

Schorr Faces Hill Subpoena

Vows Silence On Leaking of CIA Report

By Richard L. Lyons
Washington Post Staff Writer

The House ethics committee set up a possible constitutional confrontation yesterday as it voted 8 to 4 to subpoena CBS correspondent Daniel Schorr to ask how he obtained a copy of the secret House CIA report last February.

The committee also voted to subpoena Clay S. Felker, publisher of *The Village Voice*, which printed portions of the House CIA report; Aaron Latham, who wrote an introduction to the report in the *Voice*, and Sheldon Zalaznick, senior editorial director of *New York* magazine, which Felker also publishes and which at one point was considered a possible vehicle for publishing the report.

Schorr was ordered to appear at 10 a.m. on Sept. 15. Schorr, suspended by CBS and in Los Angeles on vacation, said yesterday that he will appear for the hearing but that "under no circumstances" will he reveal the source of the leak.

If the committee asks Schorr who gave him the report and he refuses to answer, the committee and the House could cite him for contempt of Congress. The question the courts may have to decide then is whether the First Amendment guarantee of a free press protects Schorr from revealing his source or whether the constitutional power of Congress to investigate entitles it to the infor-

mation.

The Supreme Court has ruled that the Constitution does not fully protect reporters against revealing news sources to a grand jury. There could be a Schorr case in which the court would be asked to settle that same question regarding Congress. On the other hand, the committee might decide not to press the issue to a court case.

Schorr said yesterday he would answer any other questions that his lawyers advise him can be answered without waiving his right to protect his source. One of his lawyers said Schorr might repeat statements he has made publicly about his

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relaying the report to the *Voice*, a New York weekly.

The House intelligence committee was created last year — as a similar committee in the Senate — to investigate alleged illegal activities by the CIA and other parts of the nation's intelligence community. In preparing its final report the committee, which was headed by Rep. Otis G. Pike (D-N.Y.), insisted on including references to classified information which the administration said would be harmful to the national security.

As a result, the House voted to keep the report secret until that issue was resolved. Shortly afterward

the House, in an angry reaction, ordered the ethics committee to investigate the "circumstances surrounding" publication of the report.

ordered the ethics committee to investigate the "circumstances surrounding" publication of the report. during the five months of the \$150,000 investigation that the committee wanted to avoid a confrontation with Schorr and probably would not subpoena him.

Rep. Charles E. Bennett (D-Fla.), who made the motion to subpoena Schorr and the others, said that since the House had ordered the committee to investigate the leak he felt it must question the one person who obviously knew the answer. The committee had held two weeks of hearings in-

terrogating members and staff of the Select Committee on Intelligence which prepared the report but did not find out the source of the leak.

Voting against subpoenaing Schorr were Reps. F. Edward Hebert (D-La.), Melvin Price (D-Ill.), Thomas S. Foley (D-Wash.) and Albert H. Quie (R-Minn.).

Hebert had argued against calling Schorr from the start. He said Schorr wanted to go to jail and become a martyr and that the committee would be playing into his hands by calling him.

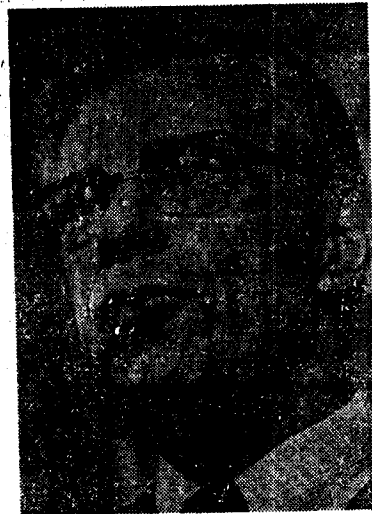
Foley said he felt the committee's investigation should focus on members and employees of the House and

not become an inquiry of the press.

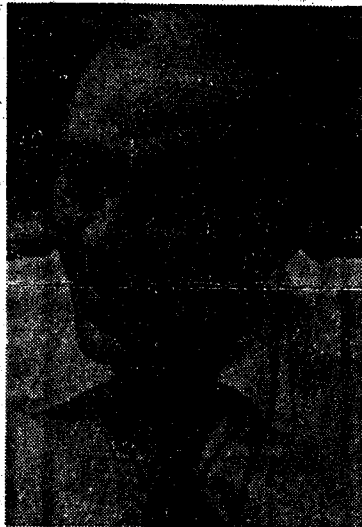
Rep. James H. Quillen (R-Tenn.), who voted for the subpoena, said he realized Schorr had sent word he would not reveal his source, but expressed the hope he might change his mind.

Rep. John J. Flynt (D-Ga.), ethics committee chairman, said the committee was proceeding with the "best legal advice . . . and carefully studying and following established precedents."

The committee also voted to subpoena, for appearances before the committee on Sept. 8, 18 former members of the now-defunct select committee staff who did not testify at the earlier hearings.



DANIEL SCHORR
... ordered to appear Sept. 15



CLAY S. FELKER

published portions of report