

Committee Drops Subpoena for CIA Report

House Schorr Probe Is Over

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The House ethics committee defeated two moves yesterday to punish CBS correspondent Daniel Schorr for refusing to reveal who gave him a copy of a secret House CIA report last January.

The committee, which had been investigating the leak for seven months, then voted 9 to 1 to release Schorr from its subpoenas, effectively ending the probe.

The three votes avoided a constitutional confrontation in court pitting the First Amendment's free-press guarantees against the power of Congress to obtain information.

It also ended a \$150,000 effort by the committee to carry out a House directive that it try to learn how the



REP. JOHN J. FLYNT
... committee chairman

report of illicit CIA activities, which the House had ordered suppressed, was

leaked to Schorr, who turned it over for publication to a New York weekly, The Village Voice. The committee will meet again today to agree on a report to the House on its effort.

Schorr, who has been suspended with pay from his duties as a CBS Washington correspondent, issued a statement expressing relief that "reason has finally prevailed." He said he hoped the "painful seven-month experience" will help people to "better understand that freedom to protect news sources is indispensable to freedom of the press and that freedom of the press is indispensable to the freedom of this nation."

Under subpoena, Schorr appeared before the ethics committee on Sept. 15 and

-See ETHICS, A15, Col. 1

After \$150,000 and 7 Months,

ETHICS, From A1

refused to identify the source of the report. After his hearing, six of the 12 panel members said they would not support a move to cite him for contempt of Congress, meaning such a motion would die on a tie vote.

At yesterday's session the committee:

- First voted 6 to 5 against a motion that the House seek prosecution of Schorr on a misdemeanor charge for refusing to give the committee copies of the report in his possession that might have helped identify the leak.

- Voted 7 to 4 against a motion to take away Schorr's congressional press credentials and then voted 9 to 1 to release him and three Village Voice-New York Magazine editors from subpoenas that directed them to testify Sept. 15.

- Rejected on a 5 to 5 tie a motion that the committee not recommend

contempt action against Schorr—despite the fact that this was the effect of the previous three votes.

The motion to seek prosecution of Schorr for refusing to turn over his copies of the report was made by Rep. Edward Hutchinson (R-Mich.), who said the report was House property. He proposed that Schorr be prosecuted under a provision of the U.S. code which carries a penalty of a \$1,000 fine and year in jail.

Rep. Thad Cochran (R-Miss.), who defended Schorr's constitutional right to protect his confidential source, opposed Hutchinson's motion, calling it simply another way to punish Schorr for refusing to reveal his source.

Rep. Donald J. Mitchell (R-N.Y.), who said he would not vote for a contempt citation, voted for Hutchinson's motion, to establish that Schorr's action was wrong.

Rep. Flody Spence (R-S.C.) supported Hutchinson's motion, saying

the issue was the right of "the people through their elected representatives to punish those responsible for leaking information that could harm the national security."

Also voting for the motion were Chairman John J. Flynt (D-Ga.) and Rep. James H. Quillen (R-Tenn.). Voting against were Melvin Price (D-Ill.), F. Edward Hebert (D-La.), Charles E. Bennett (D-Fla.), Thomas S. Foley (D-Wash.), Albert Quie (R-Minn.) and Cochran.

Cochran then moved to take away Schorr's congressional press credentials for the remainder of this Congress, expected to adjourn Oct. 2. While defending Schorr's right to protect his source, Cochran said he felt the House "has a duty to protect the integrity of its proceedings." If the committee did nothing, it would be approving Schorr's action, Cochran said.

Foley opposed Cochran's motion as

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more objectionable than Hutchinson's because it meant censorship. "It would mean that the House can withdraw a newsman's credentials whenever it doesn't like a story," Foley said.

Supporting Cochran were Hutchinson, Mitchell and Bennett. The seven other members present voted against the motion.

Foley then moved that Schorr and three New York editors be released from the subpoenas under which they had given sworn testimony. His motion also said the committee took no position on Schorr's claim that he had a constitutional right not to reveal his source. Since the committee had made clear it would take no action, Foley said, Schorr should be released from the uncertainty that he might again be called to testify.

The motion was approved 9 to 1 after Price had left the meeting with only Hutchinson voting against it. The

discussion made clear that this would end the committee's concern with Schorr.

But Bennett then moved that the committee not recommend contempt action against Schorr. Without debate, it was defeated by a 5 to 3 tie. Voting for the motion were Quillen, Hebert, Quie, Foley and Bennett. Voting against were Flynt, Spence, Hutchinson, Mitchell and Cochran.

Absent from yesterday's committee votes was Rep. Olin E. Teague (D-Tex.).

Sitting through part of the meeting was Newt Gingrich, 33-year-old college geography professor who is Flynt's Republican opponent and who won 48.5 per cent of the votes in a race against him two years ago.

Gingrich told a news conference the ethics committee has failed to do its job and should be replaced by an independent prosecutor to investigate

and prosecute members for improper conduct.

CBS issued a statement saying it will now "promptly address those other problems"—meaning its relationship with Schorr and whether it should put him to work or part company. Sanford Socolow, Washington bureau chief, said internal CBS discussions probably would take some time.