



Daniel Schorr appearing before House Ethics Committee. Behind him are, from left, Clay S. Felker, publisher of The Village Voice; Shelly Zalaznick, managing editor of Forbes magazine; Aaron Latham, of New York magazine.

The New York Times/George Tames

Text of Opening Statement by Daniel Schorr Before

Special to The New York Times

WASHINGTON, Sept. 15—Following is the text of the opening statement by Daniel Schorr before the House Standards of Conduct Committee on the publication of a classified intelligence document:

I appear before this committee today, under protest, in response to a subpoena whose issuance I deeply deplore.

I had hoped that the committee, which has already learned a great deal about Congressional procedures for handling intelligence information, could have completed its hearings without crossing that constitutional Great Divide which separates the roles of the Congress and the press.

Whatever happens at this hearing, it is my belief that your subpoena, commanding the appearance of a reporter to discuss his journalistic activities, already is harmful to a free press.

This subpoena requires me to produce all records, papers, documents, correspondence, etc., which relate in any way to the subject of your inquiry. Seeking to interpret that very broad statement, I would divide material in my possession into four general categories.

1. Many of the records in my possession are in the public domain—such

as speeches that I have made, newspaper articles and copies of The Village Voice containing the report of the House Intelligence Committee. To the extent that these public materials are not already available to this committee, and are desired by the committee, I am willing to provide them.

2. Since publication of the report in The Village Voice I have received several thousand letters and telegrams. If the committee feels a need for such correspondence, I should first like to seek the permission of the persons involved, out of respect for their privacy.

I have notes taken during the coverage of the House Intelligence investigation and I have draft scripts written in preparation for broadcasts. Because of the internal news decision-making and editing process, some of those scripts vary from what I actually did broadcast and, in fact, others were not broadcast at all.

All of this work product I must respectfully decline to submit. I believe that it falls under the category of "reporter's notes" protected by the First Amendment. I take the same position that Dr. Frank Stanton, the president of CBS Inc. took in 1971. He refused to comply with the House Commerce Committee subpoena demanding the

scripts and the so-called "out-takes" of interviews filmed in preparation for the CBS television documentary, "The Selling of the Pentagon." His position then and mine today is that the internal process of preparing news for publication or for broadcast cannot be subjected to the compulsory process of subpoena without subverting the purposes of the First Amendment.

4. The subpoena specifically demanded all drafts and copies of the report of the Select Committee on Intelligence which were in existence prior to January 29, 1976.

I cannot comply with that demand. The examination of the document could conceivably help lead to discovery of the source. And, as must now be manifest, I consider it a matter of professional conscience as well as constitutional right not to assist you in discovering the source.

This also means, obviously, that I shall not respond to direct questioning about confidential sources. In some 40 years of practicing journalism, I have never yielded to a demand for the disclosure of a source that I had promised to protect. I cannot do so now.

'It Is a Personal Matter'

At the appropriate time, Mr. Califano, Mr. Schorr's attorney is ready to ex-

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plain why, given the circumstances of this case, my role in the publication of the report and my right to withhold the source are protected by the Constitution. Let me add that even if our legal position were not as strong as it is, I could still not tell you my source. For me, it is a personal matter—almost a visceral matter.

But Mr. Chairman and members of the committee, we all build our lives around certain principles, without which our careers lose their meaning.

For some of us—doctors, lawyers, clergymen, and journalists—it is an article of faith that we must keep confidential those matters entrusted to us only because of the assurance that they would remain confidential.

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For a journalist, the most crucial kind of confidence is the identity of a source of information. To betray a confidential source would mean to dry up many future sources for many future reporters. The reporter and the news organization would be the immediate loser. I would submit to you that the ultimate losers would be the American people and their free institutions.

But, beyond all that, to betray a source would be to betray myself, my career, and my life. I cannot do it. To say I refuse to do it is not saying it right. I cannot do it.