

THE RUTHERFORD INSTITUTE

JOHN W. WHITEHEAD
Founder and President

INTERNATIONAL HEADQUARTERS
Post Office Box 7482
Charlottesville, VA 22906-7482
U.S.A.

Telephone 434 • 978 • 3888
Facsimile 434 • 978 • 1789
E-Mail • staff@rutherford.org
Internet • www.rutherford.org

INTERNATIONAL OFFICE
CENTRAL AND EASTERN EUROPE
Budapest, Hungary

February 13, 2007

Via Email and U.S. Mail

David M. Proper, Senior Counsel
National Football League
280 Park Avenue
New York, NY 10017

Re: NFL Threats to Forbid Church Super Bowl Parties

Dear Mr. Proper:

To the dismay of football fans everywhere, the news that the National Football League would avail itself of the full measure of the Copyright Act's provisions against a church that had no commercial interest in the Super Bowl, insisting that they limit their viewing of the game to a single screen no larger than 55", has made the NFL an object of ridicule and censure. As one newspaper reported:

Football fans are up in arms over a National Football League policy that allows bars to host Super Bowl parties but essentially prevents churches from doing so, with some fans saying it once again shows why the NFL is often referred to as the "No Fun League."

Over the past several weeks, we have been contacted by countless churches and individuals from across the country that are outraged over the National Football League's assertion that churches do not have the right to gather for fellowship and watch the Super Bowl unless the viewing screen is limited in size.

We had hoped this matter might be resolved in a mutually agreeable fashion prior to the February 4 Super Bowl game. In fact, your February 2 email seemed to indicate a willingness to work things out. However, because the NFL refused to publicly recant its position, many churches were forced to either cancel their events, have their members and guests gather around a single, small television to watch the game, which precluded any kind of large gathering, or disregard the NFL's dictates altogether.

David M. Proper, Senior Counsel
National Football League
February 13, 2007
Page 2

Since you have already admitted in your February 2 email that a church can show the Super Bowl at the event so long as “there [is] no charge for the event” and the church does not use NFL trademarks to promote the event, the only matter up for debate is the size of the viewing screen—which can be considered a superficial concern, at best.

It is absurd for the NFL to persist in forbidding the display of events such as the Super Bowl, which are available without charge over the public airways, at social gatherings where no profit is to be made from display solely because of the size of the viewing screen.

It is also hypocritical to allow for-profit entities like sports bars and certain restaurants to publicly display the Super Bowl, while prohibiting churches and other non-profit entities from doing so. If the NFL has no objection to alcohol-laden viewing parties at sports bars, it makes no sense that you would object to football fans gathering at more wholesome family-oriented events to support their teams.

Finally, if you are concerned about maintaining public good will and increasing viewership of the Bowl game, then it would seem to be willful and self-defeating to remain set on a course of action that will only succeed in alienating a large portion of the American people who happen to be churchgoers.

There is clearly common ground here that should be explored. First, it is beyond question that church members have a fundamental constitutional right to gather for religious and social purposes. Second, the 55-inch limit imposed by the Copyright Act is wholly arbitrary and unreasonable when screens far in excess of that size are available for purchase by consumers for home use today.

It is still possible for the NFL to repair the damage to its image. Now that the time-sensitive nature of the Super Bowl deadline has passed, I propose that the NFL reconsider its stance on church viewing parties and do one of two things: create an exemption for churches that would allow them to host viewing parties without restriction to the size of the screen as long as there is no charge for the event and the church does not use NFL trademarks to promote the event; or take the lead in proposing that Congress reasonably amend the Copyright Act to accommodate the non-commercial interests of non-profit institutions, especially in light of emerging technologies that will eventually render the 55” screen restriction wholly unreasonable.

The Rutherford Institute is prepared to work with you to craft and support an exemption to the law that would allow churches and other non-profit entities to display

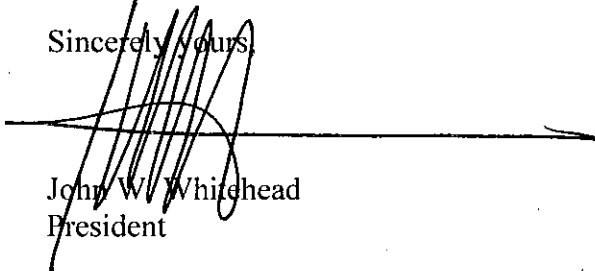
David M. Proper, Senior Counsel
National Football League
February 13, 2007
Page 3

the Super Bowl at gatherings, regardless of the size of the viewing screen, so long as no fees or charges are made in connection with the gathering. By acting proactively in seeking protection for non-profit organizations, the NFL can work for the good of all without adversely affecting its business interests or copyrights.

Thus, I strongly urge you to take the high road in this matter by working with us and with churches across the nation toward a mutually favorable resolution.

Looking forward to your timely response, I remain,

Sincerely yours,



John W. Whitehead
President

cc: Interested Parties