

# Seven Subpoenas Served In Inquiry on Press Leaks

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WASHINGTON, Oct. 5—

Lawyers for Vice President Agnew today served at least seven subpoenas on news organizations and reporters in an unprecedented search for news leaks from the Justice Department.

The subpoenas, authorized in Baltimore Wednesday by United States District Court Judge Walter E. Hoffman, are broadly based. They ask for "all writings and other forms of record [including drafts]" that touch on communications with Government employes in connection with the criminal investigation into Mr. Agnew's affairs that is now being made by a Baltimore grand jury.

Lawyers for some of the news organizations involved were working quickly to prepare motions to quash the subpoenas based on grounds of the Constitution's First Amendment guarantee of freedom of the press, and recent Supreme Court decisions.

Subpoenas went today to Nicholas Gage of The New York

Times; William Sherman of The New York Daily News; Richard Cohen of The Washington Post; Newsweek magazine and its Justice Department reporter, Stephan Leshner; Robert Walters and Ronald Sarro of The Washington Star-News; Time magazine, and Fred P. Graham of Columbia Broadcasting System.

In addition, the National Broadcasting Company news department in Washington said that a reporter Ron Nessen was being sought by a process server.

### No Comment

It was believed that subpoenas were also on their way to members of the Justice Department, but a spokesman there refused to comment.

C.B.S. News reported tonight that Attorney General Elliot L. Richardson, Assistant Attorney General Henry F. Petersen and George Beall, the United States Attorney for Baltimore, all had been subpoenaed.

men were ordered

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to be in Federal Court in Baltimore at 9 A.M. next Wednesday. Justice Department officials were believed to be scheduled for the next day.

Jay H. Topkis, one of Mr. Agnew's lawyers, declined to say how many persons might be subpoenaed or identify them.

Mr. Topkis, in a telephone interview from New York, said he was declining comment because of "the broadest possible reading" of Judge Hoffman's strict order for secrecy in the case.

Judge Hoffman, who regularly sits in Norfolk, Va., has been assigned to handle procedural matters in the Vice President's case. Mr. Agnew is under grand jury investigation for possible extortion, bribery and tax fraud beginning with his days as elected Executive in suburban Baltimore County and as Governor of Maryland.

### 'Malicious and Immoral'

The Vice President has said he is innocent and has charged that leaks of information about his case have trickled from the Justice Department and constitute a "malicious, immoral and illegal" attack upon him.

His three lawyers asked the court last Friday to halt the grand jury investigation because they said the Constitution barred the indictment of a sitting Vice President in the courts and required his impeachment by the House of Representatives instead.

They also contended that prejudicial publicity about his case leaked to newsmen by the

prosecution had made it impossible for a grand jury to consider fairly the allegations against him.

The court granted them subpoena power to look into the leaks.

Almost all of the news organizations involved announced that they would fight the inquiry into reporters' confidential sources. A spokesman for The New York Times said:

"The Times believes this attempt to force disclosure of confidential sources and information to be in violation of the First Amendment.

"Unless reporters can use information from persons not in a position to have their names revealed, investigative reporting will be eliminated. Without investigative reporting, the press will not be able to look beneath the surface of the news and the purpose and function of a free press will be severely damaged.

"Therefore, we will vigorously oppose this step in the courts with all the resources at our command."

### 'Resist Vigorously'

The New York Daily News stated, "It is the intention of The News to resist vigorously any action that would shut off information that the public has a right to know."

Time Inc. stated: "This action will be dealt with under the general policy that Time Inc. has concerning subpoenas. Time Inc. believes that confidentiality of sources is essential to the gathering of news.

"We believe that a reporter should not be required to disclose confidential sources except in the most compelling circumstances, such as imminent danger of loss of life, or if the reporter had essential information on a violent crime

or on a matter of overriding danger to the national security.

"None of these factors applies in the present situation and thus we do not intend to disclose any confidential sources."

Richard C. Wald, president of N.B.C. News, said, "Forcing reporters to disclose confidential sources undermines the public's constitutional right to a free flow of information. We will oppose this subpoena."

Joseph A. Califano, attorney for The Washington Post and Newsweek, which are jointly owned, said the organizations "consider these subpoenas an invasion of their rights and the rights of the public under the First Amendment to the Constitution, particularly since any response to them would require the revelation of confidential news sources.

"Therefore, The Washington Post and Newsweek intend to oppose the subpoenas."

The Star-News, in an editorial today, stated in part: "If reporters are to be forced to reveal the sources of their information under threat of imprisonment, the flow of information to the public—essential to this open society—will be severely restricted.

"People, be they officials or private citizens, will shy away from giving reporters information about wrongdoing vital to public knowledge, for fear of having their identity pried loose later."

Mitchell Rogovin, Mr. Graham's attorney, said that Associate Justice Lewis F. Powell, in the Branzburg v. Hayes decision in 1972, made the courts "available to newsmen in instances where legitimate First Amendment interests are in question and require protection."