

# Subpoenas Threaten Press Freedom

By Jack Anderson

Every government tries to control the flow of information to the public and thereby manipulate public opinion.

Dictatorships accomplish this simply by seizing newspapers, censoring the news, turning the radio-TV industry into a propaganda network and jailing recalcitrant writers.

In democracies, the leaders must be more subtle, their news management more sophisticated. Yet they are every bit as eager to softsoap the public for the noble purpose, in their view, of perpetuating themselves in power.

In this country, presidents usually have sought to influence the news by influencing the men who write and publish it. President Johnson hugged newsmen to his bosom and overwhelmed them with the facts he wanted them to print. These depicted national issues, not necessarily as they were, but as he wanted the nation to see them.

Newsmen who couldn't be pampered would be pressured. LBJ would bring all the pressures of the presidency to bear on them. He would go over their heads to their publishers who might be more susceptible to presidential flattery. He would also intimidate the sources of news. His tantrums over unauthorized news leaks terrorized those who had once talked freely. Upon occasion, LBJ would

even order investigations of correspondents whose writings displeased him.

President Nixon has been more open and honest in dealing with the press. However, he has unleashed Vice President Agnew who attacked the networks for criticizing the President's Vietnam speech. The bombast had the desired result. There was no criticism whatever of Nixon's next network appearance.

Agnew immediately followed up with a broadside against the Washington Post and the New York Times, which aren't so easily intimidated.

## Agnew Balked

Intimates say that Agnew privately balked at attacking the great networks and newspapers. He suspected that the President was setting him up as a target to draw their fire away from himself.

But Richard Nixon, as calculating a politician as has ever reached the White House, had a far more profound strategy. He seeks to tap the deep undercurrents of uneasiness that are stirring the silent majority, say insiders.

Deep in the subterranean soul of Middle America, he has detected a brooding outrage against crime and violence, immorality and anti-Americanism, black power and student dissension. He would like to transform this hidden force into political power.

He also senses that these

troubled Americans, deep down, distrust the press which brings them bad news. They are angered over the radicals and militants who always seem to have easy access to the TV cameras.

The reaction to Agnew's speeches, as the President anticipated, was overwhelmingly favorable.

This made a quick impression upon the network executives, who are always sensitive to public whims as measured by the pollsters. Criticism of the Nixon administration suddenly became muted on television.

## Heart Blow

But more ominous than the attacks upon the press, the Nixon administration began issuing subpoenas for reporters' notes. This strikes at the heart of press freedom. For the sources of information will quickly dry up if the government has the power to pry into newsmen's private files, read their confidential notes and thereby learn the identity of their informants.

Without informants to tell about the blunders, waste and corruption that government officials try to cover up, correspondents will be limited largely to the information that the government wishes to divulge.

The First Amendment, which guarantees freedom of the press, gives newsmen freedom not only to write what they please but to gather in-

formation. The issue is not special privilege for the press but the right of the people to know.

The Supreme Court has declared that the First Amendment guarantees "are not for the benefit of the press so much as for the benefit of all of us."

Yet the same networks, which screamed about freedom of the press when the government tried to regulate cigarette commercials, offered only token resistance to the federal subpoenas.

## Subpoena Defied

Last week, my chief investigative reporter, Leslie Whitten, received a federal subpoena demanding all his notes, memos, reports and communications involving a news source. These are sought not in a criminal case but a civil suit. Playboy Magazine, which is defending itself against a libel action, obtained the subpoena.

The issue, however, is the same.

I have instructed Les Whitten not to turn over a single note from our files. We will defy this subpoena, or any similar subpoena, through the courts. We will risk contempt citations and go to jail, if necessary, to protect our files. Unless our informants give their consent, we will never divulge their identities nor any information obtained in trust from them.