

ROCKEFELLER BACKS NEWS SOURCE LAW

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Tells Panel That Immunity
Can Help Control Crime
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WASHINGTON, Feb. 22— Governor Rockefeller told a Senate subcommittee today that the prosecution of criminals had been aided, not hindered, by laws giving newsmen the right to keep their sources confidential.

He said that in New York, which has one of the strongest state laws granting reporters immunity from forced testimony, "prosecutors depend heavily on the published revelations of newsmen for leads into organized crime, official corruption, narcotics traffic and similar criminal action."

Much of this published information, Mr. Rockefeller said, could not be obtained unless newsmen were able to assure sources who feared reprisals that they would not be identified.

Several reporters have gone to jail in recent months for defying court orders to name sources or testify about confidential information.

High Court Ruling Cited

The cases came in the wake of a 5-to-4 decision by the United States Supreme Court last June that newsmen had no constitutional right to refuse testimony. Writing for the majority in that opinion, Justice Byron R. White declared:

"We cannot accept the argument that the public interest in possible future news about crime from undisclosed, unverified sources must take precedence over the public interest in pursuing and prosecuting those crimes reported to the press by informants and in thus deterring the commission of such crimes in the future."

However, Governor Rockefeller asserted that the two objectives — criminal prosecution and a free flow of information — frequently went hand in hand.

He said that Robert E. Fischer, New York's special state prosecutor of organized crime, "once obtained 22 convictions in a drive against organized crime that grew initially out of newspaper revelations."

"And the prosecutor got his conviction without any attempt to force the newspapers to dis-

close the sources or their exposés."

District Attorneys Quoted

The Governor added that John O'Mara, president of the State District Attorney's Association, "reports general satisfaction with our shield law among his fellow district attorneys."

The hearings, being held by the Senate Judiciary Committee's Subcommittee on Constitutional Rights, have been called to consider such legislation on the Federal level. A number of Senators, including the subcommittee chairman, Sam J. Ervin Jr., Democrat of North Carolina, have expressed profound uncertainty about how to define "newsmen," how sweeping the testimonial immunity should be or whether it should apply to state courts as well as Federal courts.

Senator Ervin has introduced a bill granting severely limited immunity from testimony, but he said today, "I've never been factory to myself."

able to draw one entirely satis-

He said that he agreed with Governor Rockefeller. "We have to depend to a large degree on investigative reporters to ferret out corruption," the Senator said. "Anything which tends to dry up sources of investigative reporters really in the long run tends to handicap law enforcement people."

Warning From Lawyer

The subcommittee was warned that if it wrote legislation specifying circumstances in which newsmen could be forced to testify, the effect would be "to define areas the public won't know about."

The warning came from Anthony G. Amsterdam, a law professor at Stanford University who was the attorney for Earl Caldwell, The New York Times reporter who was involved in the Supreme Court case.

Mr. Amsterdam noted that many bills listed crimes involving foreign aggression or threat to life as areas in which the newsmen's immunity from forced testimony would not apply.

"It seems to me it is more important that the public know about threats to life or foreign aggression" than lesser crimes, he argued, and he urged that a measure be drafted that would not stifle sources in those areas.

Mr. Amsterdam said he supported a bill offered by Senator Thomas F. Eagleton, Democrat of Missouri, that would require reporters' testimony only during trials, and then only about nonconfidential information unavailable from other sources.

Frank Stanton, vice chairman of the Columbia Broadcasting System, said that the public was being cheated by the pressure on newsmen. "In every newsroom today," he said, "journalists are examining

whether a story is worth a prison sentence."

Edward M. Korry, president of the Association of American Publishers, urged the subcommittee to cover the authors of books in its legislation. "Books are becoming journalistic outlets," he said.

Korry: see memo
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