

Two Newsmen Accuse U.S. of Harassment

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Two newsmen accused the government yesterday of harassing and intimidating them because of confidential interviews they obtained as working reporters.

Testifying before a House Judiciary subcommittee, New York Times reporter Earl Caldwell said he had been "hounded" by the FBI for information about the Black Panthers that he was given in confidence.

Eventually served with a subpoena to compel his testimony, Caldwell fought the issue until the Supreme Court ruled last June that the First Amendment's guarantee of a free press did not cover his complaints.

The court's majority said that "official harassment of the press, undertaken not for purposes of law enforcement but to disrupt a reporter's relationship with his news sources, would have no justification," but implied, by ruling



EARL CALDWELL
... "hounded" by FBI

against Caldwell, that his case failed to meet that test.

Caldwell protested that the court's decision, which combined his case with two others, "has left the press in a constitutional limbo."

The last witness at yesterday's opening round of hearings on press subpoenas, Los Angeles Times reporter Jack Nelson, testified that in his case, the Justice Department tried to suppress an interview he obtained last fall in connection with the Watergate bugging of Democratic Party headquarters.

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Caldwell's case, one of the first in the three-year controversy over subpoenas of newsmen, stemmed from his reporting on the Black Panther Party as a San Francisco correspondent for the New York Times.

He said the FBI first contacted him in 1969 in an effort to arrange a secret meeting to question him about the Panthers. Caldwell said he resisted on the grounds that much of what he had been told was confidential. And even if he kept those secrets, he has maintained, the Panthers would never confide in him again if they found out that he had talked with the FBI at all.

After that, Caldwell told the subcommittee, the pressures increased to the point where FBI agents were calling him on the phone "almost daily for a period of several weeks."

Finally, he said, when he refused to answer their calls, women began ringing the Times' bureau to ask for him and, when he answered these calls, FBI "agents would come on the phone."

Ordered to appear before a federal grand jury in early 1970, Caldwell said that at one point, he was called upon for details of interviews that he had never even written about.

The subcommittee did not pursue the point, but Caldwell confirmed later his conviction that those "conversations were obviously monitored."

The government's heavy use of press subpoenas in early 1970 led to promulgation that August of Justice Department guidelines calling for more restraint. Nelson, however, voiced his skepticism in the obviously monitored.

An investigative reporter assigned to the Los Angeles Times' Washington bureau, he tape-recorded a 5½-hour interview last fall with Alfred C. Baldwin III, "the key government witness in the (Watergate) case who testified about monitoring 200 tapped telephone calls." Nelson said he promised Baldwin to keep

certain portions of the interview confidential.

Nelson said "the government, upon learning of the interview, tried to block publication first by prior restraint, threatening to withdraw Baldwin's immunity from prosecution if the story appeared."

After that, he said, Justice Department and defense attorneys joined in securing a "gag" rule on Watergate witnesses from the trial judge.

"The prosecutors," Nelson continued, "told Baldwin he faced possible prosecution and a contempt of court proceeding if the story appeared."

Despite this "government intimidation of its source," the Times printed the story Oct. 5, Nelson said.

"Six days after the Baldwin story appeared, Earl J. Silbert, the chief prosecutor, told me I would have to produce the tapes. He said, 'If we don't subpoena you, the defense will,'" Nelson said.

A defense attorney did just that, with the government stipulating that it had no objection. The step led to the brief jailing of the Los Angeles Times' Washington bureau chief, John F. Lawrence, who wound up with the tapes. They were finally produced, and played before the trial judge in secret, when Baldwin released the Times from its pledge.