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## Johnson and the Old Roman: Comesky, Johnson, the Black Sox, and the Emergence of Kenesaw Mountain Landis

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That morning, November 12, had seemed it would be a normal day in the courtroom, if such a thing existed in the domain of the Honorable Judge Kenesaw Mountain Landis.<sup>1</sup> The man himself sat enthroned upon the bench, completely and utterly in control of the room. His piercing eyes bore down upon the witness with all the avenging righteousness of Johnathan Edwards in the pulpit. In a typically anonymous profession, Judge Landis's patrician profile was well known across the nation. The bumbling witness wilted under the scrutiny of the famous judge and silence filled the courtroom. The silence was broken by the creak of the door. All eyes turned to the back of the courtroom and met with a truly extraordinary sight. Through the doors sailed another patrician personage, Charles Comiskey, the Old Roman of the Chicago White Sox, at the head of eleven of the most famous owners in baseball. These normally dour men brought with them all the excitement and chatter of the ballpark, surprising the collected audience. But Landis would not give an inch. This was his domain. The sound of his gavel rang out. "There will be less noise in the courtroom," he said, "or I will order it cleared."<sup>2</sup> His tone was as authoritative as ever, but a close observer would notice a slight smile as he settled into the bench to continue the case of income tax fraud.<sup>3</sup>

The World Series of 1919 astounded the nation as the underdog Cincinnati Reds managed to topple the wildly favored White Sox. Before the series began, rumors of gambling and game throwing circulated, but were quickly dismissed.<sup>4</sup> However, at the end of 1920, "Shoeless" Joe Jackson, Eddie Cicotte, and Claude "Lefty" Williams confessed to conspiring to throw the Series, and caused upheaval, not only in the world of Baseball, but across the nation.<sup>5</sup> This scandal would make or break professional baseball. It was a turning point, a time when things came to a head. Alongside the battle in the courtrooms and the battles in the press, a long-standing rivalry would reach its climactic battle: the rivalry between

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<sup>1</sup> Charles Fountain, *The Betrayal: The 1919 World Series and the Birth of Modern Baseball*, (New York: Oxford University Press, 2016) 192.

<sup>2</sup> Kenesaw Mountain Landis, as quoted in, Fountain, 192.

<sup>3</sup> Eliot Asinof, *Eight Men Out: The Black Sox and the 1919 World Series*. (New York, Henry Holt and Company, 1963) 225.;

<sup>4</sup> Fountain, 121.

<sup>5</sup> Daniel A. Nathan, *Saying It's So: A Cultural History of the Black Sox* (Chicago: University of Illinois Press, 2003), 5.

Byron Banfield “Ban” Johnson and Charles Albert “Old Roman” Comiskey. Alongside the need for leadership change and the need to assuage the press, the rivalry between Charles Comiskey and Ban Johnson became the driving force behind Judge Landis’s appointment as Commissioner of Major League Baseball. Landis’ selection as Commissioner marked Charles Comiskey’s victory over his rival Ban Johnson, and the end of their battle over the Black Sox Scandal.

Since the time of the scandal there has been much debate surrounding the eleven men who threw the 1919 World Series, known as the Black Sox. At the time, every paper in the country had its spin on the story, and every layman in the street had his opinion. For the ensuing decades, memories of the Big Fix were put on a low simmer as Americans were fed a new brand of baseball and as baseball dealt with newer, bigger problems.<sup>6</sup> In 1963 the Big Fix was revisited for the first time in a scholarly manner, as Eliot Asinof strove to push past the myth of the Black Sox and “Shoeless” Joe to the truth of the scandal. His book, *Eight Men Out*, would spark an academic discussion that is alive and well today. *Eight Men Out* portrayed the fixers not as immoral villains out to ruin the national pastime but as men caught in the problems of their time.<sup>7</sup>

Since *Eight Men Out*, Black Sox scholarship has been divided into two main camps: those who look at the cultural impact of the fix, and those who focus on the impact in baseball. The most comprehensive work on the cultural impact of the Black Sox is *Saying It’s So* by Daniel Nathan. His book examined how the story of the Black Sox has been told and how it developed throughout the 20th Century.<sup>8</sup> *Saying It’s So* breaks from Asinof’s search for the truth of the scandal, but rather looks at the myth of the scandal and its impact on culture. Nathan

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<sup>6</sup> Nathan, 90.

<sup>7</sup> Asinof, 16.

<sup>8</sup> Nathan, 1.

tracks the development of the newspaper stories, the crystallization of the myth in the Depression and WWII, to the impact on movies like *The Natural* and *Field of Dreams*.<sup>9</sup>

On the opposite end of the scholarship stands *The Betrayal* by Charles Fountain. His work examined the Black Sox's effect on the game of baseball, the deadball era that preceded the 1919 World Series, and the laborious unfolding of the scandal, its coverup, discovery, court cases, and aftermath.<sup>10</sup> *The Betrayal* widens the scope of the narrative and touches on many of the outside factors that made the 1919 World Series what it is.<sup>11</sup> Standing somewhere in between the two is Robert Bachin's article *At the Nexus of Labor and Leisure: Baseball, Nativism, and the 1919 Black Sox Scandal*. He confronts both the social context of the scandal, like Fountain, while also considering the changes in cultural ideology, as does Nathan.<sup>12</sup>

Standing at the end of any narrative of the Black Sox is the appointment of Judge Kenesaw Mountain Landis as the commissioner of professional baseball. Landis's appointment marks the end of the deadball era and the beginning of the homerun-centric baseball of the Roaring Twenties.<sup>13</sup> It was Landis who handed down the lifetime ban that ended the careers of all eight Black Sox conspirators, guilty or innocent, and brought the scandal to its decisive end. However, his appointment presents a more complex issue than it may seem at first glance. Whether the driving reason for his appointment was due to infighting among the owners, or driven by a mere need to appease the press, is a matter of debate among

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<sup>9</sup> Nathan. 12, 90, 169

<sup>10</sup> Fountain, 3-6.

<sup>11</sup> *The Betrayal* is a good starting point for a study of the cultural pressures that made the Black Sox Scandal what it was. For more on the history of gambling throughout baseball history, both before and after the Black Sox, see Daniel E. Ginsburg's *The Fix Is In: A History of Baseball Gambling and Game Fixing Scandals*, (Jefferson, NC: McFarland & Company, 2004). For more on the economics of the Black Sox see David George Surdham and Michael J. Hauptert's *The Age of Ruth and Landis: The Economics of Baseball during the Roaring Twenties* (Lincoln: University of Nebraska Press. 2018). This book mostly deals with economics in the wake of the Black Sox, but the early chapters are useful for a study of the scandal.

<sup>12</sup> Robin F. Bachin. "At the Nexus of Labor and Leisure: Baseball, Nativism, and the 1919 Black Sox Scandal," *Journal of Social History*, 36 no. 4 (Summer 2003): 942-43.

<sup>13</sup> David George Surdham and Michael J. Hauptert, *The Age of Ruth and Landis: The Economics of Baseball during the Roaring Twenties* (Lincoln: University of Nebraska Press, 2018), 1.

scholars. The divisions fall closely along the lines of each author's treatment of the scandal. Nathan examines Landis's appointment through the eyes of the press, while Fountain paints a long, political, narrative spanning years, back to the time of the National Commission.<sup>14</sup>

Before Judge Landis was appointed as the commissioner, baseball was ruled by the National Commission, a three man group made up of the American and National League presidents and Garry Herrmann, the commission chairman, and owner of the Cincinnati Reds.<sup>15</sup> Ban Johnson was the driving force of the National Commission from its inception. In 1901, Johnson decided to take a minor league known as the Western League, turn it into the American League, and challenge the might of the National League. He pilfered fans and players from the National League, and forced a truce in 1903, when the leagues merged into the modern two-league system, and the National Commission was born.<sup>16</sup>

Both Ban Johnson, the American League President, and Chairman, Garry Herrman, would serve for the entirety of the commission's existence while four different men served as the National League President.<sup>17</sup> While Herrmann was an owner of a National League team, he was able to be swayed by Ban Johnson, giving Johnson control of the National Commission. Johnson came to be known as the "Czar" of baseball for his control of the commission, and often acted as if he were the man in charge of all of professional baseball.<sup>18</sup>

The National Commission would face many problems including the problem of gambling in baseball. Gambling had been a part of baseball since almost the very beginning. Baseball in the late nineteenth century was rife with gambling and this did not change after the league merger.<sup>19</sup> Part of

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<sup>14</sup> Nathan, 48.; Fountain, 3-9

<sup>15</sup> Asinof, 74, 76.

<sup>16</sup> Ibid, 75; Fountain, 66.; Eugene C. Murdock. "The Tragedy of Ban Johnson," *Journal of Sport History* 1, no. 1 (1974): 29.

<sup>17</sup> Fountain, 21-22.

<sup>18</sup> Murdock, 29.; Surdham and Haupt, 16.; Fountain, 65, 211.

<sup>19</sup> Charles Fountain, *The Betrayal*, 17.

baseball's attractiveness lay with the idea that it was a "clean game." Gambling and game fixing did not promote that image. Rumors of game fixing began as early as the first World Series, and it did not stop.<sup>20</sup>

Of all the game fixers, one stands head and shoulders above the rest: the "Babe Ruth of ball-game fixers," Hal Chase.<sup>21</sup> Rumors dogged his steps, but he was never once found guilty. In 1910, Chase was accused of throwing games while playing first base for the New York Highlanders. The matter was brought before Ban Johnson's National Commission, but Chase got off clean. The same thing happened when he was charged at the end of his career while with the Reds, charged but never convicted.<sup>22</sup> This was the typical response of Johnson and the National Commission and would be one of Charles Comiskey's weapons against Johnson during the Black Sox Scandal.

The Johnson-Comiskey rivalry started out as a close friendship between the player-manager of the Cincinnati Reds and a young journalist with a background in law. Charles Comiskey was a native Chicagoan, who started his baseball career in the middle of a brick delivery for his father. He played for several teams before he became the player-manager for the Cincinnati Reds in 1894, where he met Ban Johnson.<sup>23</sup> Johnson was an Ohio native, and played baseball in his youth, until a broken thumb ended his career. He went to Cincinnati to study law, but ended up as the sports editor for the *Cincinnati Commercial-Gazette*.<sup>24</sup> Johnson and Comiskey cemented their friendship in the "Ten Minute Club" a popular Cincinnati bar, where they planned the American League. Johnson became the president of a minor league called the Western League, and in 1900, with the aid of Comiskey as an owner, set about challenging the National League's monopoly on professional baseball. They were successful, and with the merger in 1903, both of their dreams came true.<sup>25</sup>

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<sup>20</sup> G. Edward White, "The Rise of the Commissioner: Gambling, the Black Sox, and the Creation of Baseball Heroes," in *Creating the National Pastime: Baseball Transforms Itself*, (Princeton, New Jersey: Princeton University Press, 1996) 87-88.; Bachin, 945.

<sup>21</sup> Fountain, 23.

<sup>22</sup> *Ibid.*, 29, 32.; White, 89-90.

<sup>23</sup> Fountain, 59.; Charles Demotte, "Comiskey and Chicago's White South Side Team," in *James T. Farrell and Baseball: Dreams and Realism on Chicago's South Side* (Lincoln: University of Nebraska Press, 2019), 165-166.

<sup>24</sup> Murdock, 26

<sup>25</sup> *Ibid.*, 167.

However, cracks began to show in their relationship. The pair would often vacation together with a group known as the “Woodland Bards.” During one such vacation, someone replaced the shot in Johnson’s shotgun with paper, and Johnson blamed Comiskey. Another such incident involved Johnson sending Comiskey some fish after suspending his outfielder, Ducky Holmes. Comiskey took it as an insult and moved out of their shared offices.<sup>26</sup> After that, their friendship turned to rivalry and clashed over players and matters of baseball governance, especially Johnson’s high-handed, ineffective anti-gambling methods. Publicly, they were amicable, and Johnson generally ruled fairly in matters concerning Comiskey, signing off on Comiskey acquiring Eddie Collins and Joe Jackson, two of the White Sox stars.<sup>27</sup> As 1919 approached, their rivalry grew to a fever pitch, and before the start of the 1919 season, Johnson and Comiskey clashed again over the disputed contract of pitcher Jack Quinn. The National Commission ruled against Comiskey, and the “Old Roman” blamed Johnson.<sup>28</sup> The stage was set for the all-out war that would occur over the next two years.

The beginnings of the Black Sox Scandal are shrouded in mystery. No one knows who was the real mastermind behind the scheme. Whoever masterminded it, the infamous “eight men out” first baseman Chick Gandil, ace pitchers Eddie Cicotte and “Lefty” Williams, outfielders Joe Jackson and “Happy” Felsch, shortstop “Swede” Risberg, third baseman “Buck” Weaver, and utility man Fred McMullin conspired to throw the 1919 World Series for \$20,000 each. Not all of the conspirators received money, and none admitted to receiving the full \$20,000. Cicotte and Risberg received \$10,000. Felsch, Jackson, and Williams each received \$5,000. Gandil, the go-between for the players and gamblers, likely kept most of the money passed on by the gamblers, around \$50,000.<sup>29</sup> At the time there were many rumors surrounding the Series, and both journalists and baseballmen alike tried to analyze the

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<sup>26</sup> Fountain, 68.; Asinof, 76.

<sup>27</sup> Fountain, 69-70

<sup>28</sup> Ibid, 71.; Asinof, 76.

<sup>29</sup> Fountain, 118.

games to determine the truth. No one reached any conclusive answers, and only journalist Hugh Fullerton would press the issue.<sup>30</sup>

Shortly after the World series ended, Charles Comiskey, who was aware that the Series had been fixed, began working to make the best of the situation.<sup>31</sup> Comiskey knew he could rely on the press, as he was the best liked owner in baseball among the media so he took special care to wine and dine every visiting newspaperman.<sup>32</sup> Comiskey's first plan of action was to hope that the rumors blew over while appearing proactive in the investigation of any corruption. After consulting his lawyer, Alfred Austrian, he decided to offer a \$20,000 reward (later inexplicably lowered to \$10,000) to anyone who had information about the scandal. He won much sympathy in the press and for the moment, the rumors died down.<sup>33</sup> However, they did not go away entirely. Comiskey's next step was to launch an investigation of the players, hiring the Hunter's Secret Service to run the investigation. They found that the players had definitely fixed the game but would not talk, which is what Comiskey wanted to hear. News of his investigation filled the papers, and for the moment, all seemed well.<sup>34</sup>

Things would not stay quiet forever. In September of 1920, due to rumors of a fixed game between the Cubs and Phillies, a Grand Jury investigation into gambling in baseball was called, and the Black Sox were officially implicated in throwing the World Series. The cat was out of the bag, and Ban Johnson threw himself behind the investigation. The Cook County Grand Jury changed courses and began to investigate the 1919 World Series.<sup>35</sup> Things looked bleak for Comiskey, but all was not lost. His team might be torn apart, but his reputation remained intact.<sup>36</sup> The next step of his and Austrian's plan went into effect: they had to be seen at the head of the investigation.

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<sup>30</sup> Nathan, 17

<sup>31</sup> Ibid, 121.; Asinof, 74. During the course of the Series, manager Kid Gleason had voiced his doubts, and Joe Jackson had come after the end of the Series to tell Comiskey about the fix, but Comiskey turned him down.

<sup>32</sup> William B. Anderson., "Saving the National Pastime's Image: Crisis Management During the 1919 Black Sox Scandal" *Journalism History*, 27 no. 3, (Fall 2001): 107.

<sup>33</sup> Ibid, 107.; Fountain, 126.; Asinof, 129.; White, 93.

<sup>34</sup> Fountain, 127.; Asinof, 131

<sup>35</sup> Fountain, 53.

<sup>36</sup> Nathan, 46



Comiskey ended the indicted players' contracts, and Austrian went after Cicotte, Jackson, and Williams to get confessions. The first to buckle was Cicotte. Austrian convinced him to confess without legal counsel before a Grand Jury. It was a pattern that would be repeated for Jackson and Williams.<sup>37</sup> With the confessions of three of the conspirators, the matter would move to trial where Comiskey and Johnson would battle yet again in a seemingly one-sided contest against Comiskey.

The Grand Jury investigation, however, would see the entrance of another man into the fray, the great gambling giant and mafia boss, Arnold Rothstein. In the trial, Rothstein and Comiskey shared a common goal: to get the players acquitted. They both had their reasons. Comiskey was trying to salvage what he could from the scandal and hoped an acquittal would clear his players to play. Rothstien did not want to appear before the court, so behind the scenes, a powerful alliance took place.<sup>38</sup>

There was no more ardent supporter of the investigations than Ban Johnson. He spent American League funds to help the prosecution by hiring investigators and finding the “star witness”.<sup>39</sup> Through the initial investigation and the trial Johnson would use every means he could to destroy his rival, stepping on many toes in the process and earning him the contempt of the players as well as several owners. The defense for the players closed their case at trial with an all-out attack, not on the tight-fisted Comiskey, but on Ban Johnson.<sup>40</sup>

During the course of the investigations, the owners of the baseball teams across the nation decided that a change in leadership was necessary to minimize the damages of the scandal on baseball as a whole; a figure from outside of baseball was needed to “clean up” baseball.<sup>41</sup> At the beginning of 1920, Herrmann retired as the commissioner, but it was not until after the news of the scandal broke that the owners began to look for a new commissioner in earnest.<sup>42</sup> The man who came up with the idea for

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<sup>37</sup> Asinof, 170-178.; Fountain, 158.

<sup>38</sup> Asinof, 212, 217.

<sup>39</sup> Fountain, 200.

<sup>40</sup> Ibid, 210.

<sup>41</sup> Nathan, 48.

<sup>42</sup> White, 108.; Fountain, 179.; Murdock, 35.

outside involvement was one Albert Laskar, an advertising executive involved with the Chicago Cubs.<sup>43</sup>

The owners took to the Laskar plan readily, and the search for a new commissioner began.

Ban Johnson opposed the Laskar plan from the beginning. He wanted baseball men in charge of baseball, not some outsider who had no history in the game.<sup>44</sup> Johnson held a tight grip over the American League, controlling five of the eight teams. The remaining three, Comiskey's White Sox, the Yankees, and the Red Sox, all harbored a great loathing for Johnson together with the entirety of the National League.<sup>45</sup> Johnson's highhandedness throughout his tenure on the National Commission was coming back to bite him.

The eleven ball clubs against Johnson discussed candidates for the position of commissioner throughout 1919 and 1920. Men like former President William Howard Taft, WW I generals John Pershing and Leonard Wood, and Senator Hiram Johnson were all considered.<sup>46</sup> However, it was the candidate suggested by Comiskey's lawyer, Austrian, and supported by the National League president, Heydler, that the committee focused on: Judge Kenesaw Mountain Landis.<sup>47</sup> Landis had a reputation as a trust-busting champion of justice, famously leveling a fine against John D. Rockefeller's Standard Oil for \$29 million. However, it was an action Landis made against this image that caught the eye of the committee. In 1914, Landis had refused to hear the case of the Federal League, a case charging the National League with a monopoly on professional baseball, and allowed for the matter to be settled out of court.<sup>48</sup> Ban Johnson continued to struggle against Landis's appointment, countering with his own proposal, Judge Charles McDonald who had heard the confessions of Cicotte, Jackson, and Williams.<sup>49</sup>

When Johnson refused to back down, the three rebellious American League teams offered to join with the National League to form a "New National League." The threat of being cut out of professional

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<sup>43</sup> White, 108.

<sup>44</sup> Murdock, 35.; Asinof, 200.

<sup>45</sup> White, 108.

<sup>46</sup> Fountain, 179.

<sup>47</sup> Ibid, 179.; White, 108.

<sup>48</sup> Nathan, 48.; Fountain, 181, 184.

<sup>49</sup> Surdham and Hauptert, 27.

baseball broke Johnson's hold over the loyal five teams under his control, and he was forced to concede.<sup>50</sup> Landis was unanimously elected the commissioner, and out of concession to Ban Johnson, the three-man commission became a one-man commissioner, with the two league presidents acting as advisors.<sup>51</sup> The delegation sent to pitch the job to Landis arrived in the middle of a court case on insurance fraud, and Landis had to silence the excited owners with his gavel.<sup>52</sup> Landis accepted the position for a salary of \$50,000 and retained his job as judge.<sup>53</sup>

Landis would change the world of baseball forever. He ruled the Major Leagues like he ruled the courtroom, with an iron fist. He set out on a campaign to "clean out the Crookedness and the gambling responsible for it."<sup>54</sup> Despite the not guilty verdict of the court in the case of the Black Sox, Judge Landis barred all eight players from ever playing again. The saga of the Black Sox was over.<sup>55</sup>

This was just the beginning for Landis. He went on to rule baseball practically autocratically for his twenty-three-year tenure as the commissioner. His first ruling as commissioner, while rather minor, would set the tone for his regime. He forced the New York Giants manager, John McGraw, to sell a casino and horse track that he had bought in Havana. The association with gambling was too close, even if the purchase was private.<sup>56</sup> Landis clashed with Ban Johnson repeatedly, both men sporting huge egos.<sup>57</sup> Johnson continually lost against the new commissioner; his rule was over. Most of Johnson's power was gone, swallowed up by Landis. The one-man commissioner meant to give Johnson more power, backfired, as Landis never consulted the League presidents in anything.<sup>58</sup> In the end, Landis forced

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<sup>50</sup> Murdock, 35.

<sup>51</sup> White, 108.

<sup>52</sup> Fountain, 192.

<sup>53</sup> White, 108.

<sup>54</sup> Kenesaw Mountain Landis, White, 110.

<sup>55</sup> Fountain, 213-14.

<sup>56</sup> White, 110-11.

<sup>57</sup> Surdham and Hauptert, 33.

<sup>58</sup> Murdock, 35-36.

the owners to retire Johnson in 1927.<sup>59</sup> Comiskey also never truly recovered from the scandal. He had succeeded in destroying his enemy, but he himself was burnt out and tired.<sup>60</sup>

The Black Sox Scandal is a tale littered with enormous egos, from the players on the field, to the judges and lawyers, to Arnold Rothstien and the gamblers. However, none of these men matched the stature and ego of Comiskey and Johnson. Both of these men were kings in their own realm, determined to bring about the ruin of the other. In political battles such as these, it is hard to determine a victor, if there is one, except by looking at who accomplished their goal when the two come into competition. In the long rivalry of Johnson and Comiskey, the most obvious instance would be the appointment of the new commissioner. Both of their goals were mutually exclusive. Each backed one of the two candidates, and only one, Comiskey's candidate, won. Not only did their rivalry clash during the appointment, it brought it to a head. Without Johnson's alienation of Comiskey, Comiskey would have never gathered the dissenting teams of the American League and allied themselves with the National League, facilitating the shift in power away from Johnson. The crisis of the Black Sox Scandal provided an opportunity to destroy the other, Johnson in the courtrooms, and Comiskey with Landis's appointment. The scandal forced Johnson and Comiskey to act, and the aftermath of their actions was a new power in baseball: Kennisaw Mountain Landis. The actions of these two men had far reaching consequences in the world of baseball, bringing to an end an era of baseball.

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<sup>59</sup> Ibid.,36-38.

<sup>60</sup> Fountain, 240.

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