

AUG 11 1970
**Mitchell Sets Rules
 Limiting Subpoenas
 Issued to Newsmen**

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Justice Department guidelines
 on subpoenas, Page 24.

Special to The New York Times

ST. LOUIS, Aug. 10—Attorney General John N. Mitchell issued guidelines to the Justice Department today in what he described as a move to limit the discretion of government lawyers to subpoena newsmen to testify in criminal cases.

Appearing before the House of Delegates of the American Bar Association, the Attorney General also asked the association to conduct a major study to resolve the conflict between newsmen's contentions that their sources of information would dry up if they testified against their informants, and the Government's need for evidence of crimes.

He characterized his move as a conciliatory step to allay the news media's fears over the growing use of subpoenas, and to "avoid a confrontation and an imposed settlement" of the issue by the courts.

The guidelines state that in general, reporters and photographers will not be subpoenaed unless the information is crucial and cannot reasonably be obtained elsewhere. However,

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the guidelines are hedged with several exceptions that permit Mr. Mitchell to authorize subpoenas for newsmen's testimony when he feels it is needed.

In a wide-ranging news conference after his speech, Mr. Mitchell also made the following statements:

¶He said that he was immediately aware that President Nixon had made a slip of the tongue last Monday night when he described Charles M. Manson, who is now being tried for murder in California as "guilty" of eight murders. Mr. Mitchell said that he stood mute beside Mr. Nixon because "it is not the proper posture of anybody to correct the President of the United States when the President is speaking."

¶Mr. Mitchell said that the Government did not expect violence when Southern schools are integrated this fall, and that it is making no special preparations to have Federal marshals ready to keep order. Federal personnel in the South and newly formed interracial committees there say that violent resistance is not likely to occur, he said, adding, "We do not contemplate any such activities, we're not looking for it, we made no preparations for it."

¶He said that the Justice Department was planning to file suit directly in the Supreme Court against some states that are refusing to comply with the new Federal Law that gives 18-year-olds the vote and eliminates literacy tests and long residency requirements. Mr. Mitchell has no doubt that the question of the 18-year-old vote will be settled by the time the measure goes into effect on Jan. 1, 1971. But the literacy and residency requirements went immediately into effect, and Mr. Mitchell said that vigorous action would be taken to assure that no states enforce these limitations on voting in the coming fall elections.

¶He said, "I endorse heartily" Chief Justice Warren E. Burger's new proposal for a six-member judicial commission, appointed by the three branches of the Government. Such a group would "focus the Congress, the Bureau of the Budget and the attention of the American people" on judicial problems, the Attorney General said.

In his speech on subpoena guidelines, Mr. Mitchell expressed concern over what he termed the "bitter dispute" that developed after Government attorneys investigating various activities of militant groups subpoenaed the notes and testimony of several newsmen.

One, Earl Caldwell of The New York Times, has been found in contempt of a Federal District Court in San Francisco for refusing to testify before a Federal grand jury about his interviews with Black Panther

leaders. His appeal is pending. Mr. Mitchell said that the "legal confrontation" over subpoenas appeared to be escalating, and that it could "seriously affect the vigor of our press institutions and their relationships with the Federal Government, the bar and the courts."

Accordingly, he said that he had issued the guidelines to "provide new and reasonable safeguards to protect the rights and privileges of the free press in a manner consistent with the paramount public interest in the fair administration of justice."

Under the guidelines, no Justice Department attorney may seek to subpoena a newsmen without Mr. Mitchell's permission. There must first be efforts to get the information elsewhere, and then negotiations must be attempted to get the reporter to give information voluntarily.

If a subpoena is considered necessary, "normally" it will be limited to the verification of published information. But the Government still reserved the option, under certain circumstances, to insist that a reporter disclose unpublished information and to testify even when a reporter contends it was given to him in confidence.