

Post Assails TV Challenge; Case Probed by Rodino Staff

Threat Is Denied

By Jules Witcover
Washington Post Staff Writer

The president of The Washington Post Co. charged the White House yesterday with attempting "economic retaliation and "intimidation" against The Washington Post through challenges to federal license renewals sought by two Post-owned television stations in Florida.

Larry H. Israel, The Washington Post Co. president, cited Wednesday's report that an edited-out portion of taped White House conversations on Sept. 15, 1972, included a statement by President Nixon that "The Post is going to have damnable, damnable problems" in the renewals.

The report, printed in Wednesday's editions of The Post and obtained from sources involved in the House Judiciary Committee's impeachment investigation, indicates challenges to Post-owned WJXT in Jacksonville and WPLG-TV in Miami "were conceived and inspired by the White House," Israel said.

"It should be deeply disturbing to every citizen," Israel said, "that the White House would try to use the license renewal processes of a federal regulatory agency for economic retaliation against a newspaper exercising its proper journalistic responsibilities, and to attempt to intimidate it from doing so."

At the White House, deputy press secretary Gerald L. Warren said, "There has not been, and is, no threat to The Post," and the President's remark "does not imply an intent to use" the Federal

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Nixon Role at Issue

By William Chapman
Washington Post Staff Writer

The House Judiciary Committee has begun an investigation to determine whether President Nixon tried to carry out his prediction of trouble for The Washington Post television stations, a committee member said yesterday.

Rep. Jerome Waldie (D-Calif.) said the committee staff already had begun an investigation to determine whether the President committed a possible impeachable offense in connection with the licenses of The Post's television stations in Florida.

Waldie said the staff investigation was begun before the public disclosure yesterday of a transcript in which Mr. Nixon declared that The Post would have "damnable, damnable problems" in connection with the renewal of one of the station's licenses.

The remark was made on Sept. 15, 1972, at a time when the licenses of two stations owned by Post-Newsweek Stations, Inc., were coming up for renewal. Both licenses subsequently were challenged by Florida groups and the challenges are still pending.

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

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Communications Commission to revoke the licenses in question.

"It is my understanding and my belief that this went through normal FCC procedures," Warren said.

At the FCC, Chairman Richard E. Wiley agreed with Warren. "I have had no conversations whatever with the President or with anybody on the White House staff on these cases," he said. "They are being handled like any other cases."

Wiley said he understood that none of the other FCC commissioners had any contact either with Mr. Nixon or his aides on the matter. Such ex parte conversations must be reported to the commission, he said, and none had been.

Wiley's predecessor as FCC chairman, Dean Burch, now a White House adviser,

told reporters on the White House lawn that he was not aware of Mr. Nixon's Sept. 15, 1972, remarks until he read them in The Post yesterday.

As chairman, he said, "no one from the White House ever talked to me about it."

The transcript as printed in The Post also had Mr. Nixon saying that "it's going to be goddamn active here" in the license renewal area and that "the game has to be played awfully rough."

Burch said that "the improper thing would have been to contact the FCC. He never did. He's entitled to be displeased" at The Post.

"I suppose the President lets off a lot of steam at times . . . The only palpable facts are the FCC was not leaned on by anyone at the White House."

The only action taken by the commission concerning Post-owned properties while

he was chairman, Burch said, was its approval of the purchase of television station WTIC in Hartford, Conn., in January, 1973, from the Travelers Corp.

Warren, defending the editing of the Sept. 15, 1972, tape transcript, said the remarks about The Post were deleted from the transcript given the Rodino committee "with the full knowledge that the [House Judiciary] Committee had the full tape." In the leak of the unedited portion, he said, "we do think that, yes, a false issue is being created here."

Also in the unedited portion was a threat by Mr. Nixon to "fix the son-of-a-bitch" Edward Bennett Williams, principal attorney for The Post who represented the Democratic National Committee in its civil damage suit against the Committee for the Re-election of the President over the

Watergate break-in. The unedited transcript has H.R. (Bob) Haldeman suggesting that the Federal Bureau of Investigation "start questioning that son-of-a-bitch. Keep him tied up for a couple of weeks." To which Mr. Nixon replies: "Yeah, I hope they do."

Asked about such use of the FBI, Warren said: "I will just point you to the reality, if I may, and the reality of the situation is that did not happen."

The challenges to the two Post-owned stations became a matter of some controversy more than a year ago, when they first were filed with the FCC. They came 3½ months after Mr. Nixon's threat against a backdrop of repeated administration complaints about The Post's Watergate revelations, and a specific jibe against The Post Co. by then Vice President Spiro T. Agnew in No-

vember, 1969 for its ownership of a newspaper, television stations and Newsweek magazine.

Three challenges were leveled against WXTV, Channel 4, in Jacksonville, and one against WPLG, Channel 10, in Miami, both of which had compiled records of aggressive investigatory reporting.

In the previous four years, only 11 other challenges to take over an existing license had been filed against any of the 701 licensed commercial TV stations in the country. In 1973, of the 33 Florida stations whose licenses were up for renewal, only the two stations owned by Post-Newsweek Stations, Florida, Inc., The Washington Post Co. subsidiary, were challenged.

Notable among the challengers were several individuals with political ties to the Nixon administration.

One of the Jacksonville groups was headed by George Champion Jr., Florida finance chairman in Mr. Nixon's re-election campaign. The principals in the Miami challenge included Cromwell A. Anderson and Michael Weintraub, law partners of former Sen. George Smathers (D-Fla.), an old Nixon friend who introduced him to presidential intimate C. G. (Bebe) Rebozo.

In late December, 1972, before the three Jacksonville challenges were filed, a meeting was held among Champion and other local businessmen on the possibility of making one coordinated challenge. A split ensued and separate challenges were filed.

Brought to Jacksonville to

discuss how an application is filed was Glenn J. Sedam Jr., general counsel of the Committee for the Re-election of the President in 1972. Sedam said subsequently he was acting as a private lawyer referring the matter to his old law firm and had specifically warned that there could be no political overtures made.

Advised of Mr. Nixon's Sept. 15, 1972, statement, Sedam, now a deputy assistant secretary of transportation for congressional affairs, said there was "absolutely

not" any White House involvement in the matter, to his knowledge.

Another key principal in the Miami challenge, Sanford K. Bronstein of Miami, was among the hosts to Mr. Nixon Feb. 14 when he dedicated a new section of the Cedars of Lebanon Hospital in Miami, of which Bronstein was then president and chief executive officer.

Since then, Bronstein has been fired from his post and has been engulfed in legal troubles. An Internal Revenue Service spokesman has reported the IRS has filed a lien of \$700,500 against his property, alleging that amount in Social Security and income taxes withheld at the hospital had not been paid, and could not be collected from the hospital, which has gone into bankruptcy court.

Bronstein's administration of the hospital complex also has been under fire from the Federal Housing Administration and Miami newspapers. He confirmed last month that he had paid \$657,000 in hospital funds for architects' fees to a Jamaica firm's courier for designs for the hospital center, under circumstances under investigation by the Dade County state attorney's office.

STATIONS, From A1 of the President's re-election campaign organization.

Waldie, one of the President's most vocal opponents on the Judiciary Committee, said he yesterday asked the committee's chief counsel, John Doar, to investigate whether anything was done about Rebozo and his friends in Florida to carry out the President's threat.

"Doar said the committee was already looking into that," Waldie said. Asked about the nature of the investigation, Doar said he could not comment on the matter.

Waldie said the President's comments raise the question of whether an impeachable offense was committed by using an agency of the federal government "to get at a private citizen." The inquiry should determine whether any attempt was made to use the Federal Communications Commission (which regulates television and radio licenses), he said.

One of the less-publicized inquiries the committee staff has pursued concerns charges that government agencies were improperly used for partisan purposes. According to a March 1 memorandum from the staff, one item under that general heading concerns "allegations that attempts were made by the White House to use the Federal Communications Commission to control and retaliate against media criticism."

Details of that inquiry have never been spelled out by the committee's staff.

According to a spokesman for the FCC, Judiciary Committee Chairman Peter W. Rodino (D-N.J.) wrote to FCC Chairman Richard Wiley on Feb. 27, inquiring about the issues involving The Post's television licenses.

Wiley replied to Rodino

within two weeks, the spokesman said. Details of the exchange of letters are not known.

The transcript of the President's comments on Sept. 15, 1972, contains no reference to the FCC.

The president's counsel James D. St. Clair, was asked by reporters yesterday if he felt Mr. Nixon's comments could be construed as an improper use of a federal agency and therefore as a potential impeachable offense.

St. Clair replied: "You can't incriminate a man for what he says. It has to be something he does."

The president's counsel said "there is no evidence" that the FCC was improperly used.

The disclosure of the Sept. 15 transcript prompted St. Clair to ask yesterday that the committee's meetings be opened to the public and that other evidence it has collected be placed on the public record.

He contended that such disclosures were prejudicial to the President. "There is no protection for the President in this," he said, referring to the committee's practice of hearing evidence in secret meetings.

The President's comments on Sept. 15 were made during a meeting he held with his then counsel, John W. Dean III, and H. R. (Bob) Haldeman, then the White House chief of staff.

The comments came after Dean had told the President that The Washington Post had assigned "a real large team" to investigate Watergate.

According to the transcript the Judiciary Committee has, Mr. Nixon said: "The main thing is The Post is going to have damnable, damnable problems out of this one. They have a television station . . . and they're going to have to get it renewed."

Later, Haldeman observed that The Post also owns a radio station. "Does that come up, too?" Mr. Nixon asked. He later said: "And it's going to be goddamn active [in the license re-

newal area] . . . Well, the game has to be played awfully rough."

Those comments did not appear in the original transcript of that conversation which the White House submitted to the Judiciary Committee last week and also made public. The new transcript, containing the remarks, was prepared by the Judiciary Committee staff.