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TIMES REPORTER GETS A SUBPOENA

Federal Grand Jury Seeks Data on Black Panthers

Special to The New York Times

SAN FRANCISCO, Feb. 2—Earl Caldwell, correspondent for The New York Times in the newspaper's bureau here, was served today with a subpoena requiring his testimony before a Federal grand jury that has been investigating the Black Panther party.

The subpoena, dated Jan. 30, ordered Mr. Caldwell to appear at 10 A.M. Wednesday at the United States Courthouse here with "notes and tape recordings of interviews covering the period from Jan. 1, 1969, to date, reflecting statements made for publication by officers and spokesmen for the Black Panther party concerning the aims and purposes of said organization and the activities of said organization, its officers, staff, personnel and members, including specifically but not limited to interviews given by David Hilliard and Raymond 'Masai' Hewitt."

[In New York, A. M. Rosenthal, managing eidtor of The New York Times, said that the management of The Times was consulting with its attorneys on the implications of the terms of the Federal subpoena with a view to advising Mr. Caldwell and determining what position shall be taken by The Times.]

Increasing Concern

The subpoena was served upon Mr. Caldwell at a time of increasing concern among newspaper and magazine editors and television network news executives about what they regard as a growing effort by the authorities to collect intelligence on radical movements from the news media.

The Columbia Broadcasting System was served recently with a Government subpoena for news film, including portions not shown to the public, on the Black Panther party. The program was seen on Jan. 6 in the series "60 Minutes."

C.B.S. announced last week that it would comply with the subpoena, saying that it had no alternative to cooperation in a criminal case involving an individual accused of threatening the life of the President of the United States.

Mr. Hilliard, who was named in the subpoena served upon Mr. Caldwell, is charged with having made a threat against the life of President Nixon during a speech Nov. 15 at a Moratorium Day meeting in San Francisco.

Last Thursday, C.B.S. was also served with a subpoena by the Secret Service, working with the Federal Bureau of Investigation.

This subpoena demanded a complete record of all correspondence, memorandums, notes and telephone calls in arranging the Black Panthers program, including an interview with Eldridge Cleaver, the party's Minister of Information, who is now living in Algeria. The subpoena covers the period from mid-1968 to 1970.

Federal Courts have also subpoenaed the unedited files and unused pictures of Time, Life and Newsweek magazines dealing with the Weatherman faction of the Students for a Democratic Society.

The group, composed of militant revolutionaries, is being investigated by a Federal grand jury in connection with four days of disorders last October in Chicago.

The subpoenas were issued soon after the disorders, but their existence was disclosed by representatives of the magazines only last week.

A Justice Department spokesman in Washington maintained that there was no change in policy. He said that for years the department had obtained information from the news media, particularly in civil rights cases in the South, sometimes voluntarily and sometimes through subpoenas.

However, in Chicago, spokesmen for the four major newspapers and television stations reported that there had been an intensification of Federal and local demands for photographs and notes of newspapermen, particularly in regard to recent incidents involving the Panthers and the Weathermen.

J. G. Trezevant, general manager of The Daily News and The Sun-Times and president of Chicago's Newspaper Publishers Association, said the organization was preparing steps to quash a subpoena in a test case designed to establish guidelines for a more orderly process of obtaining materials from the media.

Spokesmen for Time and Life said they had complied with the subpoenas, but a spokesman for Newsweek said the magazine hoped to work out an informal agreement to delete the names of any confidential informants before delivering its files.