

# SENATORS WARNED OF CURB ON PRESS

White House Denies That It Seeks to Intimidate

By WALTER RUGABER

Special to The New York Times

WASHINGTON, Sept. 28 — Congressional hearings on freedom of the press opened today with suggestions that the concept was threatened by the Nixon Administration. The White House denied that the suggestion was valid and said the press was too sensitive on the subject.

Senator Sam J. Ervin Jr., chairman of the Subcommittee on Constitutional Rights, said in taking up the issue that the communications media could not expect to be immune from public criticism. But the North Carolina Democrat continued: "Some Government officials appear to believe that the purpose of the press is to present the Government's policies and programs to the public in the best possible light. They appear to have lost sight of the central purpose of a free press in a free society."

The Senators heard three witnesses in support of various journalistic interests. They were Norman E. Isaacs of the Columbia University School of Journalism, Representative Charles W. Whalen Jr., Republican of Ohio, and Harding F. Bancroft, an executive vice president of The New York Times.

Ronald L. Ziegler, the White House press secretary, said in response to extended questioning at a regular news briefing this morning that the Government had made no attempt to intimidate reporters.

"In the last two years people have been suggesting the Administration has an intent to intimidate the press," he said. "That is not our intent. We respect the free press."

"But just as Government should be criticized and should be self-critical, criticism of the press in itself does not suggest intimidation," Mr. Ziegler went on. "In my personal view there has been too much sensitivity by the press."

## All Agree on Agnew

Today disagreements seemed to turn more on specific issues and political inclinations than on any broad principles. Everyone, for example, joined in Mr. Ziegler's defense of Vice President Agnew's "right to express himself."

Both Mr. Bancroft and Mr. Isaacs voiced concern over the Government's attempt to halt publication by The New York Times and other newspapers of the Pentagon's study of American involvement in the war in Vietnam. Mr. Bancroft said:

"Although the Supreme Court ultimately denied the Government's request for a prior restraint the hard fact remains that for the first time in the history of our nation the Gov-

ernment sought and obtained a direct suppression of news.

"Even though the restraint lasted only 15 days, an extremely unfortunate precedent, we submit, has been established."

He said that it was of first importance that this threat not result in journalistic timidity or unwarranted self-censorship. But he said that the danger did exist.

Mr. Bancroft complained that reporters had had "great difficulty" in obtaining Government information even in "nonsensitive" areas. He said that Government compliance with the Freedom of Information Act was essential.

The law does not appear "to have altered previous notions as to 'private' Government property or deterred Government bureaucrats from routinely denying proper information requests," Mr. Bancroft said.

Mr. Isaacs said that the attempted suppression of the Pentagon papers may already have led the press to censor itself.

"This Administration's pressure on journalism has been so persistent and covered so much territory that I am afraid much of our traditional forthrightness has been eroded," he said.

"If the Administration actually had a planned campaign for intimidating the press," he continued, "I am sad to concede that it has had its effect on all too many in the news media."

He speculated that if there were another "leak" of documents as important as the Pentagon papers, the press would agonize over whether to publish them.

Mr. Bancroft defended the

decision of The Times to publish the documents.

"Once the material fell into our hands, it was not only in the interest of the American people to publish it, but, even more emphatically, it would have been an abnegation of responsibility and a renunciation of our obligations under the First Amendment not to have published it," he said.

Regarding Mr. Agnew's criticism of the press, Mr. Isaacs said he had been disturbed because it attributed "pretty sloppy motives" to newspapers.

Mr. Isaacs, a former editor of The Louisville Courier-Journal, said that while there was room for improvement in journalism he did not like to see the press "abused by someone with a tunnel view of life."

Senator Ervin said in his statement that the "founding fathers were wise enough to know that there is no way to give freedom of speech and press to the wise and deny it to the fools and knaves."

Then, in remarking on Mr. Agnew's undoubted right to speak critically, he told a witness it would be up to him to choose the category in which the Vice President should be placed.

Similarly, while Mr. Ziegler spoke of "healthy tension" and the value of an "adversary relationship" between the press and the Government, Mr. Ervin advanced the same principle by declaring:

"A free press in a free society necessarily means that there will be tension and sometimes hostility between the press and Government which attests to the vitality of the First Amendment."

But the Senator went on to say that while in many cases

the conflict seems to be "irreconcilable," often it only seems so "because the two sides have taken intransigent positions out of mutual distrust and fear." He continued:

"Rarely if ever in our history have we actually had to choose between suppression of the press or disaster. I see no reason why suppression or censorship is required now, if it was not when national survival hung in the balance."

## Controls on Reporters

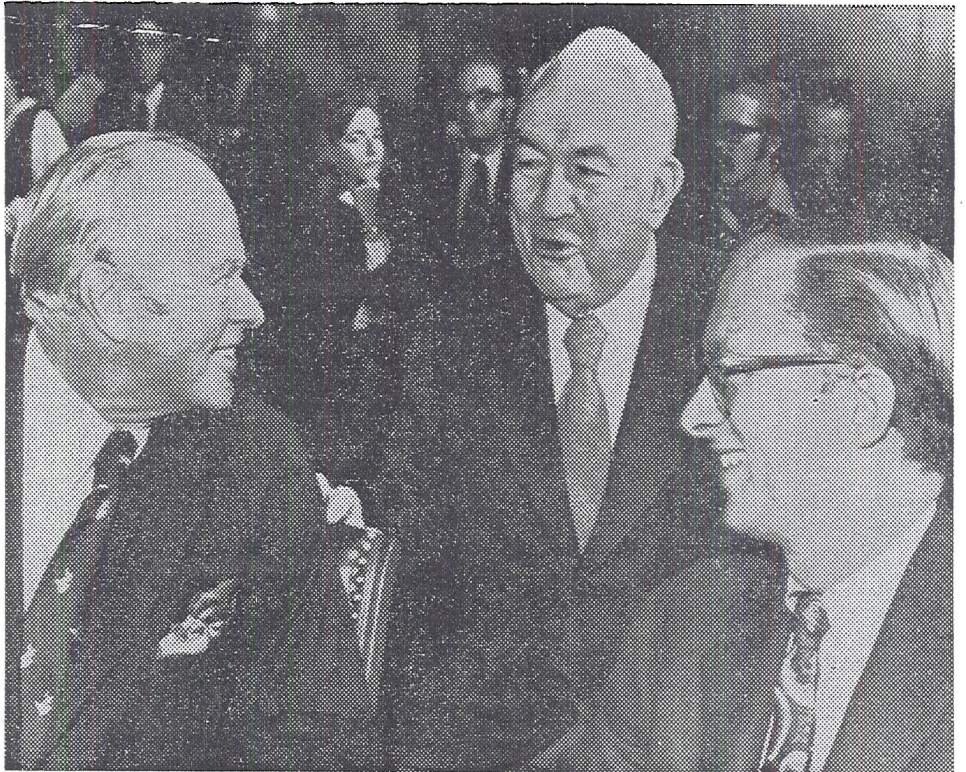
On specific matters, Representative Whalen testified in support of legislation designed to prevent Federal courts and agencies from forcing reporters to disclose confidential information or the identities of confidential sources.

Mr. Bancroft of The Times told the subcommittee that the newspaper was not convinced that a "newsman's privilege act" was necessary "at this time." He explained:

"In general, we believe that judicial resolution is more desirable. There is the danger that legislative attempts to define rights under the First Amendment may raise more problems than are put to rest."

The Supreme Court is expected to rule on three cases, including one involving Earl Caldwell of The New York Times, in which reporters have resisted subpoenas issued by Federal and state grand juries.

Mr. Bancroft said he hoped the Supreme Court would set ground rules. If legislation is required, he said, The Times will support a law similar to the one in New York that grants reporters an absolute privilege against disclosure.



Associated Press

AT HEARING ON FREEDOM OF THE PRESS: Senator Sam J. Ervin Jr., North Carolina Democrat, center, chairman of subcommittee on constitutional rights, conferring with Harding F. Bancroft, left, executive vice president of The New York Times, and James C. Goodale, a vice president, before session yesterday on confidential news sources.