

Mr. MACDONALD. You are not talking about free TV, you are talking about commercial TV, isn't that right?

Mr. GAYNES. I will accept that. I think it is a matter of impact. In certain respects they are similar. They are both in the entertainment business, but I think there are significant differences. I think the most significant differences for the purpose of this committee is the impact this will have on commercial TV. I think the impact of pay television over the air would be disastrous to it.

Mr. MACDONALD. I will yield to Mr. Brown in a minute but I have just one other question which bothered me yesterday and it bothers me again today.

You say that if the home games of professional football or baseball teams under the regulation are not used for 2 years, they would then become public property, shall we say, and could go on subscription TV.

Say the Redskins are going to play in Los Angeles. Although it is an away game for the Redskins, isn't it a home game for the Rams? So it still could be sold.

Mr. GAYNES. I am not sure I understand your question.

Mr. MACDONALD. I am not sure I understood any answers I got yesterday in which it was said that if they sold the away game, it would automatically free them to become the property of subscription TV.

In other words, somebody will broadcast that game whether it is at home or away. Isn't that right?

Mr. GAYNES. Yes, somebody will.

Mr. MACDONALD. If one-half of the contestants are from one city, why, isn't that the selling of their performance?

Mr. GAYNES. Yes.

Mr. MACDONALD. Then how can it become subject to becoming public property and therefore able to be put on subscription TV after a 2-year period?

Mr. GAYNES. Supposing they take it off entirely, supposing the Redskins decided they are not going to show any games—

Mr. MACDONALD. Somebody said yesterday that the league gets a certain amount of money and divides it into the number of teams that there are in the league.

Mr. GAYNES. That is right.

Mr. MACDONALD. Aren't they getting paid just as if they were on—

Mr. GAYNES. Yes, the individual team. The individual team could say, "Look, I am not going to give you rights to my game at all, I am giving up my share of the pot, I am going to sell the home games to pay TV, I am going to make as much money. I don't want my away games to be put on at all."

Mr. MACDONALD. Do you think they could make that stick?

Mr. GAYNES. I think they could, yes.

Mr. MACDONALD. The Redskins playing in Los Angeles against the Rams, they tell the Rams, "No broadcasting."

Mr. GAYNES. I think the Rams would do the same thing.

Mr. MACDONALD. Do you think the Redskins would tell the Rams not to sell their rights or vice versa?

Mr. GAYNES. I don't know. I certainly envision conflicts that may arise. Let me say about conflicts in professional football between teams,