

Congress invokes antitrust

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By Charles Chandler

Rep. Linda Sanchez (D-Calif.), who chairs the House subcommittee probing the concerns of NFL retirees, says she isn't satisfied the league and union have done enough to assist former players and that she would "absolutely" support threatening removal of the league's antitrust exemption if necessary to spur action.

"That is sort of the big issue the NFL and NFLPA clearly care most about," Sanchez told the Observer in a telephone interview. "If they want this exemption to continue, from my perspective, we want to see them address these concerns that their disabled and retired players have."

Members of the U.S. Senate and House of Representatives have criticized the league and union's treatment of retired players, but Sanchez is the first Congressperson to publicly link action on retiree issues to the league's antitrust exemption.

The antitrust exemption is contained in two pieces of federal legislation passed during the 1960s. One allows the NFL to negotiate national television contracts for all of its teams and to regionalize broadcasts. The other protects the league from antitrust lawsuits related to the NFL-American Football League merger of 1970.

Sanchez also said she might ask Commissioner Roger Goodell and NFLPA executive director Gene Upshaw to testify before the House Judiciary Committee's Subcommittee on Commercial and Administrative Law, which she chairs.

She said she was disappointed neither Goodell nor Upshaw appeared at the subcommittee's hearing last June on retired players' concerns. Both, however, testified in September at a Senate Commerce Committee hearing on the subject.

NFL spokesperson Greg Aiello said the league has "made it clear that (helping retired players) is an important ongoing priority that we will continue to address."

Aiello e-mailed the Observer a list of 20 improvements the league and union jointly have made in response to the needs of retired players.

The changes include establishing a plan to simplify the disability claims process and helping former players get joint replacements, expanded health screenings, prescription drug discounts

and greater benefits for those suffering from dementia.

Upshaw didn't reply to the Observer's request for his reaction to Sanchez's comments.

Sanchez said Congress is prepared to introduce legislation if necessary to address such issues as the makeup of the committee that approves or denies disability claims; selection of doctors who can determine disability; and developing a system to eliminate "doctor shopping" for a favorable ruling by the league or union.

"We're trying to see if the NFL and NFLPA can address (the) problems," she said. "If they're interested in doing it, we want to see if they actually take action. If they don't, Congress may revisit that and step in and try to level the playing field for these players.

"It's clear to me that these players put their hearts into the game. They make the league and the owners and, yes, even Gene Upshaw, a lot of money. But when they are injured or retire, they have such a difficulty in accessing benefits and such difficulty in the private sector purchasing them.

"It really is something the NFL and NFLPA should be ashamed of."