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TV NETWORKS LOSE PLEA TO BAR TRIAL

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Supreme Court Refuses to
Block Antitrust Case

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WASHINGTON, April 28 —

The Supreme Court refused today to block a second attempt by the Department of Justice to prosecute the three national television networks on a charge of violating the antitrust laws by monopolizing prime-time entertainment programming.

When the first suit against the networks was filed in April, 1972, broadcasting executives charged that it was an attempt by the Nixon Administration to intimidate them and soften their political news coverage of the President during the election year.

Last November, the National Broadcasting Company, American Broadcasting Companies and CBS Inc. won dismissal of that action on the ground that the Government had failed to comply with court orders to make available tapes and other records of the Administration indicating hostility toward the news media.

The suit was dismissed "without prejudice," however, a legal term meaning it could be rein-

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stated time if the Government chose. The next month the Department of Justice did just that.

The networks then appealed to the Supreme Court, urging that any retrial of the antitrust charges be prohibited on the grounds that the suit had been based on improper motives—a vendetta against network television news broadcasts rather than a valid legal case.

In a one-sentence memorandum, the Supreme Court dismissed the networks' appeal without a hearing, clearing the way for trial of the antitrust case. Pre-trial activity is ready to begin in Federal District Court in Los Angeles but had been delayed pending the Supreme Court ruling.

Associate Justice William H. Rehnquist dissented from the dismissal and Associate Justice William O. Douglas did not participate. Justice Rehnquist did not indicate whether he thought the lower court ruling should be reversed or whether he merely favored a hearing before reaching a decision.

In both suits, the Government charged that the three networks had restrained competition in the production, distribution, and sale of television entertainment programs shown between 6 and 11 P.M.