

RODINO URGES BILL ON NEWS SOURCES

Journalist Immunity Asked
as House Hearings Open

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WASHINGTON, Feb. 5—The new chairman of the House Judiciary Committee called today for swift Congressional action on legislation that would prevent newsmen from being forced to testify about their confidential sources.

Speaking during the opening day of hearings on the matter, Representative Peter W. Rodino Jr., Democrat of New Jersey, the chairman, said that since the Supreme Court's ruling last June that newsmen had no First Amendment right to avoid such testimony, "reporters and other newsmen are being increasingly subjected to fishing expeditions under threat of jail if they persist in honoring their commitment and decline to identify their source."

Without the assurance of anonymity, Mr. Rodino noted, many people with important information will refuse to talk to reporters. "The public must be confirmed in its right to keep informed," he said. "The press must be freed of the power of government to harass and intimidate it."

The hearings being held this week by the House Judiciary Committee's Subcommittee No. 3, whose chairman is Robert W. Kastenmeier, Democrat of Wisconsin, will receive arguments from legislators, lawyers and newsmen about various provisions of the 28 bills introduced so far by about 100 House members.

Degree of Immunity

One key question is whether newsmen should be granted absolute immunity from forced testimony in all cases, or whether the immunity should be qualified in some way. Mr. Rodino said that he had not yet made up his mind on the question, but was leaning toward an absolute bill.

Representing the Association of the Bar of the City of New York, Prof. Benno C. Schmidt Jr. of Columbia Law School called for a qualified immunity, under which newsmen would be susceptible to subpoena where the case involved foreign aggression, espionage, homicide or violent crimes that risked life, such as arson, airplane hijacking and kidnapping.

Professor Schmidt added that the bar association believed that Congress should pre-empt state laws. "The greatest need is at the state level rather than the Federal level at this time," he said, observing that most subpoenas had come from local law enforcement officials.

Federal legislation, he said, should "provide a nationwide, uniform standard." He added, "State judges are extremely adept at finding loopholes in state statutes which would on their face seem to protect journalists."

Reporters Appear

Several reporters who appeared today strongly favored absolute guarantees for newsmen. Jack Landau, who covers the Supreme Court for the Newhouse chain of newspapers, and Jack Nelson, a Washington-based reporter for The Los Angeles Times, said that it would be better to have no bill at all than a qualified measure that would sanction subpoenas under certain conditions. The two spoke on behalf of a group of newsmen known as the Reporters Committee for Freedom of the Press.

Absolute protection was also favored by Earl Caldwell, the San Francisco-based correspondent for The New York Times, whose case was one of the three on which the Supreme Court based its decision last June.

Mr. Caldwell said that after he had gained access to the inner workings of the Black Panther party, the Federal Government subpoenaed all his notes and tapes, including material that had not yet been published.

* "The subpoenas were issued after a direct threat by agents of the Federal Bureau of Investigation when I refused to meet with them secretly to discuss with them things I had been writing about and people I had interviewed," Mr. Caldwell charged. For weeks thereafter, there were daily phone calls from the F.B.I., he said, and then the subpoenas, which he defied.

Black Suspicion of Press

"I, as a black journalist, am deeply aware of the suspicion that exists regarding the press in my community," Mr. Caldwell said. "Even before the Court ruling, people frequently asked me if I was a spy for the Establishment."

Every good reporter "wants, to get all the information he can get into the paper," Mr. Caldwell said, but "I could not get information if people even suspected I was talking to the F.B.I."

Gaining the confidence of the Panthers was difficult in the late nineteen-sixties, he explained. "Imagine if such a group were developing that kind of constituency in the United States today," he said. "Given the rulings of the Court, would I or any reporter stand a chance of learning what they were really all about? Hardly, I'd say, hardly."