

## House Panel Sees Difficulties in a News Shield Bill

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After listening to the slightly different views of prosecutors from Nassau County on Long Island and Essex County in New Jersey on legislation protecting newsmen's sources, a House Judiciary subcommittee ended 15 days of hearings today with its chairman observing that the drafting of a bill on the subject would not be easy.

"I am convinced by testimony before this subcommittee and by events of recent months that affirmative action is required to protect our free press from a growing subpoena threat," Representative Robert W. Kastenmeier, Democrat of Wisconsin who is chairman of the subcommittee, said as the hearings ended.

Yet, he said, the problem raised by a Supreme Court ruling last June that journalists had no right under the First Amendment to refuse to give grand juries the names of confidential sources or information received in confidence, "is a complex, multifaceted one that does not lend itself easily to legislative resolution."

Mr. Kastenmeier said that probably every member of Congress would "give a ringing endorsement to the concept of a free press when the idea is presented in the abstract."

"However," he went on, "when the general principle is reduced to a specific instance of a reporter answering or not answering a court issued subpoena under a given set of circumstances, widely divergent interpretations of the 'free press' emerge. The danger of doing harm to a 'free press' through definition and delineation are real and cannot be overlooked."

Mr. Kastenmeier said that during the course of his subcommittee hearings—five days last fall and 10 days this year—representatives of the news media had shifted their views toward support of an absolute

privilege to refuse to disclose confidential sources and information and for legislation that would apply to proceedings before the state and local as well as Federal authorities.

**Clouds of Suspicion**

He said that the task of his subcommittee "is made even more difficult by an atmosphere heavily clouded by suspicion."

"The press and government," he said, "have always been in adversary roles, but the relationship today between press and government seems unusually strained. Right or wrong in its assessment, the press feels threatened by government today as it seldom has in the past. This background cannot be overlooked as we go about our consideration of newsmen's shield legislation."

Mr. Kastenmeier read his statement after William Cahn, the Nassau County District Attorney, told the subcommittee that "we would not be courting disaster if we continued the present system" under which newsmen were granted the privilege to keep news sources and information confidential by state statute.

"However, it seems to me that the enactment of a Federal privilege statute could achieve a useful, although not urgently

necessary objective at this time, in view of the increasing use by newsmen of confidential informants, provided such statute is confined in its effects to the Federal courts," Mr. Cahn said.

**'A Fulfilled Privilege'**

The second witness, Joseph P. Lordi, Essex County prosecutor, said that New Jersey already had a law granting a newsmen the "qualified Privilege" not to reveal the confidential source of published information.

"This type of qualified privilege is what I am advocating here today," Mr. Lordi said.

"To provide less would endanger the free flow of information; to give more would allow individual newsmen to set themselves up as censors."

Mr. Lordi said he approved of Gov. William T. Cahill's veto yesterday of legislation that would have given reporters in New Jersey the right to refuse to disclose any news information to an investigative body.

Mr. Lordi's office was involved last fall in the case of Peter J. Bridge, a reporter for the defunct Newark Evening News who was jailed for 21 days for refusing to tell a grand jury more about an article he had written concerning an alleged bribe attempt of a member of the Newark Housing Authority.

Mr. Lordi told the subcommittee that if Mr. Bridge "had not waived his qualified privilege and revealed the identity of his source, he never would have been held in contempt."