

Caller Names Nixon in FCC Complaint

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President Nixon has been named as a defendant in a formal complaint to the Federal Communications Commission by a White House

caller who says his conversation was recorded without his prior knowledge.

The FCC in turn has served a formal notice on the two suppliers of White House telephone service, the Chesapeake and Potomac Telephone Co. and American Telephone and Telegraph Co.

The notice says that the two phone companies are required not later than Aug. 17 to "satisfy this complaint . . . or answer the same in writing."

Under FCC procedures, the suppliers of service and not the users are subject to control, and thus the suppliers are responsible for bringing about compliance of regulations by users, or terminating service. Accordingly, no notice has been served on the President, the FCC said yesterday.

Under federal tariff regulations governing telephone

service, phone calls are not supposed to be recorded without use of a "beeper" signal during conversations to warn either party that the call is being recorded.

The complainant, Robert G. McCann, a San Francisco airlines engineer, told the FCC he was informed by a White House official last October, after giving him a message for Mr. Nixon protesting his Vietnam bombing policy, that the message had been recorded.

The official, identified by McCann in the complaint as Walter Edwards, also told him that "we record all in-White House, McCann said. A later check of White House personnel uncovered no one by that name.

White House Deputy Press Secretary Gerlad L. Warren said last month, when the charge first surfaced, that "it was not the practice of the White House to record all incoming calls

at that time and it is not the practice now."

Last November, after McCann informally complained to FCC, the regulatory agency asked C&P to investigate. The phone company replied that the White House had reported it "is fully cognizant of and acts in accordance with applicable telephone company tariffs concerning the use of recording devices."

But McCann told the FCC he was not satisfied. Shortly after the disclosures last month that some White House offices and phones were bugged under an extensive internal system, McCann said he intended to file a formal complaint.

A C&P spokesman, asked yesterday what the phone company intended to do about the complaint, drew attention to news reports on July 21 that the White House had stopped the practice of taping conversations without telling participants.

The spokesman said C&P was conducting "a thorough investigation" and would report to the FCC. An AT&T spokesman said AT&T was working with C&P on a coordinated reply to the FCC.