

Extra

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Owner Steps In

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N.Y. Times' Tactic Against Subpoena

Washington

The New York Times, through its publisher, Arthur Ochs Sulzberger, has asserted ownership of the notes and files of one of its reporters, subpoenaed by the Committee for the Re-Election of the President.

The materials were sought by the Republicans' lawyer, Kenneth Wells Parkinson, in a countersuit against the Democrats in connection with the bugging of Democratic headquarters here last June.

Because these materials are now in the files of the Times, the reporter, John M. Crewdson of the Times' Washington bureau, said he would not be able to produce them in response to the subpoena, issued to him on February 26.

Presumably, if Parkinson still insists that he needs the notes and papers, he will have to ask Sulzberger for them. If the publisher then refuses to deliver the papers, he would be the responsible officer of the newspaper who could be held in contempt of Court, should the presiding U.S. District Judge, Charles R. Richey, so decide.

A dozen reporters and

news executives were served with subpoenas on the same day in connection with the same series of civil suits.

On February 28, Sulzberger said the subpoena served on Crewdson "violates the First Amendment rights of the Times, its reporters and the public," and that the Times would take "all legal steps" to have it quashed.

Attorneys for the Times and Crewdson filed on Monday a series of papers, including a motion for the quashing of the subpoena; an assertion by the Times of its interest in the case — with a motion to intervene — and an affidavit by Sulzberger.

In his affidavit, the Publisher asserted that "all such materials are owned by, and I believe, are contained within the files of the Times.

"Only by intervening in the instant motion (by Crewdson to quash) will the Times be able to properly defend the First Amendment freedoms threatened by the subpoena and its own files from wholesale rummaging by the parties serving the subpoena," he added.

N.Y. Times Service