

Stand-Off in Suit Against Networks

Washington

The special Watergate prosecutor's office reported yesterday it could find no evidence to support a charge that a 1972 Nixon administration antitrust suit against the major broadcast networks was for harassment purposes.

Special prosecutor Henry S. Ruth Jr. told U.S. District Judge Robert J. Kelleher in Los Angeles that none of the witnesses interviewed indicated the suit was filed "for improper purposes or motives."

The Justice Department suit, filed April 14, 1972, charged the networks monopolized prime-broadcast time with entertainment shows they produce themselves, excluding shows produced by outsiders.

The Justice Department said such network practice violates federal antitrust laws by reducing competition in the program production industry.

Attorneys for ABC, CBS and NBC argued that if they could obtain certain Watergate tapes and documents now held in the White House, they could prove the suit was filed to retaliate for alleged bias against former President Nixon in network news shows.

The Justice Department has told the court it spent "hundreds of man-hours" digging up Justice Department records the network lawyers want, but that the

Justice Department cannot provide any of the White House documents and tapes the lawyers are demanding.

Judge Kelleher has called a hearing Monday in Los Angeles, where the case is awaiting trial, to consider a network motion to dismiss the case. Because the networks have been denied access to the evidence they need.

While denying there was any improper motive in filing the suit, the Justice Department has argued that this issue is now irrelevant because all the Nixon-administration policy makers are no longer in government.

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