ORRIN G. HATCH
UTAH

JACE JOHNSON
CHIEF OF STAFF

104 Hart Senate Office Building

TELEPHONE: (202) 224-5251
TDD (202) 224-2849
FAX: (202) 224-6331

Website: http://www.senate.gov/~hatch

# United States Senate

WASHINGTON, DC 20510-4402

COMMITTEES:

FINANCE

JUDICIARY

HEALTH, EDUCATION, LABOR, AND PENSIONS

INTELLIGENCE

JOINT COMMITTEE ON TAXATION

February 13, 2008

Roger Goodell
Commissioner
National Football League
280 Park Avenue
New York, NY 10022

Dear Commissioner Goodell:

On February 1, two days before the Super Bowl, The Washington Post reported on a series of communications between the National Football League and churches that had planned Super Bowl parties for their members. I am very concerned by this report. While I would like a detailed briefing on this matter, there are a number of questions that I would like you to answer prior to formal Senate consideration of this issue.

What were the circumstances surrounding the League's decision to contact religious institutions advising them against televising its games? How did the League become aware of these instances in which its copyright was being infringed? Was there any consideration on the League's part of the impact these letters would have on these religious communities?

Are churches the only non-profit organizations the League has contacted for copyright infringement? For example, has the League contacted hospitals or other non-profit organizations, advising them against televising League games?

Has the League brought any copyright infringement suits against religious organizations in connection with the Super Bowl broadcasts in 2008 and 2007?

Press accounts indicate that the League sent letters to religious organizations in connection with the 2008 Super Bowl, advising them against televising the game. Did you send any such letters? If so, how many did the League send, and what were the circumstances surrounding each letter? Was legal action threatened?

Press accounts also indicate that the League sent letters to religious organizations in connection with the 2007 Super Bowl, advising them against televising the game. Did you send any such letters? If so, how many did you send, and what were the circumstances surrounding each letter? Was legal action threatened?

How many religious organizations did the League contact, verbally or in writing about the televising of the 2007 and 2008 Super Bowls? Did the League make any such contacts prior

PRINTED ON RECYCLED PAPER

to 2007? If so, how many organizations did the League contact? If not, what led the League to begin enforcing its copyright against these churches?

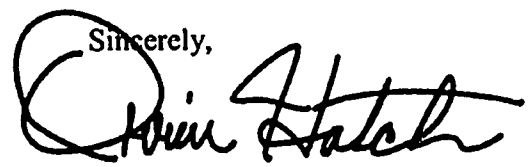
Were religious organizations who called the NFL in connection with the 2008 or 2007 Super Bowl verbally told that they were subject to copyright infringement suits?

When religious organizations inquired of the NFL as to the conditions under which they could show the Super Bowl broadcast, what advice were they given? Was this advice uniformly given to all such organizations and was the same advice given to non-religious organizations?

As to future Super Bowls, under what conditions would the NFL not object to religious organizations showing live broadcasts?

For millions of Americans, Super Bowl Sunday is a unique opportunity for friends to gather together and watch a football game. As this year's game made clear, the League markets a unique and exciting product. I want to make sure that all Americans are able to participate in watching the game with their loved ones and neighbors. I look forward to your prompt response.

Sincerely,



Orrin G. Hatch
United States Senator

OGH:bdd

NATIONAL FOOTBALL LEAGUE

February 19, 2008

**ROGER GOODELL**
*Commissioner*

The Honorable Orrin G. Hatch
104 Hart Senate Office Building
Washington, DC 20510

Dear Senator Hatch:

This letter is in response to the questions you posed in your letter of February 13, 2008, regarding communications between the National Football League and several churches that had planned large Super Bowl parties for their members. We are pleased to cooperate with your inquiry into this matter and to correct any misimpressions that may have been created by the Washington Post article of February 1, 2008; subsequent press reports; and Senate floor statements that may have been based on such news reports.

The following are our responses to your questions:

*Question: What were the circumstances surrounding the League's decision to contact religious institutions advising them against televising its games? How did the League become aware of these instances in which its copyright was being infringed? Was there any consideration on the League's part of the impact these letters would have on these religious communities?*

Answer: The League did not initiate contact with any religious organizations regarding the 2008 Super Bowl.

*Question: Are churches the only non-profit organizations the League has contacted for copyright infringement? For example, has the League contacted hospitals or other non-profit organizations, advising them against televising League games?*

Answer: If anything, the League has responded more seriously to potential violations involving institutions other than churches, particularly those involving for-profit organizations. In recent years, the League has not been made aware of hospitals or other non-profit organizations televising League games in violation of the federal copyright law, and therefore, had no occasion to contact such establishments.

280 Park Avenue, New York, New York 10017 Tel (212) 450-2000 Fax (212) 681-7574

*Question: Has the League brought any copyright infringement suits against religious organizations in connection with the Super Bowl broadcasts in 2008 and 2007?*

Answer: No. The League has never sued any religious or other non-profit organization for the display of a Super Bowl broadcast.

*Question: Press accounts indicate that the League sent letters to religious organizations in connection with the 2008 Super Bowl, advising them against televising the game. Did you send any such letters? If so, how many did you send, and what were the circumstances surrounding each letter? Was legal action threatened?*

Answer: Contrary to press accounts, the League sent no cease-and-desist letters to religious organizations in connection with the 2008 Super Bowl and legal action was not threatened against any religious organization.

*Question: Press accounts also indicate that the League sent letters to religious organizations in connection with the 2007 Super Bowl, advising them against televising the game. Did you send any such letters? If so, how many did you send, and what were the circumstances surrounding each letter? Was legal action threatened?*

Answer: In connection with the 2007 Super Bowl, the League sent two cease-and-desist letters to religious organizations. In both cases, we understood the recipient of the letter was planning to charge an admission fee for its Super Bowl event and in one instance the recipient was also using NFL trademarks to advertise its party. In neither case was legal action threatened; rather the recipient of the letter was made aware of the League's policy on out-of-home viewings (described below) and asked to confirm in writing its compliance with such policy.

*Question: How many religious organizations did the League contact, verbally or in writing, about the televising of the 2007 and 2008 Super Bowls? Did the League make any such contacts prior to 2007? If so, how many organizations did the League contact? If not, what led the League to begin enforcing its copyright against these churches?*

Answer: The League did not initiate contact with any religious organization, other than the two cease-and-desist letters mentioned above, regarding the televising of the 2007 and 2008 Super Bowls. As described below, numerous churches and other non-profit organizations contacted the League after news stories appeared and asked about the rules for showing the 2008 Super Bowl. The League gave uniform information to the organizations that initiated such contact. Because many of these contacts were verbal and none was initiated by the League, the League does not have precise records of the number of contacts. We estimate there were approximately 100 such phone calls to us over the past two years. We are not aware of any contacts with churches prior to 2007.

*Question: Were religious organizations who called the NFL in connection with the 2008 or 2007 Super Bowl verbally told that they were subject to copyright infringement suits?*

Answer: Religious organizations were simply informed of the NFL's policy regarding the showing of the Super Bowl on their property and asked to comply with such policy. In no instance were religious organizations told that they would be subject to copyright infringement suits.

*Question: When religious organizations inquired of the NFL as to the conditions under which they could show the Super Bowl broadcast, what advice were they given? Was this advice uniformly given to all such organizations and was the same advice given to non-religious organizations?*

Answer: Any organization that inquired about showing a Super Bowl broadcast received the same advice-- specifically, (1) there must be no charge for the gathering, and (2) the screen used to show the game must be of a size (maximum 55 inches) commonly used in the home. In addition, the League offered affirmative advice to inquiring non-profit organizations, including churches, on ways they could comply with the law. The League does not normally volunteer such affirmative advice to for-profit entities that make these types of inquiries.

*Question: As to future Super Bowls, under what conditions would the NFL not object to religious organizations showing live broadcasts?*

Answer: For future Super Bowls, the League will not object to live showings-- regardless of screen size-- of the Super Bowl by a religious organization when such showings are free and on premises used by the religious organization on a routine and customary basis. The League does not believe that legislation is necessary for this purpose and will implement this policy unilaterally beginning with our next Super Bowl on February 1, 2009.

The League is pleased that Super Bowl XLII was such a popular and celebratory occasion for millions of Americans. We hope that it continues that way for at least another 42 years.

Thank you for the opportunity to explain the League's position in this matter.

Sincerely,

ROGER GOODELL