

# COLUMNIST'S DATA SOUGHT BY HEARST

F.T.C. Examiner Is Urged  
to Enforce Subpoena

By JOHN D. MORRIS  
Special to the New York Times

WASHINGTON, Sept. 14—The Hearst Corporation, denying that a journalist's constitutional rights are involved, is pressing a hearing examiner for the Federal Trade Commission to enforce a contested subpoena.

The subpoena, issued at Hearst's request by the examiner, John B. Poindexter, calls on Arthur E. Rowse, a syndicated columnist, to produce documents, notes and other materials used in preparing an article on magazine sales practices published July 11.

Mr. Rowse, whose column is syndicated by Consumer News, Inc., is challenging the subpoena on the ground that it would require the disclosure of confidential information in violation of the First Amendment's guarantee freedom of the press.

Through his lawyer, Joel M. Gora of the American Civil Liberties Union, he has asked the F.T.C. examiner to quash the subpoena. In his motion, Mr. Gora argued:

"Investigative reporting will be inhibited if reporters must fear that their files of information can be automatically subpoenaed, especially by the very parties about whom the news articles are written."

### Magazines Sales Dispute

The hearing examiner is adjudicating F.T.C. charges of deceptive practices against Hearst and a subsidiary, Periodical Publishers' Service Bureau, in the sale of long-term magazine subscriptions. Hearst is contesting a cease-and-desist order issued by the commission.

Hearst's defense is based partly on the contention that the commission acted under political pressure from Representative Fred B. Rooney, Democrat of Pennsylvania. The Rowse article praised Mr. Rooney for conducting a "lonely crusade" that "eventually spurred" the commission to act against Misleading Magazine sales tactics.

In a brief opposing the

subpoena, Hearst contended that its rights to a fair hearing would be violated if the Motion were granted, since "relevant evidence" would be barred.

The brief, filed by Robert W. Steel, counsel for Hearst, said that Hearst had "always fought for and will continue to stand for the freedom of the press guaranteed by the First Amendment in its broadest reaches." However, it added:

"The important point is that there is no valid First Amendment issue raised by Mr. Rowse's motion to quash. The principles upon which that motion is founded are considerably broader than those raised in the [three] cases pending before the Supreme Court.

"Thus, this matter comes be-

fore the examiner as a naked effort, by a newsman, to avoid testifying as to nonconfidential facts which would, if disclosed, constitute or lead to relevant evidence in the instant proceeding."

The brief challenged Mr. Rowse's contention that his news sources would be impaired if the subpoena was enforced. It also questioned whether the information was actually confidential.

The cases before the Supreme Court include one involving the refusal of a New York Times reporter, Earl Caldwell, to appear before a Federal grand jury investigating Black Panthers in San Francisco.

The issues in that case and in two similar cases cited are much narrower than those raised by the Rowse case, according to Mr. Steel's brief.

"Consumers and Congress-

men, unlike the Black Panthers," he argued, "are not a clandestine set whose contacts with 'establishment' press are made only in confidence. Movement's claim that his sources would dry up does not approach the credibility of Caldwell's proof."

### Course for Women Drivers

STERLING HEIGHTS, Mich. (UPI) — A 68-year-old grandmother was the first one to show up at a free course on the basics of cars. By the time the class started about 25 women were presented and just two or three men. The free course given at the Sterling Heights Dodge dealership is designed especially for women. Subjects of lectures include changing a flat, starting a flooded engine and how to spot symptoms of an ailing car.