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## A TIMES REPORTER GETS 2D SUBPOENA

Caldwell Called Before U.S. Jury—Paper Protests

Special to The New York Times

SAN FRANCISCO, March 16 —Earl Caldwell, a New York Times reporter, was subpoenaed today to testify before a Federal grand jury on March 25.

An earlier subpoena, postponed three times, had ordered Mr. Caldwell to present notes and tape recordings of "statements for publication" of Black Panther leaders and listed specifically interviews "given by David Hilliard and Raymond (Masai) Hewitt."

James C. Goodale, general counsel for The New York Times, said that a motion would be filed tomorrow asking that both subpoenas be quashed.

Mr. Goodale said in New York today he was "extremely disappointed" that the Justice Department had seen fit to serve another subpoena on Mr. Caldwell. Although the second subpoena does not require Mr. Caldwell to present his confidential notes, it requires him to testify as to his confidential relationship with news sources.

"Therefore," Mr. Goodale said, "it is as objectionable as the first subpoena, which requires the production of Mr. Caldwell's confidential notes; The Times has no alternative, therefore, but to move to quash both subpoenas."

### A Series of Demands

The subpoenas to Mr. Caldwell are a part of a series of such demands by the Department of Justice that news agencies turn over to prosecutors information they have obtained in reporting on the activities of militants such as those in the Black Panther organization or in the Weatherman segment of Students for a Democratic Society.

The Columbia Broadcasting System and Time, Life and Newsweek magazines have been

served with subpoenas of this nature. Spokesmen for these organizations have criticized the Department of Justice on grounds it is attempting to use reporters as its investigating agents.

Arthur Ochs Sulzberger, president and publisher of The New York Times, speaking after the first subpoena was issued to Mr. Caldwell on Feb. 2, warned that the procedure "could well set up a barrier between reporters and their sources of information." The first subpoena was finally postponed indefinitely, although Mr. Caldwell was not even excused from the appearance it ordered.

Various organizations of Ne-

gro reporters, noting that Mr. Caldwell is black, have also criticized the issuance of a subpoena to a black reporter who was assigned to report in depth on the activities of black militants.

A statement issued by Black Journalists, an organization of Negro reporters in this area, accused the Federal Government of attempting to force Mr. Caldwell to be "an unwilling informer against the black community."

The Justice Department has given no explanation beyond the language of the earlier subpoena of what information it wants from Mr. Caldwell.

Other sources said that an

attempt was being made to establish that the Black Panthers were involved in a conspiracy to overthrow the United States Government by force and violence and were therefore violating the Smith Act.