

News Issue

An Impasse on A Shield Law

Washington

The issue of a shield law to permit reporters to keep their news sources confidential surfaced in the new Congress yesterday, with the same result as in the last two Congresses: instant impasse.

A House judiciary subcommittee headed by Representative Robert W. Kastenmeier (Dem-Wis.) heard testimony from two groups. Their fixed diametric opposition underscored the difficulty of compromise when law enforcement and press freedom collide.

Assistant Attorney General Antonin Scalia said the Department of Justice opposes the shield bill sponsored by Kastenmeier, which would place some limits on the situation in which journalists can refuse to answer questions by law enforcement agents to protect the confidentiality of sources.

The reporters' Committee for Freedom of the Press also opposed the Kastenmeier compromise, arguing that only an absolute privilege would provide adequate protection and that a qualified measure is worse than no law at all.

In the course of his testimony, Scalia disclosed that Justice Department approval of subpoenas for newsmen, required under the guidelines of the attorney general, has risen in recent years.

During the 2½-year period from mid-1970 through early 1973, Scalia said, the department approved subpoenas for 13 reporters. In the two years since then, the department has received 46 requests for such approval, he said, and the number of

reporters involved may be higher.

Representative Robert F. Drinan (Dem-Mass.) called this figure "an explosive bombshell," but Scalia said he believes most of these subpoenas, like the earlier

group, involved reporters who were willing to testify but asked to be subpoenaed.

Jack Nelson of the Los Angeles Times, a member of the reporters' committee, said the group discovered 46 cases in 1974 in which reporters were served with

subpoenas, 26 of them in federal cases of which only three had been approved by the Department of Justice.

Nelson said that the legal expense involved in a newspaper's challenging such a subpoena in court has run from \$20,000 to \$100,000. The

Justice Department has refused to make available to the reporters' committee any facts about newsmen's subpoenas, he said.

Scalia promised the subcommittee he will provide details within three weeks of the press subpoenas ap-

proved during the last two years.

Stating that his views had been approved by Attorney General Edward Levi, Scalia said "an effective and fair law enforcement system cannot operate under the unrealistic limitations" that a

press shield bill like Kastenmeier's would impose on

questioning reporters.

New York Times