

TWO PROSECUTORS CALL NEWS VITAL

Say Disclosure of Sources
Will Imperil Enforcement

By a david k. shipler

WASHINGTON, Feb. 27—

Two top officials of the National District Attorneys Association said today that law enforcement would be hurt if newsmen were unable to guarantee anonymity to certain sources.

William Cahn, Nassau County District Attorney, who is a past president of the association, told the Senate Judiciary Subcommittee on Constitutional Rights that newspapers often published articles "alerting investigators to sub rosa crime-breeding conditions," with the stories relying on confidential sources.

"If the content of news and its depth and quality is impaired in the short-range interest of law enforcement," he said, "the long-range interest of law enforcement may be damaged."

His views were echoed by John J. O'Hara, the District Attorney of Covington, Ky., who is the association's president-elect. Similar observations have been made by the association's current president, Carol Vance of Houston, who was not at the hearing.

Both Mr. O'Hara and Mr. Cahn said they would have no objection to a Federal law giving reporters partial immunity from forced testimony under most circumstances, although they said they opposed absolute immunity that would block all subpoenas.

They said immunity statutes in their respective states had never thwarted justice.

The subcommittee has been holding hearings on possible legislation after efforts by vari-

ous prosecutors and defendants across the country to get reporters' testimony, notes and sources. Some newsmen have resisted and have been cited for contempt. A few have gone to jail.

This has frightened some potential sources, and some news articles have been lost, according to several reporters and editors who testified before the subcommittee today.

"We have been under constant seige," said William F. Thomas, editor of The Los Angeles Times.

"In the past few years, The Times has been served with more than 30 subpoenas and threatened with more than 50 others," he told the subcommittee.

"At least four times in the past few weeks, potential sources in Los Angeles have specifically cited the danger of subpoena in refusing to provide information we both knew they possessed. It has happened at least twice to our reporters here in Washington."

About a year ago, he said, his paper ran an article in which a businessman, after being assured that his name would not be used, "told of blatant bribes and more subtle gratuities he was forced to give public officials to do business."

The article produced some reforms and gave readers "an acute and vivid idea of how corruption really works," Mr. Thomas said.

But the man called recently to express fear that the courts might force reporters to identify him, he said.

"That man, and others like him, will not talk to us again," Mr. Thomas said. "And our readers will be losers."

He added that The Times had spent more than \$200,000 in the last few years defending itself against subpoenas.

"It should be clear to anyone that small papers cannot long resist at these prices," he said.

"They stop printing stories that could cause them legal problems."

Senator Sam J. Ervin Jr., Democrat of North Carolina, the subcommittee chairman, said that in accordance with an old adage, "wise men change their minds and fools never," he had changed his mind and had decided to support Congressional action that would give newsmen partial immunity in state courts as well as in Federal courts. He said last week that Congress should act only on the Federal level.

Three newspapers whose re-

porters were subpoenaed yesterday by the Committee for the Re-election of the President said today that they were still considering what action to take.

Spokesmen for The Washington Post, The New York Times and The Washington Star-News said that the matter of the subpoenas, which ordered reporters to turn over their notes and files on the bugging of the Democratic party's headquarters, was still "under consideration."