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Radio Tapes NL 140

NEW YORK AP - A radio station manager jailed for refusing to turn over tapes about a prison riot to the district attorney was denied freedom Saturday pending appeal.

Justice James B. M. McNally of the state Supreme Court's appellate division turned down a request for a stay of the 30-day contempt sentence imposed on Edwin A. Goodman, general manager of WBAI, a listener-sponsored FM station owned by the Pacific Foundation.

McNally said Supreme Court Justice Gerald P. Culin, who sentenced Goodman Friday, had refused a stay and that only one application was permitted.

However, McNally said he would honor a request that a five-member appeals panel rule on another request for a stay this week.

Culin rejected WBAI's claim that the tapes fell under the state's "newsmen's privilege" statute, which says no journalist or newscaster can be held in contempt for refusing to reveal news sources.

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NEW YORK Radio Tapes NL A253 add: sources.

WBAI officials, in a statement, called Goodman's jailing "a grave injustice," and said it would serve only "to inhibit all newsmen in their role as guardians of the public's right to the free flow of information."

"To deprive the station manager of his personal liberties prior to appeal must be construed as a deliberate attempt by the district attorney to harass WBAI, to intimidate its staff and to silence those who would report the appeals of blacks, prisoners and other voiceless people," the station said.

Culin ruled that the tapes were not privileged because they had been aired by the station.

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