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Tension Over Sports Blogging

By **TIM ARANGO**

Recently in Dallas, more than an hour before game time, Mark Cuban, the owner of the Dallas Mavericks, was in the locker room grinding on the Stairmaster, surrounded by several reporters — their microphones deployed, heads tilted away to avoid flying droplets of sweat.

A reporter for The Dallas Morning News, who writes a blog, asked Mr. Cuban about a bruised Dirk Nowitzki, referring to the star power forward as a “warrior” for his willingness to play while injured.

“We’re not trading him to the Warriors,” said Mr. Cuban. “Bloggers might make that point.”

The comment was a bit of word play, but it illustrates how Mr. Cuban, a prolific blogger himself, feels about some of the bloggers who cover his team.

Last month Mr. Cuban sought to ban bloggers from the Mavericks’ locker room, but the National Basketball Association intervened, ruling that bloggers from credentialed news organizations must be admitted.

Mr. Cuban then decided to let in any blogger — “someone on Blogspot who has been posting for a couple weeks, kids blogging for their middle school Web site or those that work for big companies.”

Tension over sports blogging is one of the strains between sports franchises, leagues and reporters to have emerged during the digital age.

The dispute has grown lately between the press and organized sports over issues like how reporters cover teams, who owns the rights to photographs, audio and video that journalists gather at sports events, and whether someone who writes only blogs should be given access to the locker room.

The explosion of new media, especially with regard to advertising income, has made competitors out of two traditional allies — news media and professional sports.

At the heart of the issue, which people on both sides alternately describe as a commercial dispute and a First Amendment fight, is a simple question: Who owns sports coverage?

The issue has seeped outside the world of sports as well. Last week ABC News limited the length of video clips from a presidential debate, telling other networks they could use no more than 30 seconds. But the question of ownership is compelling in the lucrative business of sports. One professional hockey executive said the situation was volatile, and that he thought the issue would eventually have to be resolved by the Supreme Court.

Major League Baseball recently issued new rules limiting how the press can use photographs and audio and video clips on Web sites. Many organizations and publications, like Hearst, Gannett and Sports Illustrated, have refused

to go along with the new rules. (The Associated Press Sports Editors, a group of newspaper editors, did agree to less restrictive rules, allowing a “reasonable” number of photographs published online rather than a limit of seven, for example.)

League officials argue that too much video and audio on a newspaper’s Web site could infringe on rights holders — the broadcasters who pay millions of dollars to carry live games. And the leagues and teams have their own Web sites, carrying news accounts and footage, that are big business. Major League Baseball Advanced Media, baseball’s Internet arm, generates an estimated \$400 million a year in revenue and is growing at a 30 percent a year. Investment bankers have estimated that the business is worth \$2 billion to \$3 billion.

Sports executives see the issue as pure business, and balk at any suggestion that restrictions are an affront to a free press.

Frank Hawkins, senior vice president of business affairs at the N.F.L., which restricted nongame audio and video clips to 45 seconds, said that the leagues are not controlling what is said in the press.

“There is no prior restraint,” he said. “We don’t pull credentials if we don’t like what someone writes.”

Mr. Hawkins also disputed an argument often made by media executives that the taxpayer financing of stadiums demands a broad interpretation of the First Amendment with respect to coverage of sporting events.

“The First Amendment only applies to government,” said Mr. Hawkins. “Even if it is played in a publicly financed stadium it is a private event.”

Mike Fannin, the president of the Associated Press Sports Editors and the managing editor for sports and features at the Kansas City Star, said the dispute was the result of traditional news organizations redefining themselves in a changing technological environment.

“Ten years ago newspapers weren’t in the world of video and audio,” he said. “We were in the world of print. The leagues don’t have a print product. Their view of this is that we entered their world.”

That is one point both sides agree on. “I’m all for selling newspapers and magazines,” said Bob DuPuy, the president of M.L.B. “What I’m not for is them branching off in to other enterprises.” Media organizations, like Sports Illustrated and The New York Times, wrote letters to Bud Selig, the baseball commissioner, to protest the new rules.

“S. I. has chronicled baseball, on and off the field, in words and in pictures for more than 50 years,” wrote Terry McDonell, editor of the Sports Illustrated Group, in a letter to Mr. Selig. “S. I. does not own the sports history, but neither does Major League Baseball. That history belongs to everyone who loves the game.”

M.L.B. gave in on one key point: It originally tried to limit the number of photographs in online galleries to seven. Now the language permits a “reasonable” number of photographs, with “reasonable” left undefined.

“We’re gratified that they relented on what had been identified as the most important issue and realized that baseball photos online were not only important to our readers but also to their fans,” said George Freeman, vice president and assistant general counsel for The New York Times Company.

Media organizations accepted the N.F.L.'s rules under protest, and Greg Aiello, a spokesman for the N.F.L., said the league has scheduled meetings with media representatives to discuss regulations for next season.

"From our perspective, any arbitrary restrictions on how we use our intellectual property for news coverage is not acceptable," said Phil Bronstein, editor at large for Hearst. "I think that if we don't agree on what the future of journalism is, we do know that video as part of our Web sites is part of that future."

Perhaps the beginning of the end for cozy relations between ballplayers and writers can be traced to June 8, 1934, when 19 players for the Cincinnati Reds flew to Chicago to play three games against the Cubs.

It was not until 12 years later that air travel became the norm in baseball — when the Yankees chartered a DC-4, nicknamed the Yankee Mainliner, for the 1946 season. In the ensuing years, two rapidly improving technologies — air travel and television — ensured the end of the era of long bonding hours of drinking, gambling and carousing among reporters and players.

"Since we stopped riding the trains with baseball teams there has been tension between the media and sports," said Mr. Fannin. New issues have flared intermittently over the last decade as the Internet has become more sophisticated. At the same time, the news media seem to be getting more organized on the issue.

"As the leagues have become more assertive and more aggressive, the sense on the media side is that we need to get more organized," said Dave Tomlin, associate general counsel for The Associated Press.

For example, the Media Law Resource Center, a group whose members include most major media organizations, has commissioned legal research in anticipation of the question of media restrictions going to the courts. One tactic being considered is to challenge M.L.B.'s antitrust exemption.

"My view is that this is news gathering, and I look for legal responses to any effort to clamp down on news gathering," said Sandra Baron, executive director of the Media Law Resource Center. "What I see is a strident effort by a powerful monopoly to control information. They have a monopoly on the game. Now they want to have a monopoly on the information."

In locker rooms and press boxes across the country, the new media are redefining relationships between the press and pro sports, including the issue of how a journalist is defined.

In larger markets like New York, restrictions seem to be more stringent. Before a recent game between the Yankees and Tampa Bay Rays in New York, for example, the press assembled in various rooms in Yankee Stadium resembled the crowd of news gatherers that might cover a political convention, complete with formal organization and credentialing, along with tightly controlled access.

In contrast, a few days later it was a much different scene in Arlington, Tex., when five reporters joined the Texas Rangers manager, Ron Washington, in his office for some pregame banter.

"It's a new world," said Jason Zillo, the head of media relations for the Yankees, surveying the team taking batting practice. "We spend a lot of time in spring training on media training. The biggest danger now is that with some of these blog sites there is no structure. There is no one that John Smith reports to."

The Yankees never credential independent bloggers, and have had trouble in the past when reporters posted audio clips of the former manager Joe Torre's pregame dugout conversations, which Mr. Torre thought were off the record.

Other organizations take a different approach. SportsNet New York, the television network that broadcasts Mets games and is majority-owned by the team, has revenue-sharing partnerships with various bloggers. The Texas Rangers, meanwhile, hired a fan who had started a popular blog about the team.

The limits of coverage is a hot issue in athletics at the college level as well. The National Collegiate Athletic Association issued new guidelines this year: in women's water polo, bloggers are allowed three posts a quarter and one at halftime; in fencing or bowling, 10 posts are allowed for each day or session.

"I think we're hitting the ridiculous button here," said John Cherwa, chair of the legal affairs committee for the Associated Press Sports Editors and the sports projects editor at The Orlando Sentinel. "We're getting tired of everyone trying to tell us how to do our business."

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