

# FOUR NEWS GROUPS BACK SHIELD BILL

APR 25 1975

### Proposal Would Still Limit Right to Stay Silent

NYTimes

Special to The New York Times

WASHINGTON, April 24—Legislation granting newsmen a qualified privilege to protect confidential sources by refusing to answer investigators' question won broad support today from television networks, writers and newspaper publishers.

In an unusual display of unanimity, the press shield bill sponsored by Representative Robert W. Kastenmeier, Demo-

crat of Wisconsin, was endorsed by NBC News, CBS, the Authors League of America and the American Newspaper Publishers Association.

All four groups indicated that they did not regard the Kastenmeier bill as the ideal solution to the reporter's privilege problem, but they urged the communications industry to unite behind it as a substantial improvement and the best protection for the news media currently available.

"After two years, we'd better take what we can get—if we can get that," Len H. Small, treasurer of the publishers association, told a House judiciary subcommittee.

#### Types of Privilege

Both the A.N.P.A. and the Author's League had previously

supported an "absolute" privilege, one that would enable journalists to refuse to divulge to investigators any information or identify the source who provided it under all circumstances.

The Kastenmeier bill goes that far with respect to grand jury proceedings and other pre-trial inquiries and legislative investigations, but it places some limits on reporters' right to remain silent in civil or criminal trials.

There, a newsman could not refuse to testify unless the information was given to him in confidence. The court might require him to provide information or identify a source if the information was indispensable to the case, could not be obtained elsewhere and there was a "compelling and

overriding public interest in requiring disclosure."

At yesterday's subcommittee hearing, a Justice Department official testified that the prosecution in criminal cases would have great difficulty in ever proving these circumstances and thus compelling a reporter to talk.

Richard W. Jencks, vice president of C.B.S., said that this protection for investigative reporters was needed "more urgently than ever."

"The hope that 'some day' the Supreme Court will construe the First Amendment as encompassing the interests we here seek to protect should not blind us to the reality that today such constitutional protection is generally unrecognized by the courts," Mr. Jencks observed.