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Mondale Says Subpoenas Imperil Press

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KANSAS CITY, Mo., Sept. 18 — Vice President Mondale today cautioned that the nation "must be wary of the flood of subpoenas that threaten to drown the very editorial process" of a free press.

"Reporters should not be turned into bailiffs or detective agencies," Mr. Mondale said, addressing a group of about 500 people at a luncheon celebrating The Kansas City Star's centennial. "Their job is gathering news. And that is the way this Administration believes they should be treated."

The Vice President did not discuss specific instances, including the recent case in which the Justice Department subpoenaed and received from the telephone company toll records of the business and personal calls of reporters at the Atlanta bureau of The New York Times. In his speech, Mr. Mondale talked of court subpoenas and said that only a minority of litigated subpoenas were obtained by Federal prosecutors.

"Still," he added, "subpoenas that pry into the records of reporters, that invade the editorial process, that compel reporters to testify against sources, have what everyone knows to be a chilling and menacing effect no matter who makes the request or which court you're hauled into."

1978 Court Decision Cited

The Vice President said that "few recent events were more threatening" to the public than the 1978 Supreme Court decision upholding a local prosecutor in California who had the newsroom of The Stanford Daily searched by government investigators. The President, Mr. Mondale said, looks forward to signing a bill now in Congress that would protect newspapers against this and would leave reporters "free of fear, free of searches."

He also criticized recent closings of court trials by judges who have cited their concern over harmful publicity. The Carter Administration, Mr. Mondale said, feels "that in all but extreme cases trials must be open."

"It's only as witnesses that you should be kept out of court," Mr. Mondale told the reporters and editors at the luncheon.

In praising The Star, which has produced such writers as William Allen White and Ernest Hemingway, the Vice President cited the "proud skepticism"

of the Missouri character as a key to open and informative journalism.

He also praised Attorney General Benjamin R. Civiletti for building what Mr. Mondale called "an unprecedented relationship of respect and harmony with the American press." The subpoenaing of the Atlanta telephone records of The Times was believed to be the first time that newspaper records had been secretly obtained since the Nixon Administration.

Justice Department regulations treat the subpoenas of toll-call records as a matter of phone company property, and not as newspaper source material whose

confidentiality should be respected. However, a spokesman for the Attorney General criticized the phone-record subpoena, approved by a deputy, as "a mistake" after it was disclosed and said the regulations allowing it would be studied.

Citing the Carter Administration's record on the First Amendment, Mr. Mondale said, "Not once during this Administration has the C.I.A. used an American reporter." He also said he thought a balance could be worked out in pending legislation between the needs of a free press and the protection of the identities of intelligence agents.