

Sorry, two papers did not go far enough.
Howard wanted to keep this from the second.
Not knowing if you want it, I send and ask
return when finished. No hurry.

For his own reasons - he submitted his
book to the Univ. Penna Press a year ago,
they gave it to Tink Thompson to read and
Tink made some suggestions, including that
Cyril be asked to read all medical refer-
ences - Howard has gone over all my Cyril
files. I had forgotten all the earlier ones.
Too bad I did. They establish consistency
and flexibility, rolling with the prevail-
ing situation, and incredible things he
then wrote. I don't know what he will take.
It will be whatever he wants. He finished
with the clippings of the 1972 stuff and
wants them. When he copies, he'll make a
set for you and send to you. He'll hold
my originals until he knows the dupes have
been received. HW 1/9/73

Challenge to Post's TV Stat

By Jules Witcover

Washington Post Staff Writer

By closing time on Jan. 2 at the Federal Communications Commission, four challenges to two television channel license renewals had met the appointed deadline. Together, they soon provoked reverberations throughout the nation's political, TV and news communities.

Three of the applications sought to take over ownership of WJXT-TV, Channel 4 in Jacksonville, Fla., and the fourth challenged WPLG-TV, Channel 10 in Miami. Both stations are owned by the Post-Newsweek Stations, Florida, Inc., a subsidiary of The Washington Post Company.

The question raised in political and news media circles about the four challenges was simple enough:

Were they symptoms of a political vendetta against a newspaper corporation that was in disfavor with the Nixon administration?

The question was prompted by several considerations.

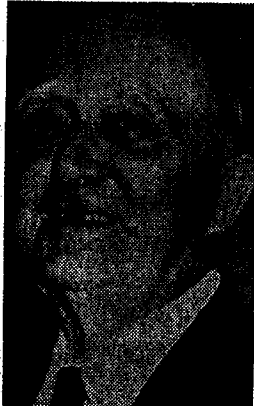
First, in the past four years only 11 other takeover challenges had been filed with the FCC against any of the 701 licensed commercial TV stations in the United States. (Many other protests against the relicensing of stations have been filed in that period.)

Second, the only TV channels in Florida subjected to challenges this year were the two owned by the Post-Newsweek Stations; the other 34 commercial channels in the state were unchallenged.

Third, the Florida challengers included several individuals who had achieved political prominence, mostly with some ties to the Nixon administration.

One of the principals in Jacksonville was George Champion Jr., Florida finance chairman in the 1972 re-election campaign of President Nixon.

Heading another Jacksonville group was Fitzhugh K. Powell, northeastern Florida coordinator for the 1972 presidential campaign of



Edward W. Ball left, and George Champion Jr. are part of a group seeking Post-Newsweek TV licenses in Fla.

Gov. George C. Wallace of Alabama.

In the Miami challenge, the principals included Cromwell A. Anderson and Michael Weintraub, law partners of former Sen. George Smathers (D-Fla.). Smathers, a friend of Presidents Kennedy and Johnson, was the man who introduced then-Sen. Richard M. Nixon to C.G. (Bebe) Rebozo of Key Biscayne, who became Mr. Nixon's closest personal friend.

Another in the Miami challenge was Edward N. Claughton Jr., who had lent his Coral Gables home to Vice President Agnew during the 1972 Republican National Convention.

The challenges emerged against a background of conflict between The Post and the Nixon administration. The Post, for several years, had been a specific target of Vice President Agnew.

White House press secretary Roland L. Ziegler on several occasions had denounced the Post for its reporting of the Watergate political espionage affair. And just a few days ago, one of The Post's reporters, Dorothy McCardle, had been barred from covering several White House social events.

In early 1970, on the heels of an Agnew speech that took The Post to task for its ownership of radio and television stations, a challenge was filed to the Post-News-

week station in Miami. The challenging group included Anderson and W. Sloan McCrea, an old business partner of Rebozo. The application later was withdrawn, with the Post-Newsweek Stations agreeing to pay the challengers \$67,000 in legal fees.

The questions of possible administration involvement raised by the four Florida challenges brought quick denials from the challenging applicants. To inquiries from wire-service reporters and later in interviews with The Post, representatives of all four challenging groups stated categorically that there was no connection between their applications and the White House, and no direction of any kind from the Nixon administration. Ziegler, at the White House, made a similar denial.

Champion, the Nixon fund-raiser in Florida, said, "I would never tell him (the President) that we are making an application. My friendship would never enter into it."

Claughton, who lent his home to Agnew, told The Post he had met the Vice President only once before, when he served as volunteer crew on a yacht on which a surprise birthday party was held for Agnew in 1969.

His home was selected for Agnew from a pool of homes volunteered by Miami-area Republicans, he said. His only contact with

Agnew during the convention was on the tennis court, at which time nothing about television was discussed, Claughton said, and he has not seen or talked to the Vice President since.

The speculation of Nixon administration involvement was fanned, however, with disclosure in Miami last Friday that Glenn J. Sedam Jr., general counsel of the Committee for the Re-election of the President and currently deputy general counsel of the 1973 Presidential Inaugural Committee, was in Jacksonville Dec. 26 instructing Powell, Champion and other local businessmen on how to go about challenging the WJXT-TV federal license renewal.

Sedam has told The Post he had been contacted by Powell at the suggestion of a mutual friend, to inquire whether he as a private lawyer would be interested in representing his group in applying for the FCC license.

Because he did not know what he would be doing after the inaugural, Sedam said, he referred Powell to his old law firm, Steptoe and Johnson in Washington. "It was a normal referral," Sedam said.

Subsequently, Sedam said, Herbert E. Forrest of his old firm asked him to go to Jacksonville "to meet the group" and he did, but there were no political implications in the trip.

"Anyone there could tell you the lawyers emphasized this kind of thing is done on pleadings with the FCC and tried that way," Sedam said. "There was nothing political about it and it was emphasized there could be no conversations with senators or congressmen or ex parte conversations with the FCC."

The meeting in question took place on the night after Christmas in the American Suite of the Robert Meyer Hotel. Out of the private meeting several days later came not one but two formal applications challenging WJXT-TV, one by Powell's group and another by Champion and two associates, Edward W. Ball, trustee of estate of Alfred L. DuPont,

ions Raises Issue of Politics

and Raymond K. Mason, president of the Charter Corporation.

According to a participant in the meeting who insisted on anonymity, Sedam and the other lawyers did indeed stress that there could be no political implications or the application "would be automatically ruled out."

"Sedam and the others kept saying it can't be anything political," this participant told the Post, "and yet you're sitting there and here was a guy with that kind of reputation, as an important administration man. It was a political deal to begin with. There was no question in my mind it was."

Sedam, advised by The Post of this comment, replied: "That's silly. If you talk to any number of the people who were there, I'm sure they would tell you quite the opposite impression was attempted to be given. I suppose anybody can read anything they want into anything. I wish my presence did have that impact, but it doesn't."

Though the Jacksonville case involves three separate challenge applications, there is evidence the original intent was to have only one, representing all elements of the essentially conservative community opposed to WJXT-TV, which has won a wide reputation as an aggressive, politically liberal news operation.

Powell, in an attempt to build a financially solid applicant group, contacted Champion, Ball and Mason before the Dec. 26 meeting, and also held a Dec. 22 meeting with other prospective partners to lay the groundwork for the application.

According to one of those present at the Dec. 26 meeting, an open split developed between Powell and the Champion-Ball-Mason group over how stock in the new enterprise would be divided, and over the legal fee to be paid to Steptoe and Johnson.

Ball, this source said, at one point charged that Powell had misled him about the stock division and Ball erupted when advised by

Powell that the Washington law firm's fee for carrying the case to the Supreme Court if necessary would be \$250,000.

Ball, along with Champion and Mason, finally walked out of the meeting and several days later they submitted their own application for the Channel 4 franchise under the name Florida Television Broadcasting Co. The Powell group is called Trans Florida Television Inc.

The third group, St. Johns Broadcasting Co., consists of Edward L. Baker, a Jacksonville banker and real estate man, Winthrop Bancroft, an investment banker, and George D. Auchter III, a contractor. Baker said his group is unrelated to the other two.

The law firm representing this group, Welch and Morgan of Washington, also is representing the Anderson group in Miami, Tropical Florida Broadcasting Co. Both Baker and Anderson said there is no relationship between the Jacksonville and Miami applications.

In the four applications to the FCC, the challengers make one common argument against the Post-Newsweek stations — that local ownership would better serve the community.

But there is evidence that the editorial policy of the two stations and their records as aggressive investigators of local governmental and business irregularities, in Jacksonville particularly, are at the core of the challenges.

Prior to submission of his group's application, Powell filed a petition with the FCC to deny WJXT's three-year relicensing, charging the station "consistently and flagrantly, for the past three or more years has editorialized and slanted its news coverage."

The station, it said, "has deliberately broadcast and editorialized upon sensitive social questions that are prone to cause strife and with intended malice, assaults the personal character and reputation of various persons in the community. . . ."

WJXT is the television station whose reporter in 1970 first uncovered the 1948 segregationist speech of G. Harrold Carswell that proved to be a major factor in his rejection by the Senate as a Nixon appointee to the Supreme Court.

In 1968, the station's investigation of local government corruption led to the indictment of 10 city and county officials on charges of grand larceny and bribery. More recently, its series on inadequate railroad crossing signals led to adoption of a state law requiring such signals at all crossings in Florida.

Ball, who controls the Florida East Coast Railway the St. Joseph Paper Co. and other banking and land interests, has been a particular foe of the Jacksonville channel.

The station has carried special reports on a fence that has been built across the Wakulla River on Ball's estate near Tallahassee, which conservationists have argued bars public access to a navigable river in violation of the law.

Although the argument of out-of-state ownership is stressed by all the challengers, no challenge was raised against Channel 17 in Jacksonville, an ABC affiliate owned by the Rustcraft Broadcasting Co. of New York.

Nor was there a challenge against Channel 4 in Miami, a CBS affiliate owned by Wometco Enterprises Inc., with national headquarters in Miami but a group owner with other stations outside Florida.

The Post-Newsweek station in Miami also has a record of investigative reporting and recently waged an editorial battle with Sen. Edward J. Gurney (R-Fla.) over consumer protection legislation. It backed Gov. Reubin Askew's campaign for a corporate income tax, highly unpopular with Florida businessmen, and more recently has called on Miami area congressmen to vote to stop the bombing of North Vietnam.

Anderson, part of the group that withdrew its challenge in 1970, says that action was taken after an

FCC policy statement saying that existing license-holders would be renewed if they could demonstrate they substantially met the needs of the community.

That statement since has been successfully challenged in the U.S. Court of Appeals and withdrawn, Anderson told The Post, and a comparative hearing on ability to serve the community now is required, giving his new group hope it can succeed in getting the license.

Thomas Fitzpatrick, head of the FCC hearing division, confirmed that such a hearing now is required. But he noted that the appellate court decision also said "superior performance" of a licensee should be considered "a plus of major significance" in considering a challenge to its relicensing.

In the only case since that 1971 court decision, concerning a challenge to a Moline, Ill., station, the FCC in August, 1971, awarded the station another three years and cited its entitlement to preference on basis of its past performance.

Robert W. Schellenberg, vice president and general manager of WJXT, and James T. Lynagh, manager at WPLG, both have expressed confidence that the performances of their stations would persuade the FCC to renew their licenses.

But Fitzpatrick and other FCC staff officials noted that the FCC has not yet completed formal rule-making on what constitutes "superior performance." Hence the outcome of these latest challenges must await the hearings at which the incumbents and the challengers make their cases.

Lynagh, in a statement to the Associated Press, expressed the concern that was being felt not only by the Post-Newsweek Stations, but by TV license-holders throughout the country.

"Based upon information as to the operations of many other stations available to us," he said, "it is difficult to conceive how our license could not be renewed without at the same time placing in serious jeopardy the license of virtually every other TV station in this country."