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News Source

Disclosure Ruling

A newsman has to disclose the source of his story if his failure to do so will interfere with a judge's power to control his court and the officers of his court.

The California Supreme Court yesterday implied this restricted reading of a state law which prohibits punishment of a reporter who refuses to disclose the source of his story.

The legal interpretation was surmised by the court's refusal to review a Los Angeles appellate court's ruling to that effect in the case of a newsman held in contempt of court while covering the Charles Manson trial.

William Farr, then a Los Angeles Herald-Examiner reporter, wrote a story based on the pre-trial statement of a potential witness on Oct. 9.

Much of the witness' testimony, published in Farr's paper, was never heard by the jury. The judge excluded it as evidence.

Farr later told the judge he received the material from two of the lawyers participating in the trial, but declined to name them, citing the state law which allows a reporter to protect his sources.

The reporter, now a public information officer for the Los Angeles district attorney's office, was held in contempt. He appealed, claiming immunity under the state law.

The Southern California division of the State District Court of Appeal ruled against him, saying:

"There is an undeniable need for disclosure of the source if the court is not to be thwarted in its effort to enforce its order against prejudicial publicity."

To read the law otherwise would violate the "separation of powers" doctrine and allow the legislature to interfere with the court's right to control its own proceedings and officers, the judicial panel held.