

SPORTS

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Deaths 40,41USFL can't
buck NFL

● The NFL was ordered to pay only a token \$1 in damages yesterday, even though a jury decided that it had used its monopoly powers to thwart the rival USFL. Page 1

● After essentially losing its case, the US Football League's television outlook is so bleak it is doubtful the league will survive until its scheduled fall kickoff. Page 30

● When the judgment came down, several Patriots thought the USFL erred in abandoning its original plan of becoming a low-rent league, one that would play spring football and try to run things like a business and not a sport. Page 31

● Reaction among USFL officials ranged from dismay to cautious optimism. Predictably, NFL officials were elated. "The USFL shot themselves in the foot," said NFL commissioner Pete Rozelle, who was found personally not liable in the case. Page 31



'Justice is wonderful. One dollar. I just paid the buck. There was no case.'

— NFL lawyer Frank Rothman



A relieved commissioner Pete Rozelle, his National Football League coffers \$3 poorer, confers with the media after yesterday's verdict.

It goes down
with last shot

By Ron Borges
Globe Staff

It was a shot in the dark all along, so the fact that the US Football League ended up shooting itself by winning its \$1.7 billion

NEWS ANALYSIS antitrust suit but losing the damage award is hardly the issue even if NFL commissioner Pete Rozelle didn't notice.

"We are in a monopolist position, but we didn't injure the USFL," Rozelle said yesterday

after the suit was decided. "The USFL shot itself in the foot."

Perhaps so, but to have done nothing was to have shot itself in the head.

As it turned out, of course, to have sued the National Football League for monopolizing professional football has killed the USFL anyway, but at least it went down with its boots on... or at least until the repossession people arrive.

"We're lost now, we're dead" admitted Rudi Schiffer, the vice president of the Memphis Showboats who forever more will be

known as the Memphis No-Show-boats.

For one of the few times in the stormy history of the league, a USFL official did not appear to be exaggerating the situation.

"It's like a death in the family," said USFL commissioner Harry Usher. "It's going to be very tough."

It would have been more to the point to say it was the death of the family because there seem to be few options left to the USFL.

ANALYSIS, Page 31

Flutie yearns to be a Patriot

By Ed Giullotti
Contributing Reporter

Former BC quarterback Doug Flutie said yesterday he wants to play for the New England Patriots if he does not play in the US Football League this season.

"I'd love to play for the Patriots, but the (Los Angeles) Rams own my rights," the former Heisman Trophy winner told the Houston Post after yesterday's

verdict in the USFL's suit against the NFL. "I plan on playing next year, I just don't know where. I'm not looking to get out of my contract (with the USFL's New Jersey Generals), but I think it might be advantageous for Mr. (Donald) Trump to sell my contract if we don't play next year. But my main concern is whether we are going to play or not. Financially, I'm covered, but I want to play football." Rams coach John Robinson

said it was too early to speculate on the possibility of Flutie playing anywhere in the NFL.

"It's premature for us to comment on that," he told the Los Angeles Times. "The USFL may have a full season, so we just don't know yet. It's inappropriate to say anything, seeing he is someone else's property. But if he becomes a free agent, then we'll have something to say."

FLUTIE, Page 31



THE USFL-NFL TRIAL

USFL

Network outlook dismal for USFL

SportView/JACK CRAIG

The potential television picture for the US Football League was so dismal that it made its TV troubles the heart of its antitrust suit against the National Football League. After essentially losing its case yesterday, the USFL's television outlook was so bleak it is doubtful the league will survive the seven weeks until its scheduled fall kickoff.

ESPN, the all-sports channel, is the league's only guarantee of TV revenue for 18 regular-season telecasts, beginning Sept. 14, New Jersey vs. Memphis, and four postseason games, culminating with the league championship in Jacksonville, Fla., Feb. 1.

An ESPN source said recently he would not be upset if the USFL folded. Ratings fell off last year, and ESPN has grown in stature to the point where if the USFL became a second-rate attraction, it would do the cable channel more harm than good. ESPN is due to pay \$68 million in rights fees, down from the original \$23 million, because the number of teams fell from 14 last year to eight.

After three years of springtime coverage, ABC walked away when the USFL announced the season to walk to fall. After the 1985 season, the network also reduced the scheduled rights fee, from \$15 million to \$8 million, also because of the reduction in franchises. The disposition of the other \$7 million is in litigation.

To replace ABC on conventional television, the USFL last spring hired Mizlou, a syndicator, to establish a network of independent stations for Thursday night telecasts this fall. The pursuit of stations for the network has been one of the better kept secrets in the industry, although a paper schedule of games was issued. In Boston, a key market, major independents Channel 38 and Channel 56 were not contacted.

The tentative lineup does include Channel 27 in Worcester for the Boston area and WSTV-TV for the Providence region. The other cities include Philadelphia, Detroit, Cleveland, Dallas and Washington, then smaller markets, mostly in the South. The league that had begun as a made-for-TV entity, with teams only in major markets, has shifted



NEAL PILSON
Hard work

to a southern base, the opposite of its origin.

The potential dilemma for the USFL is worse than that which confronted Ted Turner in the Goodwill Games. After the Goodwill Games audiences fell below projections, at least Turner had programming on his WTBS superstation to provide makeup commercials for disappointed sponsors. There would be no backup programming for USFL sponsors, which would face the prospect of starting out with less than 50 percent of the market.

Dom Camera, the USFL's marketing official, put on a brave front about syndication last night. "We can make a go of it, if we decide to," he said. "We can get a beer, auto, energy drink and airline sponsors, and we can make it part of a whole marketing concept, not just TV." Camera's concept calls for TV sponsor logos also to be spotted around the gridiron.

"I had my marching orders from commissioner Harry Usher, and I kept going on with the syndi-

cation and will continue to do so unless he tells me to stop," Camera said. Then he said, "The NFL will really have a monopoly now. No one will ever challenge them again."

There was a sigh of relief at the three networks yesterday almost as audible as that at NFL headquarters. Heads of all three sports divisions had testified and faced sharp cross-examination from Harvey Myerson, the colorful USFL attorney.

"It's amazing how Myerson could dig up something you said offhand a year ago in a whole different setting and read it off and make it sound so ominous. It's kind of scary," a network executive had said last week.

"I was glad to see our contract with the NFL upheld because I had put blood, sweat and tears into its negotiation," Neal Pilson, CBS sports boss, said yesterday.

Pilson expressed skepticism the USFL can put together an independent TV package on such short notice, with such dismal press, and with so many college TV syndicators looking for sponsors, plus CBS and ABC, and all three networks also in pursuit of NFL sponsors.

"The jury decided that the USFL shot itself in the foot, just as we had decided," Pilson said.

Best evidence of that may be how quickly the league lost its way after making amazing TV strides following its first season.

The USFL's initial deal was announced with ESPN, calling for \$11 million over two seasons. ABC then surprised everyone, and shocked the NFL, by also signing up for \$52 million over four years. The novel spring football league was pleased on two levels. It was assured of considerable revenue and exposure.

On the initial ABC telecast the first Sunday in February 1983, a New Jersey game with Herschel Walker, the telecast achieved a 14 rating, equal to a typical Sunday NFL game on CBS and higher than on NBC.

The public would watch spring football. The NFL, that had based its whole empire on TV ratings, was distressed and angry, most of all, at ABC. The USFL was elated.

"I think that first Sunday rating changed the thinking of the USFL," said NFL TV coordinator

Val Pinchbeck Jr. "It brought in potential new owners who thought too big," notably Donald Trump, who would take over the Generals, the New York franchise, and whose eventual goal, few doubted, was to acquire an NFL franchise, by merger or other means.

On the USFL's second Sunday the rating fell to a 7 and finally averaged a 6 for the first year of 1983, 5.5 in the second season, and 4.2 in the final spring.

After the second season, ABC and ESPN, under the same corporate umbrella, offered to rewrite their contracts for a combined \$175 million for three seasons, \$70 million from the cable channel and \$105 million from ABC. The cable deal was accepted, the network proposal rejected.

The USFL had compared the combined contract with the NFL's approximately \$400 million a year and decided it just was not enough because, at about that time, it began competing with the NFL for players. It was foolhardy, because 90 percent of the older league's huge television income was going to players' salaries.

After the 1985 season, when the USFL's Sunday ratings had fallen so sharply and the novelty had worn off, ABC's offer of the previous August was no longer on the table. As the young league's expenses continued to rise, its TV income began to turn down sharply.

The next step, a desperate one, was for the USFL to announce a shift to fall, which was seen as strengthening its TV antitrust suit. There was suspicion that the lawsuit was the true motive for the announced schedule change and that Mizlou's syndication effort was a smokescreen. It also was seen as the reason for the preseason drills in June of the New Jersey Generals at the Meadowlands, near the site of the trial. No other USFL team was having any drills.

Even if the USFL had been awarded huge damages, there was a growing feeling that it would not play this fall, pending outcome of the NFL's appeal. The lack of immediate TV revenue would have been too great a burden.

The league that walked away from a \$175 million TV deal after two seasons was left virtually out of business yesterday after three seasons.

Jury awards USFL \$1 in antitrust decision

NFL-USFL TRIAL
Continued from Page 1

of gloom. "We're lost now," said Memphis Showboats vice president Rudi Schiffer. "We're dead. How else can you interpret it?"

The USFL, which has dwindled from 18 to eight teams, hoped that the jury would find that the NFL monopolized the television networks and pressured their officials to deny the USFL a contract during the fall season.

"But the NFL, which has had contracts with all three networks since 1970, argued that those deals were not exclusive, and that the USFL did not attempt to get any fall contracts when it was founded."

The jurors stated during their deliberations that they considered cable TV as part of the national market for football. The USFL

does have an \$6 million contract with ESPN for this fall.

"Technically, the jury found that we monopolized pro football but not television," said Rothman. "There's no doubt of that. We were the only league in America."

NFL did not deny that it is a monopoly, but insisted that it did not use its influence to deny the USFL access to the networks.

During the trial, present or former heads of the sports departments at all three networks testified that their decisions not to give the USFL a fall contract were based solely on business judgments.

"We are in a monopolist position," said NFL commissioner Pete Rozelle, who was also personally found not liable by the jury. "But we didn't ignore the USFL. The USFL shot themselves in the foot."

The NFL argued that the USFL had hurt itself with poor business practices, had overpaid for big-name players and was hoping for a court-ordered windfall to bail itself out.

"The case from the beginning was probably one of the most specious ever introduced onto the American scene," said Patriots president William B. Sullivan Jr., who felt that the USFL filed the suit to force a merger. "On the merits, I felt from Day One we

How the game was played

- US Football League's Offense
- NFL's contracts with the three networks were intended to exclude and had the effect of excluding a competing league in the fall.
- NFL exercised its monopoly power by exerting pressure on three major networks to prevent USFL from obtaining television contracts.
- NFL conspired to put USFL teams out of business by:
 - Co-opting USFL owners with offers of NFL franchises.
 - Attempting to dissuade ABC from continuing the USFL's contract, and
 - Attempting to raise player costs and lure away players with supplemental draft and future contracts.
- NFL "dangled" promises of NFL franchises to Oakland, Calif., and New York officials to keep them from cooperating with USFL teams.
- National Football League's Defense
- NFL's contracts with the three networks are not exclusive; USFL was founded as a spring league and did not seek fall contracts.
- USFL's mismanagement created its financial problems and inability to win television contracts after it moved to a fall season.
- NFL denies promising franchises to USFL owners or any civic officials.
- NFL denies attempts to influence networks.
- NFL conspired fairly for players and did not induce any USFL players to break contracts.
- USFL brought suit to force merger with NFL.
- Stakes
- USFL asked for damages that could total up to \$1.7 billion (\$301 million to \$565 million before tripling).
- NFL says USFL estimate "exaggerated" and should be reduced to zero.
- Decision — \$1 award, tripled to \$3.

were in very good shape. We're simply delighted."

The jurors, three of whom said they had never heard of the USFL when they were impaneled in May, listened to 43 witnesses and nearly 7,000 pages worth of testimony during the 11-week trial, read a 152-page instruction from Judge Peter Leisure and argued bitterly before reaching what one member called a "compromise."

"It was very difficult," said

Margaret Lilienfeld, one of five women on the jury. "We decided that there was a monopoly and that the NFL had tried to maintain it, but the USFL had damaged themselves. So we awarded token damages."

Hours before they rendered their verdict, though, the jurors were split. "We were talking about a hung jury," said Miriam Sanchez, who favored awarding the USFL as much as \$300 million. "We were very worried and very tired."

Sanchez said that she and two other jurors sided with the USFL, with the other three favoring the NFL. She agreed to the lesser damages as part of the compromise, thinking that Leisure might increase the \$1 award. "They thought the court would decide it," said USFL attorney Harvey Myerson. "But it doesn't work that way."



Despite the smile, Harry Usher and the US Football League were big losers yesterday in their suit against the National Football League.

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175/70R13	\$6.99	\$6.99	\$6.99	\$6.99
185/70R13	\$7.99	\$7.99	\$7.99	\$7.99
195/70R13	\$8.99	\$8.99	\$8.99	\$8.99
205/70R13	\$9.99	\$9.99	\$9.99	\$9.99
215/70R13	\$10.99	\$10.99	\$10.99	\$10.99
225/70R13	\$11.99	\$11.99	\$11.99	\$11.99
235/70R13	\$12.99	\$12.99	\$12.99	\$12.99
245/70R13	\$13.99	\$13.99	\$13.99	\$13.99
255/70R13	\$14.99	\$14.99	\$14.99	\$14.99
265/70R13	\$15.99	\$15.99	\$15.99	\$15.99
275/70R13	\$16.99	\$16.99	\$16.99	\$16.99
285/70R13	\$17.99	\$17.99	\$17.99	\$17.99
295/70R13	\$18.99	\$18.99	\$18.99	\$18.99
305/70R13	\$19.99	\$19.99	\$19.99	\$19.99
315/70R13	\$20.99	\$20.99	\$20.99	\$20.99
325/70R13	\$21.99	\$21.99	\$21.99	\$21.99
335/70R13	\$22.99	\$22.99	\$22.99	\$22.99
345/70R13	\$23.99	\$23.99	\$23.99	\$23.99
355/70R13	\$24.99	\$24.99	\$24.99	\$24.99
365/70R13	\$25.99	\$25.99	\$25.99	\$25.99
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475/70R13	\$36.99	\$36.99	\$36.99	\$36.99
485/70R13	\$37.99	\$37.99	\$37.99	\$37.99
495/70R13	\$38.99	\$38.99	\$38.99	\$38.99
505/70R13	\$39.99	\$39.99	\$39.99	\$39.99
515/70R13	\$40.99	\$40.99	\$40.99	\$40.99
525/70R13	\$41.99	\$41.99	\$41.99	\$41.99
535/70R13	\$42.99	\$42.99	\$42.99	\$42.99
545/70R13	\$43.99	\$43.99	\$43.99	\$43.99
555/70R13	\$44.99	\$44.99	\$44.99	\$44.99
565/70R13	\$45.99	\$45.99	\$45.99	\$45.99
575/70R13	\$46.99	\$46.99	\$46.99	\$46.99
585/70R13	\$47.99	\$47.99	\$47.99	\$47.99
595/70R13	\$48.99	\$48.99	\$48.99	\$48.99
605/70R13	\$49.99	\$49.99	\$49.99	\$49.99
615/70R13	\$50.99	\$50.99	\$50.99	\$50.99
625/70R13	\$51.99	\$51.99	\$51.99	\$51.99
635/70R13	\$52.99	\$52.99	\$52.99	\$52.99
645/70R13	\$53.99	\$53.99	\$53.99	\$53.99
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695/70R13	\$58.99	\$58.99	\$58.99	\$58.99
705/70R13	\$59.99	\$59.99	\$59.99	\$59.99
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735/70R13	\$62.99	\$62.99	\$62.99	\$62.99
745/70R13	\$63.99	\$63.99	\$63.99	\$63.99
755/70R13	\$64.99	\$64.99	\$64.99	\$64.99
765/70R13	\$65.99	\$65.99	\$65.99	\$65.99
775/70R13	\$66.99	\$66.99	\$66.99	\$66.99
785/70R13	\$67.99	\$67.99	\$67.99	\$67.99
795/70R13	\$68.99	\$68.99	\$68.99	\$68.99
805/70R13	\$69.99	\$69.99	\$69.99	\$69.99
815/70R13	\$70.99	\$70.99	\$70.99	\$70.99
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895/70R13	\$78.99	\$78.99	\$78.99	\$78.99
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1065/70R13	\$95.99	\$95.99	\$95.99	\$95.99
1075/70R13	\$96.99	\$96.99	\$96.99	\$96.99
1085/70R13	\$97.99	\$97.99	\$97.99	\$97.99
1095/70R13	\$98.99	\$98.99	\$98.99	\$98.99
1105/70R13	\$99.99	\$99.99	\$99.99	\$99.99
1115/70R13	\$100.99	\$100.99	\$100.99	\$100.99
1125/70R13	\$101.99	\$101.99	\$101.99	\$101.99
1135/70R13	\$102.99	\$102.99	\$102.99	\$102.99
1145/70R13	\$103.99	\$103.99	\$103.99	\$103.99
1155/70R13	\$104.99	\$104.99	\$104.99	\$104.99
1165/70R13	\$105.99	\$105.99	\$105.99	\$105.99
1175/70R13	\$106.99	\$106.99	\$106.99	\$106.99
1185/70R13	\$107.99	\$107.99	\$107.99	\$107.99
1195/70R13	\$108.99	\$108.99	\$108.99	\$108.99
1205/70R13	\$109.99	\$109.99	\$109.99	\$109.99
1215/70R13	\$110.99	\$110.99	\$110.99	\$110.99
1225/70R13	\$111.99	\$111.99	\$111.99	\$111.99
1235/70R13	\$112.99	\$112.99	\$112.99	\$1