

Newsman Get Agnew Subpoenas

Washington

Lawyers for Vice President Spiro Agnew served at least seven subpoenas on news organizations and reporters yesterday in an unprecedented search for news leaks from the Justice Department.

The subpoenas, authorized Wednesday by U.S. District Judge Walter E. Hoffman, in Baltimore, are broadly based. They ask for "all writings and other forms of record (including drafts) that touch on communications with government em-

ployees in connection with the criminal investigation into Agnew's affairs which is now underway by a Baltimore grand jury."

Lawyers for some of the news organizations involved were working quickly to prepare motions to quash the subpoenas. They were basing their motions on the First Amendment guarantee of freedom of the press and also on recent Supreme Court decisions.

Subpoenas went to Nicholas Gage of the New York

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Times; Newsweek magazine and its Justice department reporter Stephen Leshner; Robert Walters and Ronald Sarro of the Washington Star-News; Time magazine; William Sherman of the New York Daily News; Fred P. Graham of CBS; Richard Cohen of the Washington Post, and Ron Nessen of NBC.

It was believed that subpoenas also were on their way to members of the Justice Department. A spokesman there refused to comment.

CBS news reported last night that Attorney General Elliot L. Richardson, assistant attorney general Henry E. Petersen, and George Beall, the U.S. attorney for Baltimore all had been subpoenaed.

The newsmen were or-

dered to be in U.S. District Court in Baltimore at 9 a.m. Wednesday. The Justice Department officials were believed to be scheduled for the next day.

Jay H. Topkis, one of Agnew's lawyers, declined to say how many might be subpoenaed or who they are.

ORDER

Topkis, in a telephone interview from New York, said he was declining comment because of "the broadest possible reading" of Judge Hoffman's strict order for secrecy in the case.

Hoffman, who regularly sits in Norfolk, Va., has been assigned to handle procedural matters in the vice president's case. Agnew is under grand jury investigation for possible extortion, bribery and tax fraud beginning with his days as elected executive in suburban Baltimore county and as governor of Maryland.

The vice president has said he is innocent and has charged that leaks of information about his case have trickled from the Justice Department and constitute a "malicious, immoral and illegal" attack upon him.

His three lawyers asked the court last Friday to halt the grand jury investigation because they said the Constitution bars the indictment of a vice president in the courts and requires his impeachment by the Congress instead.

They also said that prejudicial publicity about his case leaked to newsmen by the prosecution, had made it impossible for a grand jury to fairly consider the allegations against him.

POWER

The court granted Agnew's attorneys subpoena power in order to look into the leaks.

Almost all of the news organizations involved announced they would fight the probe into reporters' confidential sources.

The New York Times said:

"The Times believes this attempt to force disclosure of confidential sources and information to be in violation of the First Amendment.

"Unless reporters can use information from persons not in a position to have their names revealed, investigative reporting will be eliminated. Without investigative reporting, the press will not be able to look beneath the surface of the news and the purpose and function of a free press will be severely damaged.

"Therefore, we will vigorously oppose this step in the courts with all the resources at our command."

In further comments on the subpoenas, Joseph Califano, attorney for the Washington Post and Newsweek, said the publications consider the subpoenas an invasion of First Amendment rights "particularly since any response to them would require the revelation of confidential news sources" and would oppose them on those grounds.

VIEW

Richard S. Salant, president of CBS News, said in a statement:

"Without the press' right to keep sources confidential . . . in many cases, reporters would be limited to official speeches and handouts. American journalism and the free flow of information would be dealt a severe blow."

The New York Daily News commented: "It is the intention of the News to resist vigorously any action that would shut off information that the public has a right to know."

Richard C. Wald, president of NBC News, said: "Forcing reporters to disclose confidential sources undermines the public's constitutional right to a free flow of information. We will oppose this subpoena."

New York Times