capacities as the statute directs.

The possibility that the County of Milwaukee or private citizens may incidentally be benefited by this action does not nullify the State's real party in interest status or convert the action to a private lawsuit between individuals.

Some concern was expressed relative to an unfavorable political climate in Milwaukee by several of the members of the National League of Professional Baseball Clubs. Mr. (Eugene H.) Grobshmidt, except for one other instance.

Some of the statements of the Chairman of the County Board were harsh and offending and in one instance constituted a "low blow" as the press aptly described it. There is no proof in the record that the statements of Mr. Grobshmidt evinced or created a political situation.

Now in regard to an unfriendly press. People in baseball, like people in any other public business, cannot (and indeed the record herein indicates that they do not expect to be without the critical comment of an independent press.

There are two daily newspapers in Milwaukee, one is a morning paper, the other an evening paper.

The record in this case demonstrates that Major League baseball was covered favorably by the newspapers in Milwaukee.

Neither can it be said in the face of these circumstances that the civic leaders of Milwaukee and Wisconsin did not lend their full measure of support to the team. The record will not support a conclusion that the public officials were unfriendly to the Braves.

During the decade between 1950 and 1960, Milwaukee has grown faster than any of the older, well-established Major League areas of the northwest and midwest; only the western cities and Washington, D. C. have exceeded its rate of growth. Projections for the 1960-1980 period for Milwaukee range from 0.8 to 2.1%.

The Court has already noted the reasonable explanation for the failure of local investors to invest substantially in the Braves stock. There is also some evidence that stock offered by Perini at \$12.25 a share in 1961 had dropped to \$3.375 in 1962 which fact may well have been reflected in the attitude of local investors in 1963.

There is no doubt that there were some differences and problems concerning both the lease and sale of television rights.

However, there is evidence that in July of 1964, County Executive John Doyle inquired of Mr. (William G.) Bartholomew whether there was anything that the Braves wanted changed in the lease. At that time the lease had one year to run. Doyle testified that Bartholomew stated that the contract was satisfactory. This is confirmed by Mr. McHale's testimony to the extent that he stated that they were satisfied with the percentage rentals, but for them to attempt to change several annoying problems would create bad public relations.

The record does not justify giving serious consideration to the claim of problems with reference to the lease.

Some concern was expressed relative to an unfavorable political climate in Milwaukee by several of the members of the National League of Professional Baseball Clubs.

Even if Organized Baseball is a self-regulating monopoly enjoying some kind of privileged position under the antitrust laws, actions charged are nevertheless actionable restraints of trade and abuse of monopoly power. The violation here concerns the abuse by the monopoly of its power in a manner which will have the effect of restraining trade and commerce within this State. The assumption of the reasonableness of the agreements by which the organized baseball market maintains its internal control, as those agreements affect people within the structure of Organized Baseball, do not sanction the monopoly to restrain trade and commerce outside of baseball.

The Sherman Act provides that the several districts courts of the United States are invested with jurisdiction to prevent and restrain violations of the Sherman Act.

A recurring defense asserted in fact an affirmative jurisdictional defense is that the action by the State of Wisconsin attempts to compel the defendant to continue to do business in the State in violation of the Federal Constitution. Itself in the State in violation of the Federal Constitution.

In the court's opinion the plaintiff presents a legally adequate answer to that defense. Plaintiff states that there are two solutions to the question. One is to dissolve the monopoly, void the uniform player contract and re-establish competition. The other is to let baseball continue to enjoy the internal monopolistic prerogatives which it deems necessary for the continuance of top level competition in Major League baseball.

Wisconsin's growth rate during 1960-1980 is expected to grow faster than most states in which there are Major League teams.

The several owners whose depositions were read upon this trial are substantially in agreement that the Major Leagues will expand. They assert, however, that expansion is not feasible at the present time. They say there is a shortage of players. The Court is satisfied, however, from the testimony of former Commissioner Ford C. Frick, Mr. William L. (Bill) Veck, Mr. (Bobby) Bragan, field manager of the Braves, and also from the testimony of Mr. (Warren) Giles and Mr. (Walter) O'Malley, that there are sufficient baseball players to stock a team in Milwaukee.

No formal agreement is necessary to constitute the unlawful conspiracy, nor is it material to prove that the ultimate object of the combination is to restrain trade, if it in fact does unreasonably do so.

Even if the shutdown of baseball in Milwaukee was not intended to restrain trade, the decisions to transfer, not to expand, and to refuse to deal with the Milwaukee market would nevertheless be illegal efforts to protect and extend the power of an existing monopoly.

Willard Stafford, special counsel for the state of Wisconsin in the antitrust suit against the Braves and the National League, showed his feelings Wednesday night after highlighting the decision of Circuit Judge Elmer Roller.

able manner in matters pertaining to the transfer and allocation of franchises. The state asserts that it has elected to regulate baseball in a manner which presents two primary factual questions: (a) whether the decision of the owners, the National League, made in October and November of 1964, was a reasonable and reasonable decision or was arbitrary or even capricious and whether the refusal of the league to deal, to grant an expansion franchise was arbitrary, (b) whether or not the self-regulated monopoly has accorded all interested parties due process.

Findings of Fact

Milwaukee County is unable to secure as a tenant for County Stadium a Major League professional baseball team playing its home games in the championship stadium in Milwaukee County Stadium.

The termination of the exhibition of Major League baseball games at Milwaukee County Stadium eliminates the competition which heretofore existed between television and radio stations located in Milwaukee, Wisconsin, and Chicago, Illinois, for the Major League audience in Southern Wisconsin and Northern Illinois.

In the absence of a Major League baseball club playing its home championship schedule of games in Milwaukee County Stadium, the State of Wisconsin, County of Milwaukee and City of Milwaukee will be deprived of substantial tax revenues previously levied upon the sales of food, beverages and souvenirs at the exhibition of Major League baseball games at Milwaukee County Stadium.

The termination of the exhibition of Major League baseball games in Milwaukee County Stadium restricts and prevents the sales of commodities and services by restaurants, hotels, motels, taxis and other transportation facilities to spectators who would attend Major League professional games in Milwaukee County Stadium.

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The conclusions drawn by Circuit Judge Elmer W. Roller in his decision in the Braves case:

The defendant corporations have violated Section 133.01 of the Wisconsin Statutes (1963) in the following respects:

a. Having agreed among themselves to control and allocate professional baseball players, to assign to the respective corporate defendants exclusive territorial rights and to provide for the exhibition of professional Major League baseball games, and to limit the number of members in the National League of Professional Baseball Clubs of which the defendants are all the constituent members, they have now agreed to transfer the site of Major League baseball exhibitions from Milwaukee, Wisconsin, to Atlanta, Georgia, with the result that trade and commerce within the State of Wisconsin have been substantially restrained.

b. They have combined and conspired among themselves to monopolize the business of Major League professional baseball within the State of Wisconsin.

2. The National League of Professional Baseball Clubs is and has been the means and instrumentality by which the corporate defendants have engaged in the practices referred to in Paragraph 1 hereof.

3. By means of the practices outlined in Paragraph 1 hereof of the corporate defendants and their counterpart members of the American League of Professional Baseball Clubs have acquired monopolistic control of all available ball players of Major League caliber with the result that the granting of permission from one of the said leagues in the form of a franchise to operate a Major League baseball team is necessary for any person to engage in the business of professional Major League baseball.

4. The corporate defendants' monopolistic control of Major League professional baseball requires the defendants to exercise reasonable control and to follow reasonable procedures in the issuance of memberships in the National League of Professional Baseball Clubs and in the definition of sites for baseball exhibitions and as respects the transfer of memberships.

5. The transfer by the corporate defendants of the franchise in the National League of Professional Baseball Clubs from Milwaukee, Wisconsin, and the refusal to issue a placement franchise allowing the exhibition of Major League baseball in Milwaukee, Wisconsin, was an unreasonable exercise of the monopolistic control of the business of Major League professional baseball and was in violation of Section 133.01, Wisconsin Statutes.

6. The refusal of the National League and the failure of the American League to issue a franchise to Milwaukee County or the Milwaukee Brewers Baseball Club, Inc., was a concerted refusal to deal in restraint of trade and commerce within the State of Wisconsin in violation of Section 133.01, Wisconsin Statutes (1963).

7. This court has jurisdiction over all of the parties and of the subject matter hereof.

8. The State of Wisconsin is the real party in interest in

this action. The Attorney General and the Corporation Counsel of Milwaukee County were authorized to bring this action under the statutes of the State of Wisconsin, Team, Inc., the Greater Milwaukee Committee and other private citizens in Wisconsin were entitled to inform the Attorney General of alleged violations of Section 133.01, Wisconsin Statutes (1963).

9. That by reason of said violation of Section 133.01 said defendants and each of them has incurred a forfeiture provided by Statute.

10. That the plaintiff is entitled to judgment against said defendants and each of them in the sum of \$5,000 with costs and disbursements.

11. That the plaintiff is entitled to the injunctive relief prayed for in its complaint.

12. That the defendant Milwaukee Braves, Inc., now known as Atlanta Braves, Inc., and all other defendants herein, shall be and are hereby restrained and enjoined from playing the home championship schedule of the defendant Milwaukee Braves, Inc., now known as Atlanta Braves, Inc., in any city or place other than in the County of Milwaukee, State of Wisconsin, at County Stadium; provided that:

1.) This order shall be stayed, under the continuing jurisdiction of the Court to the 18th day of 1966, and may thereafter be extended in the event that the defendants shall, prior to 12:00 o'clock noon, C.S.T., on the 16th day of May, 1966, submit to this Court a written plan or plans for expansion of the defendant National League of Professional Baseball Clubs so as to permit Major League baseball to be played at County Stadium with the City of Milwaukee as its "home" effective with the playing season for the year 1967.

2.) Such expansion shall contemplate the granting of a National League franchise to the County of Milwaukee or to such qualified third parties as shall be interested in acquiring a National League franchise, and will advise the Court of such fact.

3.) The Court reserves jurisdiction in connection with any such plan or plans until the same may be consummated between the ultimate parties.

4.) So that there will be no misunderstanding, the stay herein granted will expire at 12:00 o'clock noon, C.S.T., on May 16th, 1966, if no such plan is submitted within said time. Likewise, the stay, or any extension thereof granted on the strength of any plan submitted, will be terminated by the Court in the event the Court concludes that the plan is unsatisfactory.

5.) The defendant, Milwaukee Braves, Inc., now known as Atlanta Braves, Inc., will perform its home games in the County of Milwaukee under the terms of the order and such board or commission hereinafter appointed by the court.

LET JUDGMENT BE ENTERED ACCORDINGLY. THE COURT: (Signed Elmer W. Roller) Circuit Judge

Dated: April 13th, 1966.

waukee, Inc., ultimately to defendant Milwaukee Braves, Inc., for \$8,218,480. As a result of said transfer, National League Baseball Club of Milwaukee, Inc., realized gain of approximately \$5,883,000 or take \$1,000,000. During the 1965 season, a total of \$445,000 were paid to the Perini family and dividends of \$300,000 were paid to the Perini Corporation.

Over the five year period 1960-1964 on a cash basis the Braves and their corporate predecessors realized total income of \$536,900. The Braves reported to their shareholders net losses of \$43,378 in 1963 and \$45,270 in 1964. Net income from operations was reported as \$82,380 in 1963 and \$104,730 in 1964. These net income figures were reduced by interest expense on funds borrowed to purchase the Braves of \$125,771 and \$150,000 respectively in arriving at the net loss figures. In 1964 \$48,800 of expense in connection with relocation of the franchise were charged against income.

Had scouting expenses been capitalized as were player acquisition and development costs as sound accounting methods would require, the Braves would have shown a net income of approximately \$170,000 in 1963 and \$151,000 in 1964.

The Braves net receipts from the sale of radio and television broadcasting rights compare favorably with the net receipts of the defendant club in the submitted figures to this court.

During the period from 1953 through 1965, the Milwaukee Braves, Inc. and its corporate predecessors had a total home paid attendance of 19,551,163. This was greater than any club in either the American League or the National Association of Professional Baseball Leagues, the member leagues and member clubs of the aforementioned National Association, have an economic monopoly over the exhibition of professional baseball. The Constitution of the National League grants unlimited power and discretion to determine the location of a franchise; provides it no objective standards for determining whether or not to grant a request for a transfer of a franchise, and contains no rules of procedure which would accord priority to any county or state from which any such proposed transfer would be made, an opportunity to be heard.

During the period 1953-1962 the National League Baseball Club of Milwaukee, Inc., the corporate predecessor of defendant Milwaukee Braves, Inc., earned more than \$7,500,000 before taxes from the exhibition of Major League baseball games at Milwaukee County Stadium. The termination of the exhibition of Major League baseball games in Milwaukee County Stadium restricts and prevents the sales of commodities and services by restaurants, hotels, motels, taxis and other transportation facilities to spectators who would attend Major League professional games in Milwaukee County Stadium.

Expansion of the National League is feasible. The Braves were financially successful during the time it operated a National League baseball club in Milwaukee. Milwaukee has the demographic, economic and population characteristics necessary to support a Major League baseball club. Milwaukee has the ability to reasonably support a Major League team.

# BRAVES 'Violated State Laws'

Continued From Page 1  
newman about 8:45 p.m. Wednesday.

Judge Roller said the defendants are "barred" from playing the home championship schedule of the defendant Milwaukee Braves, Inc. in any city or place other than in the county of Milwaukee, state of Wisconsin, at County Stadium. . . .

If no expansion plan is submitted by May 16, the judge said the stay would be terminated by the court. He said he would do the same in the event the court concludes that the plan is unsatisfactory.

In that case, Judge Roller said: "The defendant Milwaukee Braves, Inc. . . . will perform its home games in the county of Milwaukee under the supervision of the court and commission herein appointed by the court."

The defendants violated the state's antitrust laws "in that they combined and conspired among themselves to monopolize the business of major league professional baseball within the state of Wisconsin," he ruled.

"I have not been agreed to transfer the site of major league baseball exhibitions from

Milwaukee, Wis., to Atlanta, Ga., with the result that trade and commerce within the state of Wisconsin have been substantially restrained," the decision said.

The judge said the defendants' "monopolistic control of major league professional baseball requires the defendants to exercise reasonable control."

He added that the transfer of both the Milwaukee franchise and the franchise to replace that franchise in the city "was an unreasonable exercise of the monopolistic control of the business of major league professional baseball" and was in violation of state statutes.

Judge Roller said the refusal of both the National and American leagues to issue a franchise to either the county or the Milwaukee Brewers Baseball Club, Inc., "was a concerted refusal to deal in restraint of trade and commerce within the state of Wisconsin."

He noted that the attendance at Braves home games from 1953 through 1965 was 19,551,163, second only to the Dodgers, who performed in Brooklyn and Los Angeles, and the Yankees.

Rumors of the Braves moving the franchise "adversely affected" attendance here in 1963, the judge said. He also blamed

the Braves for not promoting interest in attendance during 1965, after announcing the team would move.

Braves officials and some other baseball executives have criticized the press in Milwaukee.

However, Judge Roller said, "The record in this case demonstrates that major league baseball was covered favorably by the newspapers in Milwaukee."

He added, "People in baseball, like people in any other public business, cannot (and indeed the record herein indicates that they do not) expect to be without the critical comment of an independent press."

Judge Roller also noted that Horace Stoneham, owner of the San Francisco Giants, had "expressed the opinion that continual criticism adversely affects attendance, but that some controversy in the press is beneficial as long as one side is for you."

"It would appear that Mr. Lloyd Larson (sports editor of The Milwaukee Sentinel) and The Sentinel provided that side, as demonstrated by a sympathetic attitude to baseball and the cordial treatment he received when he tried to compare the National League (at a league meeting) to keep the Braves' franchise in Milwaukee."

It also cannot be said that civic leaders in the state did not support the team, Judge Roller said.

"The record will not support a conclusion that the public officials were unfriendly to the Braves," he stated.

Judge Roller said that if the league desired to go to Atlanta and offer baseball to the south-

eastern part of the country, it could have awarded a new franchise to Atlanta.

He said there were enough players available for a new team, including a new team for Milwaukee.

By the Braves leaving here, the state will be deprived of both economic and recreational benefits, the judge said.

"Although the record does not reveal the exact measure of the financial success of the Perini operation in Milwaukee, there is sufficient evidence to conclude that it was exceedingly lucrative," the judge said.

When Lou Perini, who brought the club here from Boston in 1955, sold his majority ownership in 1962 to a Chicago based group he "was not too popular in Milwaukee and stated that if the popularity of the ownership could be corrected to some degree and the attendance restored, the operation would be successful," it was stated in the decision.

After the Chicago group took over the Braves operation, there was a public offering of Braves' stock.

The judge noted, "It is said that there was a lack of enthusiasm on the part of these persons solicited. But none of the parties had other than a casual knowledge of the individuals comprising the Bartholomew group who were not local people."

He referred to William C. Bartholomew, head of the Braves organization.

"None of the Bartholomew group had any extensive experience in baseball nor had demonstrated any ability as baseball entrepreneurs," he said. "All that was being offered to the

selected Milwaukee businessmen was a minority interest in the operating company—a fractional interest which had proven distasteful to the Bartholomew group when they were minority owners of the White Sox."

The Braves have reported substantial losses in Milwaukee but, the judge said, "book losses resulted primarily from the depreciation of the player contracts and the costs of player development and replacement. The cash flow did not impair the continued development of the quality of the team."

The state in the long trial had contended that baseball was monopolistic and was using this power against the state.

Judge Roller commented, "The claim that organized baseball is a monopoly is fully supported by the record."

Although federal court decisions have upheld baseball in court tests in the past, the judge said that "the federal decisions are not conclusive of this case."

Baseball had objected to the jurisdiction of the court.

However, the judge said the court had jurisdiction. He also found that the state was a gen-

erally party in interest in the suit. Baseball said the state was not a party in interest.

Judge Roller worked on his ruling almost a day and night since the 38 day trial ended pages, it became apparent that

Apr. 6. He originally announced that his decision might come last weekend, but as he waited through the mountain of trial testimony which ran 7,000 pages, it became apparent that

an early ruling was out of the question.

Meanwhile, the Braves opened their season against the Pittsburgh Pirates in Atlanta (Ga.) Tuesday night.

# aid

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# Tour Dissipates Fear of College

By SUE KAUFMAN  
"Before I made this trip I had  
campus that college had nothing  
to offer me. . . I was going  
to get married."

That's what Sandra McCreevy, Riverside high school  
senior, told Mrs. Willie Scott,  
Milwaukee public school system  
guidance counselor, Wednesday.

"But now I've changed my  
mind. . . I want to go to col-  
lege," Miss McCreevy said.

The trip to which the young  
Negro girl referred was made  
by 40 Milwaukee high school  
juniors and seniors to three  
Wisconsin State university cam-  
puses—Oshkosh, Stevens Point  
and Whitewater.

The pupils had been chosen  
from five Milwaukee high  
schools. The trip was designed  
for disadvantaged students who  
were believed to be uninformed  
as to the opportunities pre-  
sented by the Wisconsin state  
university system.

Most of the 40 students were  
Negroes.

The group left Milwaukee by  
bus Tuesday, accompanied by  
John Busone, guidance coun-  
selor and math instructor at  
Lincoln high school, and Mrs.  
Scott.

The pupils visited the Oshkosh  
campus Tuesday morning and  
traveled to Stevens Point,  
where they spent Tuesday night  
in college dormitories after at-  
tending discussion and informa-  
tion sessions.

"The girls in the dorm were  
just tremendous," Charmaine  
Pirle, 2522 N. 17th st., a North  
Division senior, said.

Each girl and boy on the tour  
was assigned a college "room-  
mate" for the night at the uni-  
versity.

"The senior that I stayed with  
told me that it really isn't nec-  
essary to be a brain to stay in  
college," said Spencer Coggs,  
2907 N. 2nd st., another North  
Division senior. "This guy said  
what I really take is hard  
work."

Coggs is planning to major in  
English and is considering Osh-  
kosh State at present.

The pupils from North and  
West Division, Lincoln, Rufus  
King and Riverside high schools  
visited the Whitewater campus  
Wednesday. Unlike Stevens  
Point and Oshkosh, the campus  
there was deserted, because  
students are on Easter vacation.

The tired pupils returned to  
Milwaukee late Wednesday af-  
ternoon to begin to sift through  
the business information  
booklets and bulletins they re-  
ceived during their tour.

"None of the Bartholomew  
group had any extensive ex-  
perience in baseball nor had  
demonstrated any ability as  
baseball entrepreneurs," he said. "All  
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The Braves have reported  
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the team."

The state in the long trial  
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