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Judge Holds N.Y. Times In Contempt

MIAMI, Jan. 11 (UPI)—A federal judge has ordered a criminal contempt hearing Jan. 24 for The New York Times, saying it defied his order by publishing portions of a secret U. S. grand jury report dealing with an Internal Revenue Service investigation.

District Court Judge C. Clyde Atkins also released a closely edited, 10-page excerpt of the jury report on the Miami IRS investigation of the early 1970s, known as Operation Leprechaun.

Atkins ordered the U. S. Attorney General to investigate the leak of the report and ordered Times representatives to reveal the source of their article at the Jan. 24 hearing.

The judge based the contempt proceeding on his Dec. 8 order which, he said, underscored "the absolute necessity for conducting the disclosure procedure with secrecy and confidentiality so as to (1) protect the innocent; (2) afford those affected by the order with due process safeguards as guaranteed by our Constitution and (3) protect the integrity of our grand jury system." Atkins accused The Times of violating that order by including portions of the report in a Jan. 6 article.

In the brief portion of the report released by the judge, the grand jury:

- Cleared IRS agent John T. Harrison of allegations that he threatened to harm his former informant, Elsa Gutierrez, who first publicly disclosed Operation Leprechaun.
- Said there was no evidence to support allegations that Miami IRS intelligence agents were used by the White House to collect information on former President Nixon's enemies.
- Said there was no evidence that Miami IRS intelligence agents improperly released information to the news media relating to official investigations.

"It is the conclusion of the grand jury that news media, and specifically The Miami News, in exercise of their responsibilities should have exercised greater care in placing reliance upon sources for their news stories as well as in the verification of the credibility of their sources and the accuracy of the information provided by these services," the edited report said.

According to the Times story, the grand jury went further and accused The Miami News of "knowingly publishing false information" about the IRS investigation. The News has denied the allegation.