

Schorr Is Silent; Contempt Move Likely to Falter

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WASHINGTON, Sept. 15 — Daniel Schorr refused nine specific demands from the House ethics committee today to disclose details of the way he had obtained a copy of the Pike Committee's report on intelligence activities, but the panel apparently will not cite him for contempt of Congress.

Mr. Schorr cited freedom of the press provisions in the First Amendment as his

Text of Daniel Schorr's statement to House committee, page 69.

constitutional protection against having to answer questions about how he had obtained the document, and from whom.

But Mr. Schorr's challenge to the committee will not be accepted since six of the panel's 12 members said after today's three-and-one-half-hour public hearing that they would refuse to support a contempt citation.

Aaron Latham, a reporter for New York Magazine, also twice refused to answer questions about knowledge he might have of the way Mr. Schorr had obtained the document, and in doing so also risked being charged with contempt of Congress.

The exchanges between committee members and Mr. Schorr, Mr. Latham and two other journalists who had been subpoenaed to testify were cordial at times, glacial at others.

The most tense moments came during the 11 times that the committee chairman, Representative John J. Flynt of Georgia, formally demanded that questions be answered.

"I respectfully decline to answer," Mr. Schorr said after the start of the ques-

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tioning. "I'm fully convinced that I'm protected by the First Amendment and I refuse to answer."

After each of these and similarly worded answers, Mr. Flynt, a Georgia Democrat, read a prepared statement that ended:

"If you continue to refuse to answer the question, your refusal will be deemed by this committee to constitute a willful failure to answer a question pertinent to the subject under inquiry and will subject you to prosecution and punishment by fine or imprisonment or both.

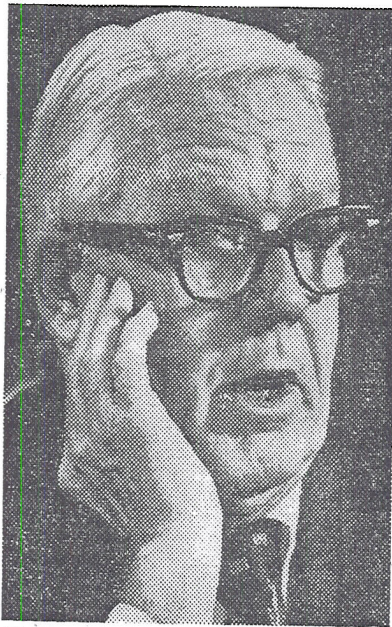
"Your refusal to answer will also subject you to prosecution and punishment for contempt of the House of Representatives. Accordingly, you are hereby advised that your objection to the question and your grounds for refusing to answer the question are hereby overruled. As chairman of this committee I hereby demand and direct that you answer the question put to you."

Another Refusal

After Mr. Flynt's statement, Mr. Schorr again refused to answer, as had Mr. Latham before him.

Additionally, Mr. Schorr, a 69-year-old correspondent here for CBS, also declined to turn over to the committee some documents in his possession, including several copies of the Pike committee report. They also had been subpoenaed.

The confrontation between the commit-



Representative John J. Flynt Jr., Georgia Democrat who heads the committee, questions Mr. Schorr.

tee and Mr. Schorr had been building up for six months since he admitted having provided a copy of the intelligence report to The Village Voice, a weekly newspaper, which published extensive excerpts in February.

Panel Voted to Make Report Public

Compiled by the House Select Committee on Intelligence, headed by Representative Otis G. Pike, Democrat of Suffolk, the report contained an extensive study of the operations of the Central Intelligence Agency and other Federal intelligence bodies, together with severe criticisms of their activities.

Although the Pike committee voted 9 to 4 to make its report public, the full house voted 246 to 124 not to do so. The majority argument was that House leaders had agreed with President Ford not to disclose the contents, and that publication would violate this pact.

When The Village Voice did publish most of the contents, many members of the House felt that the chamber had been held up to ridicule.

Nothing Settled

Six months ago the House voted to have the ethics committee, formally named the House Committee on Standards of Official Conduct, investigate the circumstances of the disclosure. Although a dozen former agents of the Federal Bureau of Investigation conducted the inquiry—in which about 500 persons have been questioned and on which more than \$150,000 has been spent—the committee still does not know Mr. Schorr's source.

"We've asked the question all over the place and we haven't been able to get the answer, and here you are with the answer," Representative Floyd D. Spence

of South Carolina, the committee's ranking Republican member, said to Mr. Schorr with a touch of frustration in his voice.

Thus the widely-heralded confrontation, which was broadcast nationally on radio and television, settled nothing.

The committee remained in the dark about Mr. Schorr's source, and the issue of whether reporters may refuse to reveal sources of information to Congressional committees without risking contempt citations remains unresolved.

Federal law gives Congress the right to imprison for up to a year and fine up to \$1,000 witnesses held to be in contempt for refusing to answer questions. In the 19th century several reporters were detained for brief periods, one for 19 days.

Hundreds Attend Session

Clay S. Felker, the editor in chief and publisher of The Village Voice, was the first witness. He was followed by Mr. Latham, then by Sheldon Zalaznick, a former editor of New York magazine who is now the editor of Forbes magazine. Then Mr. Schorr testified.

The session was held in the hearing room of the House Committee on Education and Labor. Several hundred members of the public joined about 100 reporters at the hearing; others were turned away for lack of space.

In response to questions from the committee counsel, John Marshall, Mr. Felker said that the report obtained by Mr. Schorr was made available "without strings attached." He said that while he had discussed making a contribution to the Reporters Committee for Freedom of the Press, a group that Mr. Schorr had first spoken with about getting the report published, no money had been paid.

Mr. Felker, Mr. Latham and Mr. Zalaznick said they did not know Mr. Schorr's source, and that they had had almost no contact with the network correspondent. The go-betweens were identified as Fred Graham, a CBS News reporter here who is a former official of the reporter's group, and Peter Tufo, a New York attorney.

Schorr's Opening Statement

But when Mr. Latham was asked further if he had "any knowledge or opinion of who the source might be," he declined to answer.

"I have some trouble answering any questions at all about sources," he told Mr. Marshall. "To any more questions I respectfully decline to answer."

Theodore W. Kheel, a New York attorney representing the first three witnesses, sought to gloss over Mr. Latham's answer, but Mr. Flynt demanded a reply, and the witness again refused.

When Mr. Schorr was called to the witness table, accompanied by his attorney, Joseph A. Califano, he said in an opening statement, "I appear before this committee today, under protest, in response to a subpoena whose issuance I deeply deplore."