

## Times Reporter Is Threatened With Contempt by U.S. Judge

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SAN FRANCISCO, June 4— Earl Caldwell, a reporter for the New York Times, was ordered today to appear before United States District Judge Alfonso J. Zirpoli to show cause why he should not be held in contempt.

The hearing was set for 9:30 A.M. tomorrow.

Judge Zirpoli's order came a few hours after he was told by one of Mr. Caldwell's attorneys that the reporter did not intend to appear before a Federal grand jury as ordered by the judge this morning.

The matter is the latest in a series of events that began in February when Federal prosecutors attempted to subpoena Mr. Caldwell, together with his tape recordings and notes of conversations with Black Panther leaders.

Mr. Caldwell resisted this with a motion to quash the subpoena. Judge Zirpoli on April 3 refused to quash the subpoena but issued an order limiting the questioning of Mr. Caldwell before the grand jury to matters that had not been given to him in confidence.

The judge further ordered

that Mr. Caldwell be allowed to consult his attorney about questions that were posed. Mr. Caldwell appealed this order. He argued that he should not be required to appear before a grand jury to answer any questions about information gathered in his work as a news reporter. To require this, he said, would infringe on his first amendment rights. The United States Court of Appeals for the Ninth Circuit dismissed this appeal.

Meantime, the grand jury that was first studying black militant groups was disbanded, and a new one was formed. A new subpoena was issued to Mr. Caldwell, and Government attorneys attempted to treat the question as entirely new, putting aside Judge Zirpoli's order of April 3.

The judge refused to allow this, and applied to the new subpoena, issued May 22, the same conditions applied to the earlier one.

Then today he ordered Mr. Caldwell to appear. When the reporter did not comply, the order to show cause why he should be held in contempt was signed.