

Text of Mitchell Statement About Press

Special to The New York Times

WASHINGTON, Feb. 5—
Following is the text of a
statement today by Attorney
General John N. Mitchell
about subpoenas issued to
members of the press:

I regret that recent actions by the Department of Justice involving subpoenas for members of the press and property of the press may have been the subject of any misunderstanding and of any implication that the Department of Justice is interfering in the traditional freedom and independence of the press.

It has been the policy of the department in the past to issue subpoenas in order to obtain information held by the press which might be of some aid in both criminal and civil investigations.

Policy of Negotiation

Prior to my taking office, these subpoenas had been served on, and complied with by, members of the press from various media and had covered pictorial and written information, both published and unpublished.

The department has always recognized the particular sensitivity of the press in this area especially with regard to confidential informants, and the special place occupied by the press under the Constitution.

Because of these considerations, the department has had

in the past, and continues to have today, a policy of negotiating with the press prior to the issuance of any subpoenas. These negotiations have generally taken two forms: negotiations on the actual scope of the subpoena prior to its issuance; or a clear understanding prior to the issuance of the subpoena that the Government would meet with the press and would be willing to modify the scope of the subpoena.

The point of these negotiations is an attempt to balance the rights of the press with the rights of the grand jury making an investigation. Several subpoenas have been served and complied with this year under this policy of pre-subpoena negotiations.

For example, a broad subpoena was served on one news publication to obtain information about a grand jury investigation in Chicago because there was no time to have a detailed negotiation on the scope of the subpoena prior to its issuance. However, the news publication was informed prior to the issuance of the subpoena that the department would modify its request. In subsequent negotiations, the request was substantially modified.

Several Washington area news media were given broad subpoenas for information involving university disturbances. Prior to the issuance

of the subpoenas, the media were informed that the department would be willing to modify its request. In subsequent negotiations, the request was substantially modified.

Some Requests Dropped

Unfortunately, in other instances, this policy was not followed and the subpoenas were served without any prior negotiations. When this was brought to our attention, we promptly ordered our attorneys to enter into negotiations in an attempt to reach an acceptable compromise. It is my understanding that these negotiations are now proceeding satisfactorily and that, in some instances, the Government has dropped some of its requests.

We realize the peculiar problems that subpoenas raise for the press. We also realize that we have an obligation to the courts to attempt to obtain information which may be of value in an investigation.

We are taking steps to insure that, in the future, no subpoenas will be issued to the press without a good faith attempt by the department to reach a compromise acceptable to both parties prior to the issuance of a subpoena.

I believe that this policy of caution, negotiation and attempted compromise will continue to prove as workable in the future as it has in the past.

2-6-70

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