

# Colson Pushed Bay TV Project

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Pressure from the White House led to the awarding of millions of dollars in federal funds to an Oakland educational television group that was later accused of mispending much of it, a General Accounting Office report released yesterday showed.

The report was released by Congresswoman Edith Green (Dem-Oregon), who had requested an investigation of Bicultural Children's Television Inc. in February.

The Oakland group was formed early in 1972 to produce a series of bilingual children's television shows to be aired nationally for children from 3 to 8 years old.

GAO's investigation showed that the Office of Education, under pressure from the White House and top officials of the U.S. Department of Health, Education and Welfare, made three grants despite objections from experts in its office.

The three grants totaled \$5,889,980.

One of those applying the pressure was Charles W. Colson, special counsel to former President Nixon, according to the report. Colson is now serving a sentence of 1 to 3 years in a Maryland federal prison after pleading guilty to one count of obstruction of justice in connection with the Ellsberg break-in case.

GAO investigators found a letter dated March 31, 1972, from Stan Pottinger, director of HEW's Office of Civil Rights, to Colson, which stated that the television project was ready to be financed.

"A public television announcement ceremony can be held at any time after April 3, 1972, depending, of course, on the schedules of the primary participants," it stated in part.

"While this will get some play (in the press) it should not detract from any Oval Office ceremony you may wish to have within the next

few weeks."

The first grant of \$889,980 was made on April 6, 1972, to the Berkeley Unified School District. The Office of Education violated "established criteria and procedures" by making the award, the report charged.

The money came from Title VII of the Elementary and Secondary Education Act. These funds were supposed to be used to assist children within a local school district, not finance a national television show, the report stated.

Officials of the Berkeley schools told investigators they never wanted the money or the responsibility of the program. They said Sidney P. Marland Jr., then U.S. Commissioner of Education, "requested the school district apply for the grant" just before it was awarded.

Berkeley's school district simply became a conduit for the funds, passing them on to the TV group's executive director Rene Cardenas in exchange for a 10 per cent "overhead" fee, the report stated.

Later, that first grant was supplemented with another \$1.5 million, making a total of \$2.3 million.

It was that total that HEW auditors looked into. In June, 1973, they issued a report saying BCTV has spent nearly half of the money in unauthorized ways.

The auditors had disallowed \$489,935 for such things as "extravagant furnishings" and another \$552,657 for subcontracts that were never authorized. And BCTV, which was supposed to have produced a series of pilot films with its first grant funds, had produced only one.

One month later, however, the U.S. Office of Education million to BCTV.

"The second grant award was made at the direction of the Commissioner of Education-designate, John R. Ottina, over the strong objection of program and grant officials," the report stated.

Ottina ordered that the award be made despite a written plea from a top grants official who said giving more money "to an organization which is insolvent, sorely dependent upon foundation and corporate funding to produce, has a deficit, cannot produce a balance sheet, lacks adequate financial management and has failed to perform."

The investigators said that a number of special fiscal safeguards were attached to the second grant and that BCTV has now completed 65 one-half hour shows which the Public Broadcasting Service has agreed to make available to participating stations this fall.

Yesterday, Cardenas' attorney asked the U.S. District Court to issue a temporary restraining order that Congresswoman Green from

But Judge John Pratt, after a half-hour hearing, denied the request, saying "there is insufficient likelihood that if the case went to trial and was tried on the merits that the plaintiff would succeed." He called it "prior restraint."