



# Sherman Antitrust Act

*['ʃər-mən ,an-tī-'trəst 'əkt]*

A landmark U.S. law passed in 1890 to increase economic competitiveness by prohibiting the formation of monopolies and cartels.

# The Sherman Antitrust Act

**United States**



## **The Sherman Antitrust Act:**

*Sherman Antitrust Act* Richard Worth, 2012-01-15 Discusses the drama that led to the Sherman Antitrust Act being passed and the effect this piece of legislation has had in the development of the United States *Law and Economic Policy in America* William Letwin, 1981-06 William Letwin's thorough carefully argued and elegantly written work is the only book length study of the Sherman Antitrust Act a law designed to shape the economic life of a large complex society through maintaining the correct level of competition in the economy This is a superb history and complete analysis of the Act from its English and American common law antecedents to the events that led to the first revisions of the Act in the form of the Clayton Antitrust and Federal Trade Commission Acts *Amendment of Sherman Antitrust Law* United States. Congress. Senate. Committee on the Judiciary, 1908 **The Robber Barons and the Sherman Antitrust Act** Tim McNeese, 2009 During the decades following the American Civil War the economy of the United States experienced phenomenal growth At every turn in agriculture shipping merchandizing manufacturing and transportation a new American system of production and distribution was born As the economy grew so did the personal wealth of a handful of intrepid investors dealmakers and Wall Street financiers A new class of business leaders was born dominating their sectors of the nation's ever expanding industrial base To some they were the mighty titans of industry To others they were greedy robber barons As the American people came to question the robber barons self serving business practices observers called for reform The call was answered in 1890 with the passage of the Sherman Antitrust Act a piece of legislation designed to bring down these controlling interests in the U S economy *The Robber Barons and the Sherman Antitrust Act* explores the foundations and repercussions of the law that reshaped American business [The Sherman Antitrust Act](#) Holly Cefrey, 2003-12-15 Discusses the first act put in place to control big business and stop big businesses from controlling an industry **A Legislative History of the Sherman Antitrust Act of 1890** Arnold & Porter, **The Sherman Antitrust Act and Its Enforcement** Thurman Wesley Arnold, 1940 **A Legislative History of the Sherman Antitrust Act of 1890**, **The Sherman Antitrust ACT** Landmark Publications, 2018-10-17 THIS CASEBOOK contains a selection of U S Court of Appeals decisions that analyze interpret and apply provisions of the Sherman Antitrust Act Section 1 of the Sherman Act makes illegal every contract combination in the form of trust or otherwise or conspiracy in restraint of trade or commerce among the several States or with foreign nations 15 U S C 1 To state a Section 1 claim then a plaintiff must allege 1 an agreement 2 to restrain trade unreasonably In re Ins Brokerage Antitrust Litig 618 F 3d 300 315 3d Cir 2010 Lifewatch Services Inc v Highmark Inc 3rd Cir 2018 For an arrangement to be a conspiracy under 1 it must embody concerted action Am Needle 560 U S at 191 130 S Ct 2201 Concerted action exists where there is an agreement between separate economic actors pursuing separate economic interests Id at 195 130 S Ct 2201 internal quotation marks omitted The fact that the co conspirators are capable due to their separateness of acting in concert is not sufficient Proof of a conspiracy is required Capital Imaging Assocs P C v Mohawk

Valley Med Assocs Inc 996 F 2d 537 545 2d Cir 1993 North Amer Soccer League v US Soccer Feder 883 F 3d 32 2nd Cir 2018 In a traditional 2 claim a plaintiff would have to point to specific egregious conduct that evinced a predatory motivation and a specific intent to monopolize Avaya 838 F 3d at 406 citing Spectrum Sports Inc v McQuillan 506 U S 447 456 113 S Ct 884 122 L Ed 2d 247 1993 Philadelphia Taxi Ass nv Uber Technologies 886 F 3d 332 3rd Cir 2018

**The Sherman Antitrust Law with Amendments** United States,1912 **Sherman Anti-trust Law And List Of Decisions Relating Thereto** United States,United States Courts,2023-07-18 This legal text provides a thorough examination of the Sherman Antitrust Act and its implications The text also includes a comprehensive list of court decisions related to the Act This work has been selected by scholars as being culturally important and is part of the knowledge base of civilization as we know it This work is in the public domain in the United States of America and possibly other nations Within the United States you may freely copy and distribute this work as no entity individual or corporate has a copyright on the body of the work Scholars believe and we concur that this work is important enough to be preserved reproduced and made generally available to the public We appreciate your support of the preservation process and thank you for being an important part of keeping this knowledge alive and relevant

**Extraterritorial Antitrust** James B Townsend,2019-04-18 This book the first unbiased investigation of the effects of extraterritorial antitrust on U S business abroad examines the influence of the Sherman Antitrust Act on the market entry strategy of U S multinational corporations and assesses the interaction of public interest and the law

**American Landmark Legislation: The Sherman Antitrust Act of 1890** Irving J. Sloan,1975 *The Sherman Antitrust Act* LandMark Publications,2019-09-23 THIS CASEBOOK contains a selection of U S Court of Appeals decisions that analyze interpret and apply provisions of the Sherman Antitrust Act Volume 1 of the casebook covers the District of Columbia Circuit and the First through the Fifth Circuit Court of Appeals For an arrangement to be a conspiracy under 1 it must embody concerted action Am Needle 560 U S at 191 130 S Ct 2201 Concerted action exists where there is an agreement between separate economic actors pursuing separate economic interests Id at 195 130 S Ct 2201 internal quotation marks omitted The fact that the co conspirators are capable due to their separateness of acting in concert is not sufficient Proof of a conspiracy is required Capital Imaging Assocs P C v Mohawk Valley Med Assocs Inc 996 F 2d 537 545 2d Cir 1993 A plaintiff must offer direct or circumstantial evidence that reasonably tends to prove a conscious commitment to a common scheme designed to achieve an unlawful objective Monsanto Co v Spray Rite Serv Corp 465 U S 752 768 104 S Ct 1464 79 L Ed 2d 775 1984 Rarely do co conspirators plainly state their purpose As a result courts often must evaluate circumstantial evidence of a conspiracy by weighing plus factors which when viewed in conjunction with the parallel acts can serve to allow a fact finder to infer a conspiracy United States v Apple Inc 791 F 3d 290 315 2d Cir 2015 citation and internal quotation marks omitted In Monsanto the Supreme Court noted that courts should look for evidence that tends to exclude the possibility that the defendant was acting independently Monsanto 465 U S at 764 104 S Ct 1464 In Matsushita the Supreme

Court elaborated on what this meant. Conduct as consistent with permissible competition as with illegal conspiracy does not standing alone support an inference of antitrust conspiracy. *Matsushita Elec Indus Co v Zenith Radio Corp* 475 U S 574 588 106 S Ct 1348 89 L Ed 2d 538 1986. Only unreasonable restraints on competition violate 1 of the Sherman Act. Courts use one of two tests here. A restraint may be adjudged unreasonable either because it fits within a class of restraints that has been held to be per se unreasonable or because it violates what has come to be known as the Rule of Reason. *Ind Fed n of Dentists* 476 U S at 457 58 106 S Ct 2009. Regulation of league sports is a textbook example of when the rule of reason applies. See *Nat l Collegiate Athletic Ass n v Bd of Regents of Univ of Okla* 468 U S 85 101 104 S Ct 2948 82 L Ed 2d 70 1984. *North Amer Soccer League v US Soccer Feder* 883 F 3d 32 2nd Cir 2018. *Increasing Criminal Penalties Under the Sherman Antitrust Act* United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Antitrust and Monopoly, 1954. Considers 83 H R 2237. *The Sherman Antitrust Act*, 1890. **Legislative History of the Sherman Antitrust Act of 1890 P.L. 51-647**, 1890. *The Sherman Antitrust Law with Amendments and List of Cases Instituted by the United States Under the Sherman Law and Citations of Cases Decided Thereunder Or Relating Thereto* United States. Department of Justice, 1912. [The Sherman Antitrust Law](#) United States, 1911. **The Sherman Antitrust Act** LandMark Publications, 2019-10-22. THIS CASEBOOK contains a selection of U S Court of Appeals decisions that analyze interpret and apply provisions of the Sherman Antitrust Act. Volume 2 of the casebook covers the Sixth through the Eleventh Circuit Court of Appeals. Plaintiffs must plead a relevant market to state an antitrust claim under the Sherman Act unless they assert a per se claim. *Newcal Indus Inc v Ikon Office Sol* 513 F 3d 1038 1044 45 9th Cir 2008. While plaintiffs need not plead a relevant market with specificity there are some legal principles that govern the definition of an antitrust relevant market and a complaint may be dismissed under Rule 12 b 6 if the complaint's relevant market definition is facially unsustainable. *Id* at 1045. The relevant market must include both a geographic market and a product market. *Big Bear Lodging Ass n v Snow Summit Inc* 182 F 3d 1096 1104 9th Cir 1999. The latter which is relevant to the present appeal must encompass the product at issue as well as all economic substitutes for the product. *Newcal Indus* 513 F 3d at 1045. Economic substitutes have a reasonable interchangeability of use or sufficient cross elasticity of demand with the relevant product. *Id* quoting *Brown Shoe v United States* 370 U S 294 325 82 S Ct 1502 8 L Ed 2d 510 1962. Including economic substitutes ensures that the relevant product market encompasses the group or groups of sellers or producers who have actual or potential ability to deprive each other of significant levels of business. *Id* quoting *Thurman Indus Inc v Pay N Pak Stores Inc* 875 F 2d 1369 1374 9th Cir 1989. Within a general product market well defined submarkets may exist which in themselves constitute product markets for antitrust purposes. *Brown Shoe* 370 U S at 325 82 S Ct 1502. To plead an antitrust claim based on a submarket the plaintiff must be able to show but need not necessarily establish in the complaint that the alleged submarket is economically distinct from the general product market. *Newcal Indus* 513 F 3d at 1045. In *Brown Shoe* the Supreme Court listed several practical indicia of

an economically distinct submarket industry or public recognition of the submarket as a separate economic entity the product's peculiar characteristics and uses unique production facilities distinct customers distinct prices sensitivity to price changes and specialized vendors Id quoting 370 U S at 325 82 S Ct 1502 Hicks v PGA Tour Inc 897 F 3d 1109 9th Cir 2018

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