

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE

COURT FILED
COURT FILE NO. 6
February 19 76
AT THE RESIDENCE OF
William Dwyer
COUNSEL FOR City
CLERK
By: Linda M. Swaney
DEPUTY

4 THE STATE OF WASHINGTON, a state of the
5 United States; THE COUNTY OF KING, a
6 county of the State of Washington; and
7 the CITY OF SEATTLE, a municipal
8 corporation,

9 Plaintiffs,

10 vs.

11 THE AMERICAN LEAGUE OF PROFESSIONAL
12 BASEBALL CLUBS, et al,

13 Defendants.

No. 9389

14 DEPOSITION UPON ORAL EXAMINATION OF ALLAN H. SELIG

15 BE IT REMEMBERED, that the Deposition Upon Oral
16 Examination of ALLAN H. SELIG was taken at the instance of
17 Plaintiff on the 21st day of June, 1973, beginning at 9:00 a.m.
18 at the County Stadium, Milwaukee, Wisconsin, pursuant to due
19 notice, before ORIN E. GRAY, Notary Public;

20 APPEARANCES:

21 WILLIAM L. DWYER, ESQ., and JERRY R. McNAUL,
22 ESQ., appearing for and upon behalf of the Plaintiffs State of
23 Washington and County of King;

24 DAVID E. WAGONER, ESQ., and JAMES P. GARNER,
25 ESQ., appearing for and upon behalf of the American League of

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0011 2695

1 Professional Baseball Clubs;

2 LAWRENCE K. McDONELL, ESQ., Assistant Corporation
3 Counsel, appearing for and upon behalf of the Plaintiff City of
4 Seattle;

5 JOHN R. TOMLINSON, ESQ., appearing for and
6 upon behalf of Sportservices, Inc.;

7 ELWIN J. ZARWELL, ESQ., appearing for and upon
8 behalf of the Witnesses;

9 WHEREUPON, the following proceedings were had
10 and done, to-wit:

11

12

13 ALLAN H. SELIG, being first duly sworn on oath,
14 appeared and testified as follows:

15

DIRECT EXAMINATION

16

BY MR. DWYER:

17

Q Would you state your full name, please?

18

A Allan H. Selig.

19

Q And what is your home address?

20

A 7540 North Fairchild Road, Milwaukee.

21

Q Your occupation?

22

A I am president and chief executive officer of the

23

Milwaukee Brewers, a baseball club, also president of

24

Selig Ford Incorporated.

25

Q And that is an automobile dealership?

1 A In Milwaukee, that is correct.

2 Q What is the form of the organization of the Milwaukee
3 Baseball Club?

4 A It is a limited partnership.

5 Q Who is the general partner?

6 A The general partner is the Milwaukee Brewers Baseball Club,
7 Incorporated.

8 Q Do you hold any office in that corporation?

9 A President and chief executive officer.

10 Q Who are the officers of the corporation?

11 A The vice-presidents are Jim Wilson, who is the president
12 and director of baseball operations, Judge Robert C.
13 Canon, Frank C. Lane, Thomas J. Ferguson is vice-president
14 in charge of administration, Robert Shonebacher is the
15 secretary-treasurer and Edmund B. Fitzgerald is chairman
16 of the executive committee.

17 Q Are all of those people residents of Milwaukee?

18 A Except for Mr. Lane.

19 Q Where does he live?

20 A Acapulco, Mexico.

21 Q Who are the shareholders of the corporation?

22 A The shareholders of the corporation are myself, Edmund
23 B. Fitzgerald, Rosewell Stearns, Everett G. Smith, Ralph
24 Evenrude and Evan Foote.

25 Q Are all those people residents of Milwaukee?

1 A They are with the exception of Mr. Foote and Mr. Evenrude.
2 Q Where do those gentlemen live?
3 A Mr. Evenrude lives in Stuart, Florida, and Mr. Foote lives
4 in Elmer, New Jersey.
5 Q Who are the limited partners of the limited partnership
6 that operates or owns the Milwaukee Baseball Club?
7 A The limited partners, there is quite a list, Mr. Charles
8 Crouse, Jack Winter, Charles James, John Murphy, Eugene
9 Murphy, Ben Barkin, Robert Uihlein. Ralph Evenrude is also
10 a limited partner, Mr. Oscar Mayer, Mr. Goff Beach, Mr.
11 William Buchanan, the William R. Daley Estate, Bruce Purdy,
12 Robert Ringdahl, Evan Helfaer.
13 Q Now are any of those persons or legal entities residents
14 of somewhere other than Milwaukee?
15 A Yes, a lot of them are. Most of them are from Milwaukee
16 but there are some from other cities in Wisconsin.
17 Q Would you tell us the name and location of each person
18 who resides somewhere other than Milwaukee?
19 A Mr. Barkin lives in Milwaukee, Mr. Beach in Madison, Mr.
20 Bowman in Madison.
21 Q Just tell us the ones out of the city.
22 A Mr. Buchanan in Appleton, the Daley Estate is in Cleveland,
23 Mr. Jerott in LaCrosse, Mr. Mayer in Madison, both Mr.
24 Murphys in LaCrosse, Mr. Purdy in Appleton, Mr. Ringdahl
25 in LaCrosse. That is all, the rest are Milwaukee.

1 Q Except Mr. Evenrude is in Florida?

2 A He maintains a home here. Mr. Evenrude is originally

3 from Milwaukee and, of course, his company is based here.

4 Q How much interest in the organization does the estate

5 of William Daley own at the present time?

6 A I am not certain but I believe it is a little less than

7 six per cent.

8 Q Is that the Daley who was a part-owner of the Seattle

9 Baseball Club?

10 A Yes.

11 Q Now since the time the club moved to Milwaukee, has any

12 part of the Daley interest been sold to anybody else?

13 A Yes, it has.

14 Q Would you tell us how much and to whom?

15 A Four per cent was sold to Mr. Beach and four per cent

16 has been sold to Mr. Ringdahl.

17 Q Has there been any offer either to buy or sell the

18 remainder of the Daley interest?

19 A Offer on their part to sell.

20 Q Do you happen to know the name of the executor of that

21 estate?

22 A Yes, it is Wallace Wright.

23 Q If you know, when did Mr. Daley pass away?

24 A October of 1971.

25 Q Are any of the stockholders in the corporation or any of

1 the limited partners connected with the beer business in
2 any way?

3 A Mr. Uihlein is connected with the business.

4 Q What is his position?

5 A He is the chairman of the board, president and chief
6 executive officer of the Joseph Schlitz Brewing Company.

7 Q Are any others in the beer business?

8 A No, certainly not directly anyway.

9 Q Can you tell us what share or percentage of the company
10 Mr. Uihlein owns?

11 A He is a limited partner and he owns a little over four
12 per cent, 4.5%. Not active, of course, in the management.

13 Q What per cent does the general partner own?

14 A Between 18 and 20%, closer to 18% -- between 18 and 20%.

15 Q So that the limited partners as a whole then have something
16 like 80 or 82%?

17 A That is correct.

18 Q And of those limited partners which holds the largest
19 interest?

20 A Mr. Evenrude.

21 Q What is the amount of his interest?

22 A Approximately 20%.

23 Q Who is on the board of directors of the corporation?

24 A The board of directors is Mr. Edmund B. Fitzgerald, Mr.
25 Rosewell N. Stearns, Mr. Everett G. Smith, Mr. Carleton

1 P. Wilson and myself.

2 Q Has Mr. Uihlein owned a share of the company since the
3 beginning?

4 A Yes, he owned it since July of 1965.

5 Q Has his interest gone up or down since that time?

6 A It actually has gone down really because in 1965 there
7 were only ten of us owning 10% apiece. So obviously
8 when it came to reality of the situation it is down to
9 four per cent.

10 Q Can you tell us, Mr. Selig, how many of the Milwaukee
11 Brewer baseball games are telecast?

12 A Thirty of them, ten home and twenty on the road.

13 Q Over what geographical area are they telecast?

14 A Throughout the State of Wisconsin.

15 Q Are they telecast outside the State of Wisconsin?

16 A Possibly we may go into Iowa.

17 Q Who is the commercial sponsor of those telecasts?

18 A Joseph Schlitz Brewing Company.

19 Q Are the games broadcast on the radio also?

20 A Yes, they certainly are.

21 Q How many games are broadcast on the radio?

22 A All of them.

23 Q That means how many per season?

24 A 162 plus nine spring training exhibition games.

25 Q What station are they broadcast over?

1 A A network of approximately 54 stations, of which WTMJ
2 Radio is the flagship station.

3 Q Can you tell us generally where is this network of stations
4 located?

5 A Mainly in Wisconsin with some stations in Iowa, Minnesota
6 and Northern Michigan.

7 Q Is the Schlitz Company a sponsor of those broadcasts as
8 well?

9 A They are the packager of both the radio and television.
10 Of course, they in turn have sold other portions of the
11 broadcasts to other companies.

12 Q Is it correct then that the ball club receives its TV
13 and radio revenue from Schlitz?

14 A That is correct.

15 Q And what do those amount to per year?

16 A \$600,000.

17 Q Is that for both?

18 A Yes, accumulative.

19 Q Do you know approximately what the population of the City
20 of Milwaukee is at the present time?

21 A The City or County?

22 Q Let's take the City first.

23 A I think the City population is about 750,000.

24 Q What was it in 1969?

25 A I would have to say it was about the same.

1 Q The County of Milwaukee, what is the population of that?

2 A I believe the population of the County of Milwaukee is
3 about a million-one to a million-two.

4 Q Did Milwaukee have another baseball club up until 1965?

5 A Yes, it did.

6 Q What was the name of that club?

7 A The Milwaukee Braves.

8 Q When and where did they move?

9 A The Milwaukee Braves moved to Atlanta, Georgia at the
10 end of the 1965 baseball season.

11 Q Did you become involved at that time in your present
12 organization?

13 A Well, actually, I became involved a little bit before that
14 time.

15 Q When did you start?

16 A I started with an organization known as the Teams,
17 Incorporated, in December of 1964. The Braves had tried
18 to leave Milwaukee in October of '64 but were withheld
19 by their lease through the 1965 season and so there was
20 a non-profit group formed called Teams, Incorporated, of
21 local leading civic and industrial leaders. Teams,
22 Incorporated pledged to encourage all Milwaukee professional
23 sports and out of that group ultimately came the Milwaukee
24 Brewers Baseball Club, which was formed on July 30 of
25 1965 for a couple of reasons. It was obvious to us,

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1 obviously Teams, Incorporated being a non-profit
2 corporation couldn't ever own and operate a major league
3 baseball team and we knew if we were ever to get baseball
4 back again we would have to form a private group and
5 have people willing to put up money. That is why the
6 Brewers were formed.

7 Q When the Brewers were formed, were there ten stockholders?

8 A When we were formed, Mr. Dwyer, there were four or five
9 but it grew to ten within a week.

10 Q You were one of the ten?

11 A Yes.

12 Q Was that formed under the corporation laws of the State
13 of Wisconsin?

14 A Yes.

15 Q Starting in or about 1965, did your group attempt to
16 obtain a new baseball franchise for Milwaukee?

17 A Yes.

18 Q And were you seeking to obtain an expansion franchise?

19 A That is correct.

20 Q For that purpose did you talk to owners in the American
21 Baseball League?

22 A Yes, we did.

23 Q Did you talk to the club owners of the National Baseball
24 League?

25 A Yes, we certainly did.

1 Q Did you take the position during those talks that
2 Milwaukee was a proven baseball territory?
3 A We certainly did.
4 Q Was that based on your experience or the City's experience
5 during the Milwaukee Braves period?
6 A Well, it certainly was. We had had the Braves for
7 thirteen years, including a lame duck season. It averaged
8 over 1,580,000 people per year for thirteen years, had a
9 beautiful stadium. We felt we demonstrated a fine track
10 record as far as major league baseball was concerned.
11 (Plaintiff's Exhibit 1 marked
12 for identification.)
13 Q Handing you what has been marked Plaintiff's Exhibit 1
14 to the Selig deposition, is that a letter from yourself
15 to Mr. Dan Topping?
16 A Yes.
17 Q What is the date of the letter?
18 A December 10, 1965.
19 Q What was Mr. Topping's position at that time?
20 A He was president of the New York Yankees.
21 Q Were you writing to him in connection with Milwaukee's
22 effort to obtain a baseball club?
23 A Yes. We had just made a presentation to both leagues at
24 the winter meetings in Miami Beach, Florida at the
25 Fountainbleu Hotel, and I was thanking him for his taking

1 time to listen to our presentation.

2 Q You state in this letter in the third paragraph:

3 "It has been suggested to us that one of the factors
4 that would make Milwaukee a welcome addition to the
5 American League would be the natural geographical rivalry
6 with the Twins, White Sox and Tigers."

7 Who had made that suggestion to you?

8 A Actually we made it really to ourselves mostly. Some
9 members of our press quite agreed with our thoughts.

10 Q Did you hold to that view during the whole time you were
11 trying to get a franchise?

12 A We thought that would be an asset as far as the American
13 League was concerned and Chicago and Detroit, that worked
14 out very much as we planned. On the other hand, we
15 certainly made a deeper pitch to the National League
16 because of our National League orientation here. So let's
17 say we made a pitch to both Leagues.

18 Q Your rivalry with Chicago has worked out well in what
19 sense?

20 A We had the largest attendance with the White Sox we have
21 had in the short history of the franchise.

22 Q You mean the White Sox attendance?

23 A Here in Milwaukee in the last three game series.

24 Q And you end your letter by saying:

25 "We hope that you will act favorably on our

1 application for we would welcome the opportunity to
2 operate an expansion franchise."

3 Did they act favorably or unfavorably at that time?

4 A They did not act.

5 Q During the period when Milwaukee was seeking an expansion
6 franchise, did you pre-sell the broadcasting rights?

7 A Yes, that was part of our overall package. We felt that
8 if a major league team were to succeed here, we wanted to
9 put together a complete package long before we got the
10 franchise. So that we were now trying to get a franchise
11 and all parts of the package had been put together, stadium,
12 lease, radio, television contract, a group capable of
13 owning and operate a baseball team over a long period of
14 time that could carry a club through thick and thin and
15 we knew with an expansion club that, frankly, it would be
16 many years before we were able to really get our head
17 above water. I think the history of expansion, in any
18 sport even, at that point was pretty clear.

19 (Plaintiff's Exhibit No. 2
20 marked for identification.)

21 Q Handing you what has been marked Selig Deposition Exhibit
22 No. 2, is that a letter from Mr. Uihlein to Mr. Fitzgerald
23 of your organization?

24 A Yes, it is.

25 Q What is the date?

1 A November 3rd, 1967.

2 Q That is on the stationery of what company?

3 A The Joseph Schlitz Brewing Company.

4 Q Now in his letter Mr. Uihlein states:

5 "Confirming our discussion of this morning,

6 if the Milwaukee Brewers Baseball Club, Inc., is

7 successful in securing a major league baseball franchise

8 for Milwaukee, the Joseph Schlitz Brewing Company wishes

9 to purchase from the Milwaukee Brewers the below-described

10 radio and television broadcast package, for a three-year

11 period at a cost per year to Schlitz of \$1,100,000."

12 Who made that agreement in behalf of your organization?

13 A Actually Mr. Fitzgerald and myself.

14 Q And with whom did you deal in making it?

15 A We dealt with Mr. Uihlein, Mr. Bob Martin, Robert A.

16 Martin, and then Ben Barkin was also involved in it.

17 Q It states on page 1:

18 "Are to include all championship games plus

19 an agreed schedule of pre-season and exhibition games",

20 and the television would include thirty games per year.

21 That is the same number that is broadcast under your

22 present arrangement?

23 A That is true.

24 Q And it states on page 2 the \$1,100,000 per year radio

25 and television package price to include all rights,

1 broadcast time and lines and announcer fees. There will
2 be no other charges.

3 Now did you consider that to be a binding agreement
4 at that time in 1967?

5 A Yes, I would say so, very definitely.

6 Q And was a broadcast contract with those terms entered
7 when you acquired the Seattle franchise?

8 A Yes, there was an agreement drawn up at that time.

9 Q Did Schlitz pay \$1,100,000 per year?

10 A Yes, that is the gross amount.

11 Q How many years did that continue?

12 A It is in its fourth year right now. It has one more year
13 to go. It is a five-year contract with an option for
14 another, I believe it is three years, but I am not quite
15 certain on it.

16 Q Who holds the option, the ball club or Schlitz?

17 A It is left for final determination at that time. It is
18 going to be kind of a mutually agreeable thing. There is
19 no problem at all.

20 Q No problem in what sense?

21 A I would say that the broadcast rights of this right have
22 gone up in value to both parties considerably in the last
23 year or two.

24 Q Has the price gone up from 1.1 million?

25 A Our basic rights fee has not gone up. Their cost of doing

1 business certainly has gone up. The Watt line charges
2 increases every year. The \$1,100,000 figure is not the
3 figure that should be dealt with, that is the gross
4 figure and only they really know what the gross figure is
5 and only they know the package. They package a lot of
6 sporting events, the broadcast division, and this is only
7 one of them, and exactly what they allocate to this
8 particular package as far as their gross, only they would
9 know.

10 Q Do you expect to obtain a higher revenue over the next
11 few years than you have been receiving?

12 A I would certainly hope so.

13 Q In the beginning of the deposition you mentioned a
14 figure, as I understood it, of \$600,000 per year you
15 receive from Schlitz. Now which is it, \$600,000 or
16 \$1,100,000?

17 A No, the \$600,000 is our rights fee.

18 Q What is the 1.1 million?

19 A That is their gross. They pay us \$600,000. They have to
20 pay announcers, they pay line charges, they pay television
21 crews, they pay radio crews, they pay engineers, so the
22 \$1,100,000 is their gross amount that they expend on
23 baseball, of which a little over half happens to be our
24 basic rights fee.

25 Q Is there a written contract between the ball club and

1 Schlitz?

2 A Yes.

3 Q Has there been just one over the whole period of time?

4 A Just one.

5 Q Do you have a copy of that here in your office?

6 A We have one here somewhere, yes.

7 MR. DWYER: If that hasn't been produced we
8 would like to see it and we ask for its production.

9 MR. WAGONER: I don't think that is covered by
10 the request, is it? We will take a look at the
11 request and let you know our position on that.

12 MR. GARNER: You didn't ask for any radio
13 contracts.

14 Q Was the \$600,000 figure already agreed for the rights
15 as of the time of Exhibit 2, November, 1967?

16 A Approximately, yes.

17 Q Why wasn't that mentioned in the letter?

18 A That is generally the way radio-television discussions of
19 baseball clubs go, the gross dollar amount is what
20 actually the figure that the packager is looking at and
21 it is very easy to determine what your rights fee are
22 within it and we knew what the rights fee was but that is
23 the figure that was generally discussed.

24 Q You mean, if you knew the gross amount, you can compute
25 by using a percentage what the rights would be?

1 A Not necessarily a percentage but we pretty well broke it
2 down with them or their own marketing department did it
3 and came back with the figures and said, this is what they
4 thought the market was worth.

5 Q Does the ball club receive any part of the 1.1 million
6 dollars other than the rights fee?

7 A No.

8 Q Or are you concerned in any way with the payment of
9 those amounts, that is, the amounts other than the rights
10 fee?

11 A Certainly we are concerned if the packager isn't doing
12 well or the packager has burdensome costs, that makes it
13 not a viable package. You are very concerned, that is why
14 you are as concerned with his package as if you were your
15 own packager.

16 Q Are you concerned in the sense you pay any part of those
17 amounts yourself?

18 A No.

19 Q So it is your recollection that as of the time of that
20 letter, November of '67, you had worked out the rights
21 fee with Schlitz?

22 A Yes, very definitely within a matter of dollars.

23 Q But that amount, which was the only amount to be paid by
24 Schlitz to your organization, wasn't mentioned in the
25 letter?

1 A No.

2 Q Was that letter intended to be shown to anybody else?

3 A Not at that time. However, it was as time went on.

4 Q Who was it shown to?

5 A It was shown to the National League owners and it was put
6 in a book that we prepared to make our franchise presen-
7 tation for National League expansion.

8 Q Was it also shown to the American League owners?

9 A It might have been later on but I have no recollection of
10 that. The American League had already expanded.

11 Q Did you have a book for the American League also?

12 A I am sure they may have seen the book at some point.
13 No, it was not really for them, it was for the National
14 League. It was aimed at strictly National League expansion.

15 Q Do you still have a copy of the book?

16 A I am not certain.

17 MR. GARNER: It didn't turn up during the search
18 for the documents pursuant to your request.

19 MR. SELIG: We looked for it but we ran out of
20 copies of it after they expanded in May of '68. We
21 had exhausted our copies and we didn't see any reason
22 to reprint it.

23 Q How many copies did you have to start with?

24 A I would say one hundred plus.

25 Q Where did that one hundred plus copies get sent to?

1 A Media people, National League owners, people in the
2 National League and in the front offices, things like that.
3 Q Maybe you can help a little more on that, Mr. Selig;
4 can you tell us the names of any individuals whom you
5 believe might have been sent a copy of that book?
6 A Walter O'Malley, Gussie Bush, Philip Wrigley, Donald Grant,
7 Francis Daley, Bill Bartholemae, Haras Stonehan, Bob
8 Carpenter and any other National League clubs that I have
9 forgotten.
10 Q You mentioned members of the press, which members of the
11 press received the book?
12 A People like our local press, people in Chicago, Nick
13 Dozier, Langford, Dick Young in New York, Red Smith. It
14 was quite a common practice in those days, there were
15 fifty cities bidding for two franchise and all fifty cities
16 had very artful public relations people and all put
17 together very pretty books. Our was very pretty.
18 Q Did you have an artful public relations person also?
19 A Yes, Mr. Ben Barkin.
20 Q Did he put your book together?
21 A Yes, he did.
22 Q And since it was his production, do you know whether he
23 still has a copy?
24 A No, he doesn't. I took all the copies.
25 Q Was there any news coverage about this 1.1 million dollar

1 agreement with the Schlitz Company?

2 A Certainly there was, yes.

3 Q What papers, if you can recall, did those appear in?

4 A Probably every newspaper in the country, many times over.

5 Q Over what period of years?

6 A I would say from November of 1967 through May of 1968.

7 Q Did you read those at the time yourself?

8 A Yes.

9 Q Did they report this 1.1 million dollar figure?

10 A Yes.

11 Q Did any of them report that the club would only receive

12 \$600,000 in fees?

13 A Yes.

14 Q Which ones?

15 A Certainly the Milwaukee papers. I have excellent recall

16 but not that excellent.

17 Q Do you recall giving a speech on the subject of Milwaukee's

18 efforts to obtain an expansion franchise during the year

19 1967?

20 A About 200 of them.

21 Q Do you recall one that was given to the Milwaukee Rotary

22 Club on September 26th and the text typed up?

23 A Yes, I do, very well.

24 Q Were copies of that sent to various major league club

25 owners?

1 A It could very well have been, I don't remember. If
2 they weren't sent, they probably read about it in their
3 local papers because it got a lot of coverage.
4 (Plaintiff's Exhibits 3, 4 and 5
5 marked for identification.)
6 Q Are Exhibits 3, 4 and 5 to the Selig Deposition letters
7 reflecting the transmittal of that speech to owners in
8 the American League?
9 A Yes, apparently so.
10 Q Exhibit 3 is a letter to Mr. McPhail, vice-president of
11 the New York Yankees, dated September 28, 1967?
12 A Yes.
13 Q Exhibit 4 --
14 A Is Mr. McPhail's reply to Mr. Fitzgerald.
15 Q And Exhibit 5?
16 A A letter sent to Michael Burke.
17 Q Dated when?
18 A November 6, 1967.
19 Q Is Exhibit 6 the transcript of your speech to the Rotary
20 Club of September 26, 1967?
21 A Yes.
22 Q Now on page 2 of the speech it states:
23 "Soon after the formation of the Brewers, in August
24 of 1965, to be exact, applications for franchises were
25 filed with both the American and National Leagues. Since

1 that time the Brewers have maintained consistent
2 contact with organized baseball. This program has
3 included attendance at major league meetings and
4 functions where organized baseball gathers."

5 Had you been the person who kept up those contacts?

6 A Yes, for the most part it was me, although Mr. Fitzgerald
7 also participated in that.

8 (Plaintiff's Exhibit No. 6
9 marked for identification.)

10 Q On page 3 you state:

11 "We plan additional activities this winter, such
12 as games here by the Chicago Bulls professional basketball
13 team. We are sponsoring three national basketball
14 association games at the arena between the Bulls and
15 three outstanding NBA teams. The overall objective,
16 of course, is to continue to demonstrate Milwaukee's
17 credentials as a major league city in every respect."

18 When you say "we are sponsoring", who are the "we"
19 you are talking about?

20 A The Milwaukee Brewers Baseball Club.

21 Q On page 4 you state:

22 "I do not want to once again go over the history
23 of the Braves here, but I would like to point out that
24 almost from the time the group which now owns the Braves
25 franchise purchased the club, in November of 1962, rumors

1 began flying about its impending move. From July of
2 1963 through the final move, these rumors and statements
3 clouded the issue. We believe that period of time
4 cannot be called normal in any respect."

5 Now when you said that it clouded the issue, were
6 you referring to attendance?

7 A Among other things, yes. I would say attendance, although
8 attendance in the 1964 baseball season here was remarkably
9 good in light of the rumors of the Braves leaving. The
10 Braves that year drew on a turnstile count basis 911,000
11 people and if my memory serves me correctly, they outdrew
12 nine or ten other clubs in the major league that year
13 when there was only twenty clubs. That would put them
14 right in the middle, and as far as actual tickets sold,
15 they sold well over a million tickets to their games
16 that year.

17 Q Was it your point in this speech, in the part I just
18 read, that the rumors of the impending move adversely
19 affected the attendance?

20 A I would say it certainly didn't help it.

21 Q Do you recall what the Braves attendance was in 1965?

22 A Yes, I certainly do. That was, of course, the lame duck
23 year when they were forced to stay here. They drew
24 555,000 people and outdrew three or four other clubs who
25 were so-called permanent clubs.

1 Q And was it your point then that year could not be called
2 normal in the sense that the reports of the move had
3 cut down the attendance?

4 A Well, I don't know that you could ever determine
5 how rumors about franchise moves cut down an attendance.
6 That is a very subjective marketing analysis. There are
7 no scientific methods known to man that can determine
8 that, it certainly doesn't help when this type of rumor
9 exists, that goes without saying.

10 Q Despite the Braves record, the club moved anyway?

11 A Record of attendance?

12 Q Yes, the club moved anyway to Atlanta?

13 A That is correct.

14 Q Now on the next page of your speech, page 5 you state:

15 "Quite often we have had to face the charge that
16 Milwaukee only supports a winner."

17 Then you go on in the next paragraph to say this:

18 "Or take Detroit, in 1961 it finished a close
19 second in the American League and drew 1.6 million.
20 Three years later in 1964 and in the second division
21 it drew 816,000. Boston has drawn over 1.5 million so
22 far this year, in the thick of the American League
23 penant race. But just two years ago the Red Sox lured
24 only 652,000 to see a second division club. All this
25 proves is that whether it's New York City, Milwaukee or