

Weicker Offers Broad Bill to Guard News Sources

By DAVID K. SHIPLER

A detailed bill aimed at protecting newsmen's confidential sources was offered yesterday by Senator Lowell P. Weicker Jr., Republican of Connecticut, who said he had written the measure to satisfy the objections voiced against the 20 or more bills submitted in the last session of Congress.

The Weicker measure would create two levels of protection for newsmen's sources: an "absolute" immunity from forced disclosure before grand juries, legislative committees and government agencies, and a severely limited immunity before open courts trying major criminal cases.

This two-tier approach sets this bill apart from all the others, which generally make no distinction between the reporter's privilege before criminal trials on the one hand, and investigate proceedings on the other.

Richard M. Schmidt Jr., general counsel of the American Society of Newspaper Editors, said that while he had not seen the text of the Weicker bill a description indicated that it was "the most detailed" yet submitted, and "unique" in its combination of the absolute and qualified privileges.

23 Bills Offered

Four bills were introduced in the Senate and 19 in the House during the last session, Mr. Schmidt said, most of them following the Supreme Court's 5-to-4 ruling that a reporter had no constitutional right to refuse to give testimony before a grand jury. The Court had added that legislative bodies might enact laws to give newsmen protection.

Speaking to 250 lawyers with the Association of Life Insur-

ance Counsel at the Waldorf-Astoria Hotel, Senator Weicker declared:

"This legislation is not a 'newsman's privilege' law — though that's what it may be called by some — because it's not for newsmen, it's for you — the American public. We do not need to protect newsmen. Rather, we must protect a constitutional right we all have in the free flow of news.

"If newsmen are forced to reveal their source there is every danger that some of those sources will dry up. That will infringe upon your right to hear the full story. That is what we are protecting. We are protecting a constitutional right, not somebody's privilege."

Range of the Bills

The Senator linked the recent problems of the press — two reporters have gone to jail for refusing to identify their sources — to the larger issues of the erosion of the checks and balances of government, and the desire for order at the price of liberty.

"It's tempting to give up a little bit of liberty for a little more order," the Senator declared, warning: "In a democracy, the sound of a snoring populace is marching music to those who would make political mischief."

According to Mr. Schmidt, who has closely followed the pending legislation, the bills proposed during the last session "run the gamut" between absolute protection for reporter's sources and limited protection.

Even before the Supreme Court decision, Senator Alan Cranston, Democrat of California, introduced a one-sentence bill that said that a reporter could not be required "to disclose before the Congress or

any other Federal court or agency, any information or the source of any information procured for publication or broadcast."

Other bills have been less sweeping. One endorsed by a Joint Media Committee, a group of several news organizations, would permit the forced disclosure of sources if several conditions were met: the person had information relevant to a probable violation of law, the information could not be obtained in any other way less destructive of the free flow of information, and a compelling Federal need was shown.

This measure, introduced in the House by Representative Charles W. Whalen Jr., Republican of Ohio, also avoids restricting the protection to full-time professional newsmen so that book authors and college journalists are covered, among others, according to Mr. Schmidt.

He said that the American Society of Newspaper Editors and the American Newspaper Publishers Association had endorsed the concept of absolute protection, but that other groups, such as the Associated Press Managing Editors, had approved the idea of qualified immunity.

Only Sources Protected

Senator Weicker's bill protects only sources, not information, unless that information—whether in the form of notes, tapes, film or the like—would tend to identify the sources.

The measure sets three criteria that must be met to the satisfaction of a Federal judge before a newsmen can be compelled to identify a source: that the source "is of direct relevance" to the action in a trial, that the information "is

not reasonably available by alternative means" and that the case concerns a major crime.

The bill would require reporters to disclose sources under those conditions in only cases of "murder, forcible rape, robbery, aggravated assault, burglary, larceny of more than \$50, auto theft, kidnapping, airline hijacking, major breaches of national security."

Mr. Weicker explicitly excludes "corruption and malfeasance in office" from the list, arguing that "the news media, with its unique status, is virtually the only ombudsman the public has."

"With minor exceptions," he said, "research shows that every major scandal in public office over the past 20 years was uncovered by the press. If we didn't protect this news, we might never hear about those abuses again."