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Burch Calls Reporters' Notes 'Sacred'

By HENRY RAYMONT

The head of the Federal Communications Commission said yesterday that reporters' notes should be exempt from court subpoenas but that unused portions of television film presented "a very definite problem."

Discussing the controversy over recent court requests for unedited news materials on the Black Panthers and other radical groups, Dean Burch, the chairman of the Federal regulatory agency, said:

"I don't think a reporter should be required to disclose the sources of his information, and if you can say that an outtake, a piece of film that isn't used, is the same as a reporter's notes, I think that the same rule would apply."

Appearing on the American Broadcasting Company's national television program "Issues and Answers," Mr. Burch said the problem had not been raised officially before the F.C.C.

But speaking personally and as a lawyer, the former aide to Senator Barry Goldwater declared, "I don't think there is any question about a reporter's notes being sacred."

Television news films pose a different problem, Mr. Burch continued in such cases when "a camera actually detects a criminal act being performed and that film is available and would prove a fact."

Nonetheless, Mr. Burch, a former Republican National Chairman, urged that courts and Congressional committees bear in mind "that reporters go out and create their own product, and it is their own product, and it should not be subject to official process in the normal instance."

Meanwhile, Attorney General John N. Mitchell has begun a series of meetings with newspaper and television network executives in an effort to

ease their apprehension over the recent Government subpoenas demanding unpublished materials from newsmen for possible trial evidence.

Mr. Mitchell met separately in Washington with Elmer W. Lower, president of A.B.C. News, on Thursday and with Julian Goodman, president of the National Broadcasting Company, on Friday.

Though the meetings were

generally described as cordial, at least one news executive suggested they had not reduced significantly the differences about how much information the news media should be forced to surrender to the courts.

The meetings were believed to have been the first direct contact between media representatives and Mr. Mitchell since the Attorney General sent out invitations on Feb. 7 to executives of news organizations across the country offering to explain personally the Justice Department's policy on obtaining information from the news media.

A number of executives, including Wes Gallagher, general manager of the Associated Press, and Norman Isaacs, president of the American Society of Newspaper Editors, urged privately and publicly that the media be prepared to take a common stand.

"They sink or swim together on the issue of freedom to print or broadcast," Mr. Gallagher said in a recent speech in Denver. "And they must stand together on this subject."