



BRIAN REA

How to End the N.F.L. Deadlock

By Arlen Specter

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IT will be bad for America if there is no N.F.L. football in the fall.

Cancellation of the 2011 National Football League season — a possibility that looms over the players' strike and the owners' lockout — would not only disappoint the sport's many fans and disrupt the social rituals (tailgating, Super Bowl parties) that surround the game; it would also have serious economic consequences. Edgeworth Economics, a consulting firm, studied the cost of a canceled 2011 season (at the request of the players association) and estimated it to be about \$5 billion from lost jobs, decreased spending at local businesses and reduced tax revenue. In addition, billions of dollars in TV revenue and millions of dollars in ticket sales would vanish.

With this much at stake, the country should not sit back and wait for the players and owners to reach an agreement on their own. Congress can — and should — intervene to force a resolution of the dispute.

Congress has considerable leverage over the N.F.L. because it grants the league an antitrust exemption without which it could not operate as it currently does. The joint agreements among teams on matters like free agency and revenue sharing, as well as the league's single national TV deal, would otherwise run afoul of federal antitrust laws, which prohibit businesses (in this case, individual teams) from making deals that reduce competition.

To ensure an agreement between the owners and players in time for the 2011 season, Congress should place a special condition on the continuation of the N.F.L.'s antitrust exemption: the owners and players must abide by a settlement procedure known as last-best-offer arbitration. This procedure would require the two sides to negotiate; if an agreement is not reached, each side would make its last best offer and an arbitrator would choose between the two. This arrangement creates an incentive for each side to make the more reasonable offer, lest the arbitrator pick the other side's.

Skeptics will note that in the past, Congress has been un-

willing to use its leverage to compel the N.F.L. to alter unpopular or controversial practices. When the Philadelphia Eagles threatened to move to Phoenix in the early 1980s, I introduced legislation that would have made the antitrust exemption conditional on the league's prohibiting such moves if the team was financially successful (as the Eagles were). That legislation, which was strongly opposed by N.F.L. lobbyists, did not pass.

Similarly, in the '90s, when several professional football and baseball teams threatened to move in order to pressure cities to pay for stadium construction costs, I introduced legislation that would have made the antitrust exemption conditional on having the N.F.L. and Major League Baseball (which has a similar exemption) pay three-quarters of such construction

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But the political climate today is much more conducive to congressional action than past efforts to deal with local issues like franchise moves and stadium construction costs. The prospect of a lost N.F.L. season has upset fans across the country, not least because the league has never generated more revenue or been more popular than it was last year.

There is already a starting point for the legislation I am proposing. A bill introduced in March by Representative John Conyers Jr., Democrat of Michigan, aims to strip the antitrust exemption from the N.F.L. because the league, according to the bill, "acted in bad faith" by negotiating broadcast contracts that guaranteed it would be paid even in the event of a lockout.

This is a good moment for Congress to act. Gridlock on other issues has left the House and the Senate with time to spare. And even the mere threat of such legislation might induce a settlement. □

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