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LOVRE AND DEVANY

ATTORNEYS AT LAW
639 WOODWARD BUILDING
WASHINGTON, D. C. 20005

REC'D JAN 19 1966

HAROLD O. LOVRE
MEMBER OF CONGRESS
1949-1957

OFFICE DISTRICT 7-7557
DISTRICT 7-7558

PHILIP M. DEVANY *
* MEMBER OF OUT-OF-STATE BAR ONLY

17 January 1966

Hon. Edward Hutchinson (Mich.)
Room 1420 New House Office Bldg.
Washington, D.C.

Re: S. 950 - H.R. 9981

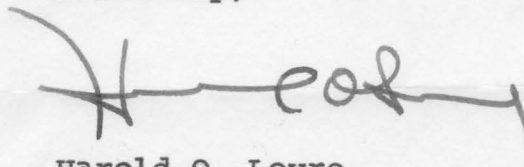
Dear Congressman Hutchinson:

This letter is merely for the purpose of advising that The American Football League is vitally interested in the above Sports Bills and sincerely hope that hearings will be held early so that we can appear and testify.

Conditions have changed drastically since 1958 when extended hearings were held in the House covering sports and we feel that the above are not only timely but vital for the best interest of sports generally.

Trusting that we may have your support and assistance in early hearings and passage of the above bills.

Cordially,



Harold O. Lovre
Attorney for -
THE AMERICAN FOOTBALL LEAGUE

HOL/FW

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OFFICE DISTRICT 7-7557
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PROFESSIONAL TEAM SPORTS ACT OF 1965 S. 950

AUTHORED: Senators Hart, Dodd, Dirksen and Hruska

PASSED SENATE: 31 August 1965

NEED: The Supreme Court of the United States has suggested in various decisions that Congress should pass such legislation as may be necessary to eliminate the inequities that now exist in the application of the antitrust laws to the various team sports. (Today baseball is exempt from antitrust laws but football, basketball and hockey are not.)

PURPOSE: Put all sports under antitrust and exempt only the essential sports aspects which are necessary to allow team sports to operate effectively within leagues thereby balancing playing strength and preserving the integrity of the sports, which exemptions are spelled out in the bill as follows:

- (1) the equalization of competitive playing strengths;
- (2) the employment, selection, or eligibility of players, or the reservation, selection, or assignment of player contracts;
- (3) the right to operate within specific geographic areas; or
- (4) the preservation of public confidence in the honesty in sports contests.

SUPPORT: "Our association is respectful of the role which professional sports play in American culture, and are sympathetically aware of the problems posed by the inconsistency in presently applicable law to the professional team sports of baseball, football, basketball, and hockey. We wish to make clear that the views we hold regarding the provisions of S. 950 are in no way opposed to the bill's purposes in providing uniform treatment, under the antitrust statutes, for those sports. Nor are we necessarily opposed to the means of providing uniformity of treatment through exemption from applicability of the antitrust laws in the four areas specified in the bill." (William R. Reed, Chairman, NCAA Legislative Committee)

"I am sure my position as concerns this legislation, and particularly Senator Hart's sports bill, S. 950, is well known. I favored the bill when it was first submitted. I still favor it. I have always felt that team sports were entitled to some clear-cut antitrust exemption for essential sports practices." (Ford C. Frick, Commissioner of Baseball)

SUPPORT (Cont'd)

"The National Football League strongly supports S. 950. It believes it to be in the interest of the league and of professional football, its fans, its players, and all those connected with it." (Pete Rozelle, Commissioner, N. F. L.)

"We feel that legislation of this nature is an absolute necessity for the continued effective operation of professional football leagues. Because of the nature of professional football certain joint actions are necessary. These joint actions would include all the exemptions contained in S. 950." (Joe Foss, Commissioner, American Football League)

"Recently I had the opportunity to look at the text of the new sports bill which your committee has proposed to the U. S. Senate, and I would like to take this opportunity to say that the North American Football League supports bill S. 950 and its objectives." (Robert E. Spitler, Asst. Commissioner, North American Football League)

"I have examined S. 950, the professional team sports bill which has as its purpose the clarification of the status of football, baseball, basketball, and hockey under the antitrust laws. I think this is a step in the right direction. I am sure it is important that all team sports be played on an equal basis under the antitrust laws, and that exemptions only be granted where conditions are necessary for continuing growth and success." (Albert B. Chandler, Commissioner, Continental Football League)

"I feel that S. 950 be passed for the benefit of all pro sports." (Joseph Rosentover, Commissioner, Atlantic Coast Football League)

"I am in favor of the passage of S. 950. I make this statement on behalf of the National Basketball Association and the owners of the nine basketball clubs who are members of the NBA and who operate teams in the cities of Baltimore, Md.; Boston, Mass.; Cincinnati, Ohio; Detroit, Mich.; Los Angeles, Calif.; New York, N. Y.; Philadelphia, Pa.; St. Louis, Mo.; and San Francisco, Calif." (J. Walter Kennedy, President, National Basketball Association)

"I have studied carefully the provisions of S. 950 and I would like to place on record on behalf of the National Hockey League our unqualified approval of its provisions." (Clarence Campbell, President, National Hockey League)

ROGERS BILL:

Congressman Byron Rogers introduced H. R. 9981 last July 21st which is identical with S. 950 except with the provision added for a mandatory common draft and making exemption inapplicable where a college athlete is signed before a certain date.

REQUEST:

Support for early hearings by the House Judiciary Subcommittee over antitrust matters on both S. 950 and H. R. 9981 and passage.

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

Celebratory Football
WESTERN UNION
 W. P. MARSHALL
 CHAIRMAN OF THE BOARD
TELEGRAM OCT 14 1966
 R. W. McLELLAN
 PRESIDENT

SYMBOLS

DL = Day Letter

NL = Night Letter

LT = International Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

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DE LGA169 PD DL EAST LANSING MICH 14 1108A EST

CONGRESSMAN EDWARD HUTCHINSON

MICHIGANS 4TH DISTRICT WASHDC

HIGH SCHOOL AND COLLEGE FOOTBALL MUS BE ADEQUATELY PROTECTED BEFORE CONGRESS GRANTS ANTI-TRU IMMUNITY TO PROFESSIONAL FOOTBALL.

IT IS IMPERATIVE THAT THE INDIVIDUAL PROFESSIONAL CLUB BE BOUND

TO THE SAME TELEVISION RESTRICTIONS AS THE LEAGUE OTHERWISE

THE PROTECTION IS MEANINGLESS. INDISCRIMINATIVE TELIVISION

BY PROFESSIONAL TEAM INTERFERES WITH HIGH SCHOOL AND COLLEGE FOOTBALL. I WOULD PERSONALLY APPRECIATE IT IF YOU COULD GET

A COPY OF A LETTER WRITTEN BY WALTER BYERS EXECUTIVE SECRETARY

OF OUR NATIONAL COLLEGIATE ATHLETIC ASSOCIATION WRITTEN TO

HONORABLE EMANUEL CELLER. THANK YOU FOR YOUR CONSIDERATION

BIGGIE MUNN ATHLETIC DIRECTOR MICHIGAN STATE UNIVERSITY

(26).

SF1201(R2-65)

REC'D OCT 14 1966

ELK Power

1958

MEMORANDUM

July 25, 1958

TO : SAC, NEW YORK (100-100000)

FROM : SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

[The remainder of the memorandum text is illegible due to extreme fading and low contrast.]

A- 77958

89TH CONGRESS
2D SESSION

H. R. 17977

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 1966

Mr. MACGREGOR introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the merger of two or more professional football leagues, and to protect football contests between secondary schools from professional football telecasts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the Act of September 30, 1961 (75 Stat. 732; 15
4 U.S.C. 1291), is amended—

5 (1) by amending the first section thereof to read as
6 follows:

7 "That the antitrust laws, as defined in section 1 of the Act
8 of October 15, 1914, as amended (38 Stat. 730), or in the
9 Federal Trade Commission Act, as amended (38 Stat. 717),
10 shall not apply:

1 “(a) to any joint agreement by or among persons
2 engaging in or conducting the organized professional
3 team sports of football, baseball, basketball, or hockey,
4 by which any league of clubs participating in professional
5 football, baseball, basketball, or hockey contests sells
6 or otherwise transfers all or any part of the rights of
7 such league’s member clubs in the sponsored telecast-
8 ing of the games of football, baseball, basketball, or
9 hockey, as the case may be, engaged in or conducted by
10 such clubs.

11 “(b) to a joint agreement by which the member
12 clubs of two or more professional football leagues com-
13 bine their operations in an expanded single league, if
14 such agreement increases rather than decreases the num-
15 ber of professional football clubs so operating, and the
16 provisions of which are directly relevant thereto.”

17 (2) by inserting “(a)” after the words “section
18 1” where such words appear the second time in section
19 2;

20 (3) by amending section 3 to read as follows:

21 “SEC. 3. Section 1(a) of this Act shall not apply to
22 any joint agreement described in section 1 of this Act which
23 permits the telecasting of all or a substantial part of any
24 professional football game on any Friday after 6 o’clock
25 postmeridian or on any Saturday during the period begin-

1 ning on the second Friday in September and ending on the
2 second Saturday in December in any year from any tele-
3 casting station located within seventy-five miles of the game
4 site of any intercollegiate or interscholastic football contest
5 scheduled to be played on such date if—

6 “(1) such intercollegiate football contest is be-
7 tween institutions of higher learning both of which
8 confer degrees upon students following completion of
9 sufficient credit hours to equal a four-year course, or

10 “(2) in the case of an interscholastic football con-
11 test, such contest is between secondary schools, both of
12 which are accredited or certified under the laws of the
13 State or States in which they are situated and offer
14 courses continuing through the twelfth grade of the
15 standard school curriculum, or the equivalent, and

16 “(3) such intercollegiate or interscholastic football
17 contest and such game site were announced through
18 publication in a newspaper of general circulation prior
19 to August 1 of such year as being regularly scheduled
20 for such day and place.”

SENATOR
BOB CONRAD

A BILL
H. R. 12913

U

A BILL

To authorize the merger of two or more professional football leagues, and to protect football contests between secondary schools from professional football telecasts.

By Mr. MACGREGOR

SEPTEMBER 26, 1966

Referred to the Committee on the Judiciary

The National Collegiate Athletic Association

Executive Offices

Midland Building • Kansas City, Missouri 64105 • Baltimore 1-7127

President
EVERETT D. BARNES
Colgate University
Hamilton, New York

Executive Director
WALTER BYERS

Secretary-Treasurer
FRANCIS E. SMILEY
Colorado School of Mines
Golden, Colorado

REC'D OCT 3 1966

September 28, 1966

• The Honorable Edward Hutchinson
House of Representatives
Washington, D. C.

My dear Mr. Hutchinson:

We are using this means to present to you the viewpoint of this association and its members in reference to S.3817 which recently was passed by the United States Senate and, according to news reports, is before the Judiciary Committee of the House of Representatives. We are concerned by the rapidity by which this bill cleared the Senate and the fact that there apparently have not been any hearings or discussions of its possible implications.

The colleges generally have been apprehensive of professional sports' activities in player drafting and television as they affect and damage the intercollegiate (and high school) programs. The general intent of S.3817 and its House counterparts, however, is not objectionable to the colleges. Indeed, we would concede that regularization of signing practices which can be expected from consolidation of the professional football leagues would relieve us of one of our most disruptive experiences of recent years.

At the same time, we are concerned that it is being represented that these measures, at least passably, bear the endorsement of the schools and colleges. This is not the case because we believe strongly that any grant of statutory privilege to professional sports should be accompanied by an accounting of their responsibility to avoid practices detrimental to school and college athletics. It is true that the current bills extend to high schools the same form of television protection accorded colleges under the 1961 act which authorized professional sports clubs to "package" their TV programs. This, however, merely corrects what was in effect a legislative oversight in the 1961 act. It does not go to the core of our concern.

We are disturbed by the practices of professional football teams in scheduling, independently of the league packages, Friday night and Saturday telecasts which can do exactly the same damage to concurrent high school and college games as packaged telecasts. We foresee the merger of the football leagues as introducing new pressures to schedule and televise on these days and to avoid conflicts among themselves. For this reason we have sought to extend the 1961 act to provide protection from both the packaged telecasts and from independently arranged telecasts on the part of those who are privileged under the 1961 act.

Again, it is our argument that any legislation which extends the privileges of anti-trust exemption to professional sports is an appropriate vehicle for statutory restraint upon those so privileged, if their practices are or may be seriously

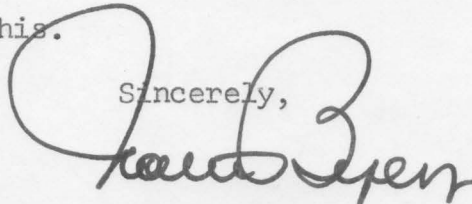
The Honorable Edward Hutchinson
September 28, 1966
Page No. 2

deleterious to the school-college program. [I believe the high schools have a further concern that the dates of the 1961 act from the second Friday in September do not effectively cover their playing season. In many parts of the country this season begins before September 1 and is accordingly affected by the telecasts of the exhibition games of professional football which, in the main, are not a part of league packages.]

To sum up, we do not oppose S.3817 or its counterparts in their announced purposes. We do believe these measures should be amended to give the schools and colleges protection where it is due. We believe the legislation should not be enacted without such amendments and we most certainly do not want the Congress to consider the proposed bills in a belief that they adequately provide attention to and protection for vital interests of the schools and colleges. I am enclosing the text of an amendment to S.3817 on behalf of the colleges. The language fits in the second line of the proposed Section 3 of the counterpart bills as well. I hope you can support the incorporation of this amendment in S.3817 or in its counterparts if and when these measures are considered by the House Judiciary Committee or one is brought to the floor.

Thank you for your consideration of this.

Sincerely,



Walter Byers

WB:jp
Encl.

A M E N D M E N T T O S. 3 8 1 7

Recommended by The National Collegiate Athletic Association

Delete the words, "which permits", on page 3, lines 1 and 2 of S. 3817 and substitute therefor the following: "if such agreement permits, or if any party to such agreement shall arrange or permit during the term thereof".

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The amended version, beginning on page 2, line 25 of S. 3817 then would read:

"Sec. 3. Section 1(a) of this Act shall not apply to any joint agreement described in section 1 of this Act if such agreement permits, or if any party to such agreement shall arrange or permit during the term thereof, the telecasting of all or a substantial part of any professional football game on any Friday after 6 o'clock postmeridian or . . ."

The National Collegiate Athletic Association
September 28, 1966

October 6, 1966

Mr. John L. Lehigh
R. #3
Decatur, Michigan

Dear Mr. Lehigh:

I acknowledge your letter of September 30th expressing opposition to a bill exempting professional football from antitrust laws.

A bill which would recognize the legality of a merger already announced between the NFL and the AFL has already passed the Senate. Similar legislation will be the subject of a hearing before a House Judiciary Subcommittee this week. Although I am a member of the Judiciary Committee and serve on several of its subcommittees, it so happens that I am not assigned to the particular subcommittee considering this matter.

You may be interested in the precise language of several of the bills introduced. They provide that the antitrust laws shall not apply "to a joint agreement by which the member clubs of two or more professional football leagues combine their operations in an expanded single league, if such agreement increases rather than decreases the number of professional football clubs so operating." I understand that language to mean that the merger would be legalized only if the end result was more, not less, professional football teams. This language would seem to demand less monopoly in the field rather than more.

Another provision of these bills would legalize and require agreements which would reserve the time from 6:00 p.m. Friday, all day Saturday, and Saturday evening, during the period from the second Friday in September and ending on the second Saturday in December, for the telecasting of intercollegiate and interscholastic football games by preventing the telecasting of a professional football game during that time.

I have no knowledge of the form in which the bill might be reported from the Judiciary Subcommittee or whether, in fact, it will be reported.

Mr. John L. Lehigh - #2

October 6, 1966

There has been a considerable amount of interest in the subject and, as of the time of receipt of your letter, yours was the only communication I have received in opposition to the bill.

I am happy to have your thought upon it.

Sincerely,

(Miss
dicta.)

COPY



ASSOCIATES FINANCE COMPANY INC.

REC'D OCT 5 1966

409 North Hickory Road
South Bend, Indiana 46615
Telephone: 234-2128

September 30, 1966

Representative Ed Hutchinson
The House of Representatives
Washington, D. C.

Dear Representative Hutchinson:

When the bill asking exemption of professional football from anti-trust laws comes before the House, I request that you vote against it.

Respectfully yours,

John L. Lehigh
John L. Lehigh
Route #3
Decatur, Michigan

JLL:ck