

5/18/74 Nixon's wishes

FCC Held Aware of

By William Claiborne
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Former Federal Communications Commission member Nicholas Johnson said yesterday that he and the other commissioners in 1973 assumed that President Nixon wanted challenges filed against federal license renewals sought by two Florida television stations owned by The Washington Post.

"Whether the President communicated this desire directly to his FCC appointees ... the fact is that there was no ambiguity in any commissioner's mind as to what the President wanted," said Johnson, a former Democratic appointee to the commission and an outspoken critic of the Nixon administration.

"I know of no one at the FCC or in the broadcasting industry at the time who did not assume that the President and his men had either ordered, known about—or at least greeted with glee—the Florida challenges at the FCC," Johnson said.

Johnson's recollections, contained in a prepared statement, were in response to the disclosure Wednesday that remarks edited out of White House transcripts of conversations on Sept. 15, 1972, included a statement by Mr. Nixon that "The Post is going to have damnable, damnable problems" in the renewals.

Last year, Florida groups closely associated with Mr. Nixon filed challenges against Miami and Jacksonville stations owned by Post-Newsweek Stations, Inc.

A challenge to the Miami station's license was filed by a group that included two law partners of former Sen. George Smathers, a friend of presidential confidant C. G. (Bebe) Rebozo. One of the challenges to a Jacksonville station's license was made by a group led by the

Florida finance committee chairman of the President re-election organization.

In the previous four years, only 11 other challenges to take over a existing license had been filed against any of the 70 licensed commercial television stations in the country.

The White House has emphatically denied there was any intent to use the FCC against the Post stations. Former FCC Chairman Dean Burch, now a White House adviser, suggested the taped statement may have been made because the President "lets off steam a times."

In an interview, Johnson said there has been "no proof, based on the tapes or other evidence, that ex parte conversations were conducted" in regard to the challenges.

"There is proof of a desire and a hope by the President" that the challenge would be made, Johnson said. But he added he knew of no specific violation of law that could be proved with evidence that has surfaced so far.

Five Washington attorneys engaged primarily in communications law said in interviews yesterday they knew of nothing in the FCC rules or the U.S. criminal code that would apply to presidential involvement in the filing of license challenges.

Another lawyer specializing in FCC matters said, "The question is raised about illegal conduct, if it happened. I'd be inclined to doubt it, because it is the kind of weird thing that Congress has not addressed itself to."

The suggestion that the White House was involved—directly or indirectly—with the filing of the license challenges was emphatically denied yesterday by a Washington communications lawyer who represents two of the challenging groups.

Edward P. Morgan, who was involved in both the Florida cases, said, "No one in the White House, including Richard Nixon or any of his representatives, to my personal knowledge, had anything to do with the determination to file challenge to the renewal of the licenses."