

Agnew's Lawyer Explains Action Against Press

By MARTIN ARNOLD
Special to The New York Times

One of former Vice President Spiro T. Agnew's lawyers said yesterday that Mr. Agnew had not intended in his court case to compel reporters to reveal the sources of their information, but that the news media had forced him to adopt that strategy.

This came about, he said, because Fred P. Graham, a reporter for the Columbia Broadcasting System, quoted Henry E. Petersen, the Assistant Attorney General, as saying during the investigation of Mr. Agnew: "We've got the evidence. We've got it cold."

The lawyer, Jay H. Topkis, asserted that Mr. Petersen had never said that, and that when Mr. Graham reported that he did, the defense team changed its strategy and sought to force reporters to reveal their confidential news sources.

The bit of recent legal history was disclosed by Mr. Topkis at a seminar held yesterday by a group of lawyers to discuss what, in essence, is becoming a new legal specialty—defending the news media and

Tells a Seminar Here That Leaks Forced Change to Subpoena Strategy

its reporters from courtroom attacks by the Government.

In an unprecedented ruling, a Federal court gave Mr. Agnew's lawyers the right to subpoena reporters and news-gathering organizations in a search for news leaks about the Agnew case from the Justice Department.

Question Now Moot

At the time, many people close to the case thought that Mr. Agnew's defense team, and not the Justice Department, was the source of the leaks. The whole question became moot after the Vice President resigned, although eight such subpoenas had in fact been issued.

The seminar participants included James C. Goodale, senior vice president for law for The New York Times; Floyd Abrams of the firm of Cahill, Gordon & Reindel; Fred

Friendly, professor of broadcast journalism of the Graduate School of Journalism, Columbia University; Jack Landau of the Newhouse newspapers' Washington bureau; Prof. Alexander Bickel of Yale Law School and Prof. Norman Dorsen of New York University Law School. Mr. Goodale was the seminar chairman.

The topics discussed yesterday were subpoenas to members of the news media and attempts by the Government to get prior restraint orders against publications. The First Amendment's press issues and libel and the right to privacy were also discussed.

Other topics discussed were copyrights and the mass media; obscenity laws, antitrust laws and the media, advertising law, and regulation of radio and television. The two sessions were held at the Barbizon Plaza Hotel, under the general heading of "Communications Law Explosion."

A similar seminar with some of the same participants will be held in San Francisco on Nov. 29 and 30.