

Mr. MACDONALD. Because it seems to me more in restraint of trade, that being a word of art, I suppose, to black out an area for commercial reasons and sell it for theater TV than just letting it be seen on regular commercial TV.

Mr. ERLICK. Yes, sir.

Mr. MACDONALD. It is not my position to make any suggestions to all the brains of the three networks, but I would think it would be a simple matter to just ask the Attorney General for an advisory opinion about it, if it is that irritating to the three networks. I somehow have the feeling it is not that irritating.

Mr. ERLICK. Sir, as I say, it is something that we do not favor and do not want. There is no reason in the world why a network should want to black out any area of the country in terms of presenting any particular event. A college football game, there is no reason why we would want to black out the game in the hometown of the college involved.

There is a very good reason why a college wants to do that because it does not want to hurt its attendance on Saturday afternoon. That is understandable to us.

Mr. MACDONALD. Supposedly they are amateurs and therefore, you know, when they start talking dollars and cents and that sort of thing, I lose a good deal of sympathy for them about it although I can understand. But when something is sold out for months ahead of time—I use the example of here in Washington or in New York, where the stadium is sold out, fans support the team here; yet, you cannot see the game here. You have to watch some game, two teams playing whom you do not have any interest in. That does not seem to me to be a fair thing. Does it seem fair to you?

Mr. ERLICK. As I say, we would love not to have that condition.

Mr. VAN DEERLIN. Will the chairman yield?

Mr. MACDONALD. I yield.

Mr. VAN DEERLIN. Before my esteemed chairman digs too big a hole here—

Mr. MACDONALD. For whom? Myself?

Mr. VAN DEERLIN. Possibly to fall into.

Didn't Congress pass, about the 89th Congress, a bill which exempted from antitrust action any pro sport that did black out broadcasts?

Mr. MACDONALD. Yes; I think that is right. We also in our blind day that day said that only the Redskins and no other team—AFL, by law can't come in and use the Coliseum down here; believe it or not.

Mr. VAN DEERLIN. Thereby excluding the more glamorous circuit, the American Football League.

Mr. MACDONALD. I was one who voted against it. I am not sure that everyone who voted for it understood what was in the bill, frankly.

I will conclude by saying this. In your judgment, in addition to the inconsistencies that Mr. Brotzman and myself have pointed out, you know, your playing both sides of the fence, that pay-TV is a threat and yet it is a failure at the same time, also you are just absolutely wrong about attractions which you say would be lost to the public such as the world's series, because they can't be.

Mr. ERLICK. I believe they can be, Mr. Chairman.

Mr. MACDONALD. How?