

The Post, 3 Publications Act To Block Subpoenas by GOP

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Lawyers for three newspapers and a national news magazine filed a joint motion here yesterday formally announcing their opposition to subpoenas filed by the Committee for the Re-election of the President calling on reporters from the four publications to give sworn testimony.

The four publications—The Washington Post, The New York Times, the Evening Star-News and Time magazine—asked U.S. District Judge Charles R. Richey to grant a delay in the committee's schedule for taking depositions in order to allow them to file motions to quash subpoenas issued last week. Richey scheduled a hearing on the motion for today.

The subpoenas were issued last week in connection with a civil suit growing out of the break-in and bugging of the Democratic Party's Watergate headquarters.

In a brief accompanying their motion for a stay, the publications said that "the

most profound First Amendment issues are raised" by the committee's subpoenas.

The subpoenas demand the production of "all manuscripts, notes, tape recordings of communications . . . drafts, copies and final drafts of stories" in the possession of those subpoenaed.

Subpoenas were issued for The Post's publisher, Katharine Graham, managing editor Howard Simons, and reporters Bob Woodward and Carl Bernstein.

In addition, Evening Star-News reporters Joseph Volz, Patrick Collins, Jeremiah O'Leary and James Polk, New York Times reporter John Crewdson, and Time correspondent Dean Fischer were subpoenaed.

All four publications, in announcing their opposition to the subpoenas, said in their brief that the subpoenas "demand a mass of documents, which include reporters' notes and a wide range of other unpublished materials, and which involve information secured by (the reporters) on a confidential basis and from confidential sources."

The brief says that the committee has made "not the slightest effort to assert, let alone demonstrate, any need whatever for the information which is sought from a broad segment of the press or the lack of alternative sources for such information."

Citing the ruling of the Supreme Court last June in the Caldwell case, in which the Court held that reporters had no absolute privilege protecting them from testifying before grand juries in criminal proceedings, the brief argues that courts have held since that ruling that the First Amendment bars subpoenas in civil suits.

Lawyers for the four publications met Saturday and yesterday and agreed to file their joint motion seeking a delay in the depositions, but said they would file separate motions to quash the subpoenas.