

'News Privilege' Law Held Unnecessary

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The Justice Department told Congress today that subpoenaing of newsmen by the Government was sharply reduced in the last two years, and that the Nixon Administration would therefore oppose as unnecessary proposed laws that would shield journalists from subpoenas.

Roger C. Cramton, Assistant Attorney General for Legal Counsel, told a House Judiciary Subcommittee that internal guidelines issued in August, 1970, by former Attorney General John N. Mitchell made a "newsman's privilege" law unnecessary.

When Mr. Mitchell adopted the guidelines, the Justice Department was under fire for having subpoenaed a number of newspaper and television journalists to disclose confidential information. Mr. Cramton disclosed that since the guidelines were adopted, only seven subpoenas were issued against journalists.

The seven press subpoenas were approved by the Attorney General from among nine requests made by the criminal division, Mr. Cramton said. He said that six other subpoenas against newsmen had been requested by the internal security division, but that all had been turned down by Mr. Mitchell or his successor, Richard G. Kleindienst.

Mr. Cramton said that he did not know the reasons for turning down the requests or who the newsmen were.

How Guidelines Work

Under the guidelines, the Justice Department must first try nonpress sources and must then negotiate with newsmen for information before requesting a press subpoena, which can be issued only with the Attorney General's approval.

Mr. Cramton's testimony, which was the most detailed report to date on the operation of the guidelines, was given as a panel headed by Representative Robert W. Kastenmeier, Wisconsin Democrat, began hearings on six bills that would

excuse newsmen under various circumstances from having to disclose confidential information.

Action on the bills is being considered because the Supreme Court ruled last June that the First Amendment did not protect newsmen from being subpoenaed to disclose confidential information to grand juries.

Mr. Cramton's testimony had an obvious impact upon the subcommittee. Representative Robert F. Drinan, Massachusetts Democrat, who earlier expressed support for the newsman's privilege concept, told witnesses from journalists' organizations that the bills would not be viable unless they could answer Mr. Cramton's arguments.

All five representatives of journalists' groups insisted that legislation was needed, although several of them conceded that the Federal subpoena problem had eased since the guidelines had been adopted.