

9-7-2009

End the NFL blackout!

Richard C. Crepeau
University of Central Florida, richard.crepeau@ucf.edu

 Part of the [Cultural History Commons](#), [Journalism Studies Commons](#), [Other History Commons](#), [Sports Management Commons](#), and the [Sports Studies Commons](#)
Find similar works at: <https://stars.library.ucf.edu/onsportandsociety>
University of Central Florida Libraries <http://library.ucf.edu>

This Commentary is brought to you for free and open access by the Public History at STARS. It has been accepted for inclusion in On Sport and Society by an authorized administrator of STARS. For more information, please contact STARS@ucf.edu.

Recommended Citation

Crepeau, Richard C., "End the NFL blackout!" (2009). *On Sport and Society*. 794.
<https://stars.library.ucf.edu/onsportandsociety/794>

SPORT AND SOCIETY FOR H-ARETE
End the NFL blackout!
SEPTEMBER 7, 2009

Over the past week there has been some comment on the NFL television blackout policy that prohibits the televising of home games in the home market unless there has been a sellout 72 hours in advance of kickoff. Some, including Richard Sandomir of the New York Times, have suggested that in this time of economic crisis, when it appears that the number of sellouts of NFL games will be dropping, that Commissioner Goodell should end or suspend the blackout policy. This is a reasonable sentiment, although one might question if offering more blood and circuses offers a viable solution to America's economic problems, or if that suggests that the NFL should serve as one more version of the opium of the masses.

Rather than simply offering a temporary respite for the unemployed, now might be a good time to look at the history of the blackout with a view to ending this economic privilege enjoyed by the NFL by virtue of a combination of court decisions and legislation.

The relationship between the NFL and television goes back to the early days of television following World War II. A number of teams developed their own television arrangements and some even had their own regional networks. These spotty operations came and went with uneven results.

The first major experiment with television came in Los Angeles where the Rams allowed local television of all their 1950 home games. Game sponsor Admiral Television agreed to make up any losses in home ticket sales from those totals of the previous year. When attendance dropped by 110,000 Admiral had to produce \$307,000 for the Rams. The following year the Rams televised road games only and as a result home attendance bounced back to 1949 levels.

With this graphic negative demonstration of the power of television, Commissioner Bell moved in 1952 to take control of television policy. His idea was to centralize control of television contracts in the league and televise games on a regional basis, while instituting a blackout of all home games within 75 miles of the team city. The Justice Department moved immediately to challenge the NFL's actions. However in 1953 a Federal District Judge ruled that the NFL constituted a "unique

kind of business" in which classic economic competition would destroy that business. The court upheld the blackout policy of home games and the territorial blackout which made the regional network solution possible.

At the beginning of the Sixties under the leadership of the new Commissioner, Pete Rozelle, the NFL, rather than individual teams, signed an exclusive TV contract with CBS. The court ruled that the pooling of contracts was an anti-trust violation. With a loss in the courts the NFL turned to the executive and legislative branches of the federal government for relief. With the strong support of the Kennedy White House and Congress, the Sports Broadcasting Act of 1961 was passed authorizing home game blackouts as well as a league-wide television contract. This triumph of the NFL cartel led to even stronger advocacy of the free enterprise system by NFL owners.

This is where the policy stood through the 1960s and the years of warfare with the AFL, which, as a matter of interest, did not have a blackout rule on its telecasts. With the growing popularity of professional football, the merger of the two leagues, and the coming of the Super Bowl, the blackout would again become an issue. Repeated sellouts of games in the NFL led to frustration for home fans who had to travel 75 miles to see their home team at home on a television away from home. Stronger objections developed over the blackout of the Super Bowl. In Miami, local attorney and would-be political candidate Ellis Rubin campaigned to end the blackout rule. He took the NFL to court arguing that the use of local taxpayer money to stage the Super Bowl should in fact give the local taxpayers the right to see the game for which they could not buy tickets.

In making this logical argument Rubin was portrayed by the NFL as a local pest or worse, and in his growing arrogance Commissioner Rozelle refused to even consider the matter. Then in the early 1970s after George Allen arrived in Washington as the Redskins coach and elevated the team to the upper ranks of the NFL, Redskin popularity produced repeated sellouts of home games. Both political and public Washington, including members of Congress with the full support of President Nixon, objected to the NFL blackout policy and forced a change in the blackout rule. Thus the legislative origins of the 72 hour rule.

Commissioner Rozelle made it sound as if the fabric of American civilization was on the line, but in the end the impact was exactly what it was expected to be. There was an increase in television ratings in home markets, a corresponding increase in

advertising rates, and a long term increase in the size of TV contracts.

Now once again the NFL refuses to budge on its policy, and Commissioner Goodell expresses his view that what he sees as the interest of the league is more important than the desires of the fans. It is time once again for Congressional action to curb the arrogance of the NFL.

The precedents for legislation are clear. It is time to end the blackout policy once and for all. A public that has been drained by tax subsidies for stadiums, often by extortion, and which continues to be milked by the NFL owners, has in fact an ownership right to the games played in those stadiums. The teams are also given any number of other tax breaks and subsidies in depreciation of players and facilities, and by the corporate NFL ticket and seat license buyers' ability to write off those costs as business expenses on their taxes.

At every turn the NFL is underwritten by both a willing and unwilling public, football fans or not. In addition, television operates on the public airwaves which should be protected by the FCC from this sort of exploitation of the public. The arrogance of power and the glib indifference of the Commissioner of the NFL should be used to bring a halt to these "sportsmen" who eat at the public trough, and then pretend that the public has played no role in the amassing of their fortunes.

The NFL should not be allowed the right to exclude the broadcast of their games on the public airwaves to a public that subsidizes their existence. Enough already!

On Sport and Society this is Dick Crepeau reminding you that you don't have to be a good sport to be a bad loser.

Copyright © 2009 by Richard C. Crepeau