

U.S. Judge Weighs Network Plea

Los Angeles

A federal judge took under submission yesterday a motion to dismiss an antitrust suit against the three major television networks because the government conceded it could not produce files of former President Nixon possibly relating to the case.

U.S. District Judge Robert Kelleher indicated he was leaning toward dismissing the action "without prejudice" so that the Justice Department could file a new suit if it chose to do so.

Attorneys for ABC, CBS and NBC argued in their motion that the 1972 suit was filed solely to "harass and intimidate" them because of TV newscasts the Nixon White House did not like.

The suit alleges the networks violated antitrust laws by monopolizing prime time with entertainment shows which they themselves produced or in which they had a substantial interest.

The defense lawyers have contended that they could prove improper political motivation for the action if they can gain access to Mr. Nixon's presidential tapes and documents.

Bernard Hollander, an attorney from the Antitrust Division of the Department of Justice in Washington, told Kelleher that his access to the files was blocked by the agreement between the attorney general's office and Mr. Nixon that the documents are private property.

Judge Kelleher did not disclose when he would make a ruling. It could come at any time within the next 60 days.

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