

## Resist Subpoenas, Media Are Urged

PA 21370  
A member of the Federal Communications Commission said last night that the issuing of government subpoenas to commandeer newsmen's notes and photographs "is a move by the government which may stem the free flow of information and news to the public."

Nicholas Johnson criticized news media managements for not making a frontal legal attack on the subpoenas.

"The media have vast financial and legal resources at their command," he said. "The country could only benefit if they were to resist government encroachments upon their First Amendment right to refuse such subpoenas."

The commissioner, himself a lawyer and former clerk to Supreme Court Justice Hugo Black, said:

"Any criminal lawyer worth his salt will immediately go into court and vigorously raise every conceivable defense to protect his client. I think we

are entitled to at least as much from the owners of the press when our First Amendment rights are concerned."

Johnson referred to attempts of law enforcement agencies to collect background information from news organizations as "ransacking the minds and memories of the press" which threatens the ability of the press to collect and bring news to the public.

He suggested that while no agreement between press and government has been made on the issue, "the results are very much the same as if there were a government-media agreement that the media will take care of the administration's image, if the administration will take care of the media's balance sheets."

He said he based this interpretation on the White House reversal of a previous Department of Justice position opposing a bill to exempt newspapers from certain anti-trust actions, and on Nixon appointments to the FCC that changed the agency's position on challenges to existing holders of broadcast licenses.

Johnson, speaking at the Cosmos Club to a gathering of Nieman Fellows from Harvard, said that though the Department of Justice has withdrawn some of its subpoenas "it may take many, many years" to change the apprehensions of individuals who ordinarily would give information to the press.