NYTimes Case: A Classic Battle on Press Freedom and

the First Constitution Amendment.

The lawyers have obtained unprecedented authority from a Federal judge to conduct, their own investigation into alleged leaks of derogatory information to the press from the Justice Department. Their purpose is to show that the leaks are—in Mr. Agnew's words—"malicious, immoral and illegal," and therefore justify stopping the investigation of the Vice President.

They have started issuing subpoenas to newsmen, whom they intend to question under action. In more than a score of oath about the sources of published information. While the press and law enforcement cation of the Pentagon papers on the press of the press.

Thus far, the courts have held that, under the First and prior restraint of the press.

Thus far, the courts have held that, under the press of the it, on action to prevent the prior restraint of the press—that is, no action to prevent the press from publishing information they have obtained. That principle has been upheld in many cases involving the reporting of judicial proceedings. In a case of another kind, it was upheld most dramatically in the 6-to-3 decision of the vice pression under action. In more than a score of oath about the sources of published information for mattering will be eliminated," and law enforcement cation of the Pentagon papers one of the purposes of the First Amendment was to foster.

of the classic battles in the history of American jurisprudence is about to be fought on territory that no one could have envisioned a month ago. The territory is the ground Vice President Agnew and his lawyers have chosen for their first stand against the charges of corruption made against him in News Maryland.

Analysis One issue in the history of the classic battles in the history of American involvement in Vietnam, and pioined in adopting voluntary fair trial-free press guidelines. The free press-fair trial issue is not a new one. It has been debated among lawyers, judges and journalists for decades. So far, the courts have not faced it squarely. Occasionally, a new trial has been ordered or lateral publicity a new trial has been moved to an only when an arrest has been of the publicity surrounding a made or a grand jury indiction because of imminent.

Analysis One issue in the history of the line of fire.

The free press-fair trial issue fair trial-free press guidelines. Some of these voluntary efforts have had local and limited success, but they obviously have did not exist before June 29, 1972. On that day, the Supreme Court held 5 to 4 that journalists have no First Amendment of a trial has been moved to an only when an arrest has been of the publicity surrounding a made or a grand jury indiction because of juries the names of confidential sources and information given the line of fire.

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Amendment.

The First Amendment provides that Congress "shall mews leaks.

Although the Constitution refers only to a trial and not to a speedy and public trial by an impartial jury."

The premise of Vice President Agnew's lawyers is that the news media, exercising freedom of the press, have published so many damaging allegations against their client will be impossible for him to get impartial treatment.

In Line of Fire

The lawyers have obtained unprecedented authority from a presson under investigation for the presson under investigation for the case more than the presson under investigation for the presson.

Although the Constitution other defendants, contending that that information was essential to an understanding of the case.

Pentagon Papers

In the most widely publicized of such cases, Dr. Sam Sheppard of Cleveland was granted for such cases, Dr. Sam Sheppard of Cleveland was granted for a sentence for murder apidly approaching the day in the most widely publicized of such cases, Dr. Sam Sheppard of Cleveland was granted for such cases, Dr. Sam Sheppard of Cleveland was granted for a sentence for murder apidly approaching the day in the most widely publicized of such cases, Dr. Sam Sheppard of Cleveland was granted for a new trial after serving 12 anew trial a an impartial jury."

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In granting authority for the defense to investigate leaks, Judge Hoffman said in Baltimore last Wednesday, "We are rapidly approaching the day allegations against their client that it will be impossible for him to get impartial treatment.

In Line of Fire

The lawyers have obtained with protecting the rights of persons under investigation for criminal acts, must be resolved."

Not Faced Squarely

Analysis

One issue in the battle is free press versus fair trial, is lawyers contend that the aconstitution versus the Sixth mendment.

The First Amendment produces that Congress "shall ake no law . . abridging . . . Although the Constitution of the press" The refers only to a trial and not to the battle is free press versus fair trial, is lawyers contend that the acoustic dismissed the jury in a case dismissed the jury in a case of Earl Caldwell, a reporter for The New York Times and The law York Times and The party. Congress "shall ake no law . . abridging . . Although the Constitution other defendants, contending to them in confidence. That decision was rendered dismissed the jury in a case of Earl Caldwell, a reporter for The New York Times and The party about information given to them in confidence. That decision was rendered in the case of Earl Caldwell, a reporter for The New York Times, who had refused to be questioned by a Federal grand jury about information he got contending the content of the pression and tried the case himself because grand jury because of the pression and the case of Earl Caldwell, a reporter for The New York Times and The party about information given to them in confidence.

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BY CLIFTON DANIEL

WASHINGTON, Oct. 5—One
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investigative journalism.

Before and after the Caldwell case, various states enacted so-called shield laws to protect newsmen from having to disclose their sources. disclose their sources Maryland has such a law, and it may be invoked in the Ag-

it may be invoked in the Agnew case, even though the case is being handled by Federal authorities.

A Federal shield law has been under consideration in Congress, but has so far not reached the floor of either house because of divisions of opinion on what such a law should say and whether it is wise to have one.

Fair Trials