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U.S. to Ease Demands for News Files

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Attorney General John N. Mitchell acknowledged yesterday that unnamed U.S. attorneys had violated Justice Department practice by demanding materials from news organizations without first negotiating what can be subpoenaed.

Mitchell said he was sorry and particularly regretted "any implication that the Department of Justice is interfering in the traditional freedom and independence of the press."

He promised that from now on the department would attempt "to reach a compromise acceptable to both parties" when it sought photos, films or files for inquiries and prosecutions.

Mitchell's three-page statement came in the wake of criticism from several publishing and broadcasting executives over a flurry of recent subpoenas demanding materials about the Black Panthers and the Weatherman faction of Students for a Democratic Society.

Among those charging that the sweeping orders threatened the gathering of the news were Time, Inc., Newsweek, the Columbia Broadcasting System and The New York Times.

Mitchell said, "The department has always recognized the particular sensitivity of the press in this area, especially with regard to confidential informants and the special place occupied by the press under the Constitution."

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In the past, he said, Justice Department lawyers discussed with the press the scope of a subpoena in "an attempt to balance the rights of the press with the rights of a grand jury making an investigation." Mitchell observed that this practice has been followed in Washington.

"Unfortunately, in other instances, this policy was not followed," he said, "and the subpoenas were served without any prior negotiations. When this was brought to our attention, we promptly ordered our attorneys to enter into negotiations to reach an acceptable compromise."

"It is my understanding," Mitchell continued, "that these negotiations are now proceeding satisfactorily and that, in some instances, the government has dropped some of its requests."

Mitchell did not specify these instances. However, it is assumed he referred to subpoenas issued to CBS for Panther material, to Newsweek for files on the Weathermen and to a San Francisco reporter of the Times, Earl Caldwell, for his Panther files.

In general, the press opposes demands for unpublished material on the grounds that it might violate promises to protect the identity of informants and that it converts the media into an investigatory arm of the government.

An instance in which the government wanted information gathered by the press concealed came to light yesterday. A Southern newspaper that declined to be identified disclosed that a defense lawyer for a militant black group had attempted to subpoena the notes of the papers investigative reporter.

Disclosure would have revealed that the FBI had planted informers in the group. The reporter involved declined to yield the material demanded and was not compelled to do so.