

Radio Man Fails in Tape Appeal

SAN FRANCISCO, July 22 (AP)—The Ninth U.S. Circuit Court of Appeals has affirmed the contempt conviction of a Los Angeles radio station manager for refusing to surrender an original tape recording from the Symbionese Liberation Army.

The court, in a decision announced today, ruled that Will Lewis of KPFK had no grounds to refuse to provide to the FBI a tape containing the voices of converted SLA sympathizer Patricia Hearst and SLA members William and Emily Harris.

Authorities sought the original tape recording to check for fingerprints. Lewis argued he was protecting a confidential news source by withholding the tape.

The court also said he had no grounds to refuse to turn over a letter from the Weather Underground containing evidence relating to the bombing of the California attorney general's office in Los Angeles.

Lewis, 42, spent 16 days in

jail after being held in contempt on June 19 by U.S. District Court Judge A. Andrew Hauk. The Court of Appeals, which had ordered him freed pending a decision, said its new order will be effective in 10 days.

This gives Lewis' attorneys time to petition the U.S. Supreme Court for a review and an order allowing him to continue to remain free pending a decision.

The SLA tape recording was found in a rubbish heap behind the station and broadcast on June 7.

In that communique, Miss Hearst and the Harrises reaffirmed their revolutionary convictions and denounced Los Angeles police for the shootout in which six other SLA members died on May 17.

The three-judge panel rejected the contention that to produce the tape recording and letter and to answer questions violated Lewis' First Amendment rights of freedom of the press.

"There was no evidence that the requests of grand jury were in the course of official harassment of the press and not for legitimate purposes of law enforcement," said the court.