

Way Cleared For U.S. to Sue TV Nets

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The Supreme Court cleared the way yesterday for the Justice Department to proceed against the three major broadcast networks on the ground they are illegally monopolizing prime-time entertainment programming.

CBS, NBC and ABC have contended that the civil suit, filed in Los Angeles U.S. District Court in 1972 by the Nixon administration, was intended merely to harass them. In the confusion surrounding President Nixon's resignation, they were unable to obtain White House documents they say could prove their claim.

Meanwhile U.S. District Judge Robert J. Kelleher dismissed the suit but allowed it to be refiled by the Ford administration. The government invoked the Sherman Antitrust Act.

The networks came to the Supreme Court in an effort to get the lawsuit blocked, but the justices in a brief order dismissed the appeal "for want of jurisdiction." Justice William H. Rehnquist dissented.

Acting on a handful of routine matters before starting its last two-week recess of the current term, the court rejected Alabama's appeal from a lower court requirement that it make sweeping changes in prison medical treatment facilities.

The lower court found the facilities so understaffed, outdated and unsanitary as to be "cruel and unusual punishment" in violation of the U.S. Constitution.

Alabama had argued that federal courts have no authority to evaluate medical care.

The justices, with a few possible exceptions, will hold public sessions only on Mondays from now until the end of the term in late June.

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