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Clark Terms Broad Subpoenas To Reporters a Shift in Policy

By HENRY RAYMONT

Former Attorney General Ramsey Clark expressed sharp disagreement yesterday with a Justice Department contention that Government subpoenas for reporters' notes, unedited films and other records of the news media represented no departure from past policy.

Mr. Clark, who headed the Justice Department in the last two years of the Johnson Administration, asserted he had no recollection of any previous action similar in scope to the subpoenas recently issued to Earl Caldwell, a reporter for the New York Times, and to the Columbia Broadcasting System for their unedited files on the Black Panther party.

In response to an inquiry, Mr. Clark said, "I think there has been a change if general warrants are being issued, and I have a feeling of great uneasiness about it."

The former Attorney General said there was a difference between calling a reporter to testify in a specific murder case and summoning one to disclose his files in a general "fishing expedition."

Sees Peril to Press

"To concede the power in the judiciary to force members of the press and other communications media to divulge general information they have developed in performing their function would be the destruction of the effectiveness of the press," he said.

A similar position was taken by a former member of the Eisenhower Administration, who asked that his name not be disclosed. The former official said that, under certain circumstances, specific photographs had been subpoenaed by the Government but that he was not aware of any requests for unedited files from magazines or newspapers.

The two former officials made their comments before the Justice Department announced that it would not insist on obtaining all the material it recently demanded from newsmen. They spoke against a background of spreading resistance by the media to court demands for access to materials obtained from confidential sources.

The following were some related developments yesterday:

In Louisville, Ky., Norman E. Isaacs, president of the American Society of Newspaper Editors, said that the organization's board of directors was considering entering a lawsuit by several Chicago newspapers to quash a defense subpoena involving the Black Panthers.

Elie Abel, dean of Columbia University's Graduate School of Journalism, issued a statement calling on "every reporter, editor, publisher or broadcast executive" to oppose any court action that threatened "the confidential relationship between a reputable newsman and his sources."

In Washington, Newton N. Minow, former chairman of the Federal Communications Commission, strongly recommended that the media refuse to honor Government subpoenas of reporters' notes, tape recordings, news film and unedited files. He said that the media's reply to such requests should be: "Judge me on what we broadcast; the rest is none of the Government's business."

H. Roger Tatarian, vice president and editor of United Press International, said in a weekly letter to the agency's subscribers that the danger of the unrestricted use of the subpoena was that it would undermine public confidence in newsmen "and would, in the long run, work only against the public interest."

TV Newsmen Consent

At a luncheon sponsored yesterday by the International Radio and Television Society at the Waldorf Astoria Hotel, three of television's top newsmen agreed that the news media must fight Government efforts to subpoena a reporter's notes and unused news film.

Walter Cronkite of C.B.S. said, "We cannot function. Our people cannot be informed if we have to work under these conditions."

Chet Huntley of the National Broadcasting Company called the recent court actions "a dangerous business."

And Frank Reynolds of the American Broadcasting Company said, "We've got to make it very clear we're not defending our right to broadcast but the people's right to know."