

# TV Network Suits Investigated

MAR 26 1974

Washington

SFChronicle

The special Watergate prosecutor's office said yesterday it is looking into charges by NBC, CBS and ABC that antitrust suits filed against the networks by the Justice Department were improperly motivated.

However, Hamilton P. Fox III, assistant to prosecutor Leon Jaworski, said in an affidavit that none of the evidence he has seen so far supports the networks' claim that the suits were filed to influence network news.

Nor is there any evidence, he said, that the suits were filed "as a result of campaign contributions by parties having direct or indirect interest in these suits or for any other improper motive or purpose."

The suits, which are pending, were filed by the Jus-

Justice Department April 14, 1972, charging that the networks have used their control of access to air time to monopolize prime time television entertainment programming and to obtain valuable interests in such programming.

ABC and CBS charged that the suits were politically motivated and NBC said the suits were "without proper direction."

CBS said the action was "commenced for the purpose of harassing, intimidating and inhibiting CBS."

CBS and ABC sought an order from the court for depositions and arguments to support their charges of political motivation.

The Justice Department, in its brief, said the court should find such a request irrelevant and frivolous. The Department said it was

presenting depositions by the two men who headed the anti-trust division when the suit was formulated and filed. U.S. District Judge Richard W. McLaren and Walter B. Comegys, to show they had not acted improperly.

People from whom depositions are sought include several former White House aides involved in the Watergate affair, including H. R. Halderman, John D. Ehrlichman, Charles W. Colson, Jeb Stuart Magruder, John W. Dean III and former Attorney General John N. Mitchell.

The Justice Department's answer was filed in U.S. Dis-

trict Court in Los Angeles giving Fox's affidavit and a lengthy defense of its action.

The government said it seeks to restore a competitive programming industry by prohibiting the networks from carrying network-produced entertainment, including feature films.

Fox's affidavit said that "although the investigation is not yet complete, all the evidence with which I am familiar indicates that these suits originated with the staff of the anti-trust division through normal processes and were motivated by proper anti-trust consideration."

Associated Press