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PRESS IMMUNITY TERMED 'UNWISE'

Justice Aide Fears Abuse
of 'Newsmen's Privilege'

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WASHINGTON, Feb. 7—The Justice Department voiced its opposition today to any law that would give newsmen absolute immunity from forced testimony about their confidential sources.

Roger C. Cramton, an Assistant Attorney General, told a House subcommittee that the department might support a bill granting limited immunity if it applied only to Federal proceedings but that Congress would be "terribly unwise" to legislate on the matter for the states. He said that any such law seemed unnecessary at this time.

"The more the newsmen are subject to legislative control," he said, "the more that will become regulatory control, the more what newsmen say or write will be second-guessed by officials."

Once a "newsmen's privilege" is enacted, Mr. Cramton said, there may be cries that the press is abusing the privilege and acting irresponsibly. Then, he added, "step by step, what started out as being a privilege or a favor to the news media can turn out to be a species of regulation."

Conflict With Publishers

Mr. Cramton took a position in direct conflict with that of the American Newspaper Publishers Association and other news groups, which have called on Congress to pass a measure prohibiting state and Federal authorities from issuing subpoenas against newsmen, no matter what the circumstances.

Such a ban, Mr. Cramton said, "would unduly subordinate to the interests of the press the vital national interest in vigorous law enforcement."

But Peter J. Bridge, a reporter for the now defunct Newark News, told the subcommittee that the issue was not the interest of the press, but the interest of the public in a free flow of information.

"A newsman is not an investigator for a prosecutor, district attorney or court," he said. "A newsman is in a very real sense a public servant, responsible to the governed, not the governors."

Mr. Bridge was the first reporter jailed after the Supreme Court ruled last June that the First Amendment would not be violated by forcing newsmen to identify confidential sources. He had written an article quoting a housing authority official that she had been offered a bribe, and he refused to answer 50 questions from a grand jury that he said "might have exposed other sources for the story."

Asked by the chairman of the House Judiciary Committee's Subcommittee No. 3, Robert W. Kastenmeier, Democrat of Wisconsin, whether he would testify if he witnessed a murder, Mr. Bridge said that he would.

"I don't know any newsman who would refuse to testify," the newsman added.

A Flood of Questions

This prompted a flood of questions from other subcommittee members who wanted to know why he would object to a law that qualified the immunity by making testimony in such cases compulsory.

"By writing a qualification into the law, you tend to destroy the immunity," Mr. Bridge said.

He said that judges were often inclined to interpret the qualification more broadly than legislators intended and cited his own case, where he was ruled to have waived his immunity under New Jersey law because he identified his source in his article.

That clause, Mr. Bridge said, "was intended to prevent a newsman, in the event he decided to testify, from calimng immunity when the time came for cross-examination."

Through a series of sharp exchanges between Mr. Bridge and various Congressmen, it became clear that while sentiment in the subcommittee runs in favor of some legislation, there are deep divisions over absolute as opposed to qualified immunity. The subcommittee has 28 bills on the issue before it.

A number of members, especially Representatives Charles W. Cundman Jr. of New Jersey and Thomas F. Railsback of Illinois, both Republicans, questioned Mr. Bridge pointedly about the possibility that absolute immunity might enable the press to make false charges against individuals.

The Eagleton Article

Mr. Railsback, who has said that he supports a qualified bill, alluded to the erroneous report of the columnist Jack Anderson last year that Senator Thomas F. Eagleton of Missouri had been arrested several times for drunken driving.

"Shouldn't there be a right to get to the truth?" Mr. Railsback asked.

"How long did it take Mr. Anderson's own colleagues to come forth with the truth?" Mr. Bridge replied. "Less than 24 hours."

Representative Edward Mezvinsky, Democrat of Iowa, criticized another witness, John R. Callahan vice president of the McGraw-Hill Publications Company, for indicating that a qualified bill might be acceptable. Mr. Mezvinsky the press should fight for an absolute measure.