

## REPORTERS PANEL WILL SUE A.T. & T.

Times Warns of Suit if I.R.S.  
Keeps Data on Office Calls

By WARREN WEAVER Jr.

WASHINGTON, Feb. 11—

The Reporters Committee for Freedom of the Press has decided to sue the American Telephone and Telegraph Company to prevent law-enforcement agencies from obtaining newsmen's telephone records without their knowledge.

The committee, a research and legal defense organization, maintains that the telephone company violated the First Amendment by delivering such records to prosecutors and grand juries without any notice to the reporters involved.

The New York Times took the first step toward a second lawsuit. The Times sent the Commissioner of Internal Revenue, Donald C. Alexander, a request that he turn over to the newspaper the records of the 2,500 long-distance calls made from The Times's Washington bureau that tax investigators had obtained.

The Internal Revenue Service has conceded that it obtained the records from the telephone company in connection with an investigation of reports that an I.R.S. employe had leaked tax information to a Times reporter.

### Authority Questioned

If the Government does not deliver all of these records and any copies that exist to The Times promptly, Arthur O. Sulzberger, publisher of the paper, said in his telegram, one or more lawsuits will be filed in attempts to preserve reporters' rights.

Some legal authorities believe that a tax agency does not have legal authority to seek such records, except for inquiries into tax evasion and fraud, and that its power to compel the production of records does not extend to such security matters.

The Times sent telegrams to the Chesapeake and Potomac Telephone Company seeking to determine whether records of telephone calls for the Maryland home of David E. Rosenbaum, a reporter in The Times's Washington bureau, had been turned over to the I.R.S.

A similar request was made of the New York Telephone Company, with respect to records of calls charged by Mr. Rosenbaum on his company credit card. The reporter has said he assumed his records were requested because he had been seeking information on tax evasion charges against a 1972 contributor to President Nixon's re-election campaign.

The reporters committee suit is aimed at establishing that newsmen whose records are subpoenaed have notice of the process so that they can contest the subpoenas in court.

A.T.&T. has said, in response to an inquiry by the committee, that the telephone records of several news organizations and reporters have been turned over to Federal officials without any notice to the subscribers.