

## **NBC Election Night Coverage**

### **Waxman Presses NBC on Election-Night Videos August 6, 2001**

#### **Multichannel News**

By Ted Hearn

Washington-- Claiming NBC has been less than candid, Rep. Henry Waxman (D-Calif.) is continuing his fight to force the network to surrender alleged videotapes from election night last November to determine whether General Electric Co. chairman and CEO Jack Welch inappropriately influenced the network's call of the presidential race.

In a four-page letter to NBC president and chief operating officer Andrew Lack, dated last Thursday, Waxman demanded that NBC turn over the tapes or he would "be required to seek other means" of compelling the network's compliance.

Waxman aide Phil Schiliro said the lawmaker was referring to a congressional subpoena. If Congress is in session, the subpoena would have to be issued by the GOP-controlled House Subcommittee on Telecommunications and the Internet, said Ken Johnson, spokesman for House Energy and Commerce Committee chairman Billy Tauzin (R-La.). Tauzin has the power to issue a recess subpoena. "We certainly would be interested in seeing anything that Rep. Waxman uncovers, but chairman Tauzin has no intention of issuing any subpoenas," Tauzin spokesman Johnson said.

Waxman is willing to wait for the House to return from its August recess after Labor Day, Schiliro added.

Waxman is the second highest-ranking Democrat on the House Energy and Commerce Committee. He could become the panel's chairman in 2003 if Democrats gain control of the chamber in the November 2002 election.

If Waxman fails to obtain NBC's cooperation now, he might be able to issue a subpoena if he becomes chairman in 16 months.

Waxman is trying to hunt down evidence that would support or refute a rumor he heard that Welch, a prominent Republican, ordered NBC News to call the presidential race for then-Texas Gov. George W. Bush, the GOP candidate.

The congressman believes NBC promotional staffers shot videotape on election night that may have captured Welch's interference with NBC's election team, which Lack supervised.

GE is the corporate parent of NBC, which owns the broadcast network, several local TV stations and such cable networks as CNBC and MSNBC.

Waxman has sent Lack four letters since February seeking information about the videotapes because he believes some of the executive's responses have been evasive.

On July 31, Lack sent Waxman a letter repeating his view that the Welch rumor was bogus and that Waxman had provided insufficient grounds for a news organization to turn over internal videotapes to the government.

Lack -- who has denied that videotapes showing election-night interference by Welch exist -- told Waxman that NBC considered the whole inquiry to be closed.

Lack was president of NBC News on election night and was elevated to run NBC in May.

NBC spokesman Cory Shields indicated last Friday that the network was unlikely to respond to Waxman's latest letter.

"What we are going to say is that Andy's letter dated July 31, which is his most recent letter, speaks for itself," Shields said.

In February, Lack testified under oath before the House Energy and Commerce Committee -- which was probing election-night miscues by the major networks -- that if the videotapes exist, he would provide them to Waxman. But Lack claimed no knowledge of such tapes and told the committee the Welch story was a "dopey rumor" that was untrue.

Although Lack has retreated from his February promise, Waxman is holding him to it. Moreover, Waxman's latest letter to Lack asserted that "NBC has confirmed to my office that in fact an advertising and promotion videotape from election night unquestionably exists."

Waxman, however, did not name his NBC source, or disclose whether the tape includes footage of Welch.

Waxman has given NBC until Sept. 4 to produce the videotapes. He admonished Lack that the destruction or alteration of the videotapes would constitute a federal crime of obstructing a congressional investigation.

In his letter, Waxman complained that Lack has failed to provide straightforward responses about the videotapes in previous letters. Consequently, he added, he was unwilling to let the issue die until he has reviewed the tapes himself.

"This is especially important when committee witnesses promise -- under oath -- to supply requested information. So I respectfully decline to close this matter," Waxman said.

He added that he was "offended" by Lack's position and called NBC's decision to declare the matter dead an "arrogant assertion." Lack and Waxman disagree on whether Congress is entitled to see the videotapes.

Lack indicated the tapes had First Amendment protection, but Waxman said no such protection applied since they were evidently related to NBC's advertising and promotional efforts.

