

# Court Rules Press Must Give Sources

By Barry Caldwell  
Associated Press

Newsmen, like the other citizens, have an obligation to answer grand jury subpoenas and supply information, in criminal investigations, the Supreme Court ruled 5 to 4 yesterday.

The decision, in three cases, flatly rejected the contention that the First Amendment grants reporters a special immunity to protect them for disclosing material they have obtained from confidential sources.

Justice Bryon R. White, writing for the majority, said: "The Constitution does not, as it never has, exempt the newsmen from performing the citizen's normal duty of appearing and furnishing information relevant to the grand jury's task.

White was backed by Chief Justice Warren E. Burger and Justices Harry A. Blackmun, Lewis F. Powell Jr. and William H. Rehnquist, the four Nixon appointees to the court.

Justice Potter Stewart, in dissent, said the ruling "invites state and federal authorities to undermine the historic independence of the press by

See PRESS, A14, Col. 1

should be sufficient assurance against any such effort."

Justices William O. Douglas, William J. Brennan Jr. and Thurgood Marshall dissented, in addition to Stewart.

One of the cases concerned the refusal by Paul M. Branzburg, in investigative reporter for the Louisville Courier-Journal, to give information to grand juries in Kentucky about illegal drugs and "the hippie community."

The second case dealt with Earl Caldwell, a New York Times reporter convicted of civil contempt in San Francisco in 1970 for refusing to testify in a grand jury investigation of the Black Panther Party.

The third case concerned a New England television newsmen, Paul Pappas, of WTEV, New Bedford, Mass., who refused to tell a Bristol County grand jury who and what he saw at a Black Panther Party headquarters.

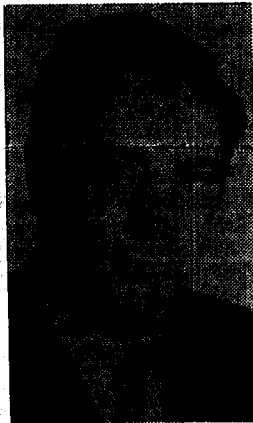
White said the press is not free to publish whatever it likes with impunity. For example, he said, there are libel laws, and newsmen are sometimes denied access to disaster areas or grand jury rooms.

Though 17 states give newsmen some protection against divulging "confidential sources," the justice said the majority of them and Congress do not.

"The great weight of authority," White wrote, "is that newsmen are not exempt from the normal duty of appearing before a grand jury and answering questions relevant to a criminal investigation."

He said the courts stand ready to protect the press if newsmen are subject to "official harassment."

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PAUL PAPPAS  
... refused to testify

## Newsmen Must Tell Of Sources

PRESS, From A1

attempting to annex the journalistic profession as an investigative arm of government."

Powell, one of the majority justices, disputed this contention in a separate opinion. He said: "The solicitude repeatedly shown by this court for First Amendment freedoms