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Contempt Case Deadline Set

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The U.S. Court of Appeals yesterday gave attorneys for The Los Angeles Times until 5 p.m. Friday to appeal to the Supreme Court a contempt citation against the newspaper's Washington bureau chief. The court permitted the newsman to remain free at least until then.

In a brief order, the three-judge panel said that The Times' Washington bureau chief, John F. Lawrence, could remain free until Friday afternoon. If The Times' lawyers appeal to the Supreme Court by 5 p.m. Friday to have Lawrence's imprisonment stayed, the court said, Lawrence will be permitted to remain free until the Supreme Court acts.

The Times has said that it will go to the Supreme Court if necessary to overturn Chief U.S. District Judge John J. Sirica's contempt citation Tuesday against Lawrence for refusing to hand over materials subpoenaed in connection with the break-in and alleged bugging of Democratic headquarters at the Watergate here.

Sirica cited Lawrence for contempt and ordered him imprisoned immediately Tuesday after Lawrence refused to turn over the materials on the grounds that by doing so his rights as a newsman under the First Amendment would be violated.

The Court of Appeals released Lawrence later Tuesday pending arguments held yesterday morning on continuing the stay of imprisonment.

Following oral arguments before Chief U.S. Circuit Judge David L. Bazelon and Circuit Judges Harold Leventhal and Edward A. Tamm, the court announced that Lawrence could remain free pending further consideration "of papers and arguments" made in the case.

The court's brief order, issued yesterday evening, did not make clear whether it was passing the entire question of The Times appeal to the Supreme Court or simply the question of whether or not Lawrence should remain free pending the outcome of his appeal.

The subpoenas Sirica is trying to enforce seek tapes from more than five hours of interviews that Los Angeles Times reporters Jack Nelson and Ronald J. Ostrow conducted with Alfred C. Baldwin III. Baldwin is a key government witness in the case of seven men charged in connection with the break-in at Democratic headquarters.

On Oct. 5, The Times published a first-person account by Baldwin, as told to Nelson, in which Baldwin outlined how he monitored telephone conversations in the Democratic Party headquarters. Ostrow wrote a story based on Baldwin's first-person account.

According to an affidavit Baldwin filed, he destroyed his tapes of the interviews on the advice of his lawyers.

Defense lawyers for E. Howard Hunt Jr., a former White House aide who is one of the seven defendants, then asked Sirica to subpoena The Times tapes of the interviews. The defense lawyers say they need

the tapes to see if Baldwin's statements to the reporters conflict with his testimony.

Sirica ruled that the defense was entitled to the tapes for purposes of impeaching Baldwin's testimony. When Lawrence refused to turn the tapes over, Sirica cited him for contempt and ordered him jailed.

Lawyers for The Times and the two reporters argue that since Baldwin granted the interview with the explicit agreement that nothing would be published without his approval, turning over the tapes would violate that agreement.

Violating the agreement under a court order, the lawyers argue, would set a precedent that would result in news sources refusing to divulge confidential information to reporters for fear that a court would order the reporters to disclose it.

Sirica, citing a Supreme Court ruling last June that held that reporters have no absolute privilege under the First Amendment protecting them from testifying before a grand jury investigating crime, ruled that the public has an even greater interest in securing the right of defendants in a criminal case to a fair trial.

During oral arguments before the Court of Appeals yesterday, Judge Leventhal suggested that an attempt should be made to have Baldwin release Nelson and Ostrow from their agreement.

In an opinion accompanying the court's order yesterday evening, Leventhal suggested that the subpoena should be returnable on Jan. 5 and that

the materials should be turned over to Sirica. Leventhal said Sirica should not release the material until Baldwin has testified, until an attempt has been made to have Baldwin release the reporters from their agreement, and until Sirica has determined that there is a need for releasing the tapes to the defense.

Leventhal further suggested that the first release to the defense should be in chambers "and there will be no release at public trial until the trial judge determines that there is a need for such public trial disclosure."