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State Supreme Court Won't

Free Newsmen

SFE Examiner
The California Supreme Court refused today to order the release of Los Angeles newspaperman William Farr, jailed for his refusal to identify a confidential news source.

In handing down its unanimous denial of a petition for a writ of habeas corpus, the seven man court offered no comment or explanation.

It had been told by Mark E. Hurwitz, attorney for the jailed reporter, that Los Angeles Superior Judge Charles H. Older who sent Farr to jail should not have been involved in the contempt proceedings against him.

At the same time, Farr's newspaper, the Los Angeles Times, loosed an editorial blast at creeping court censorship of news reports and the Senate Judiciary Committee in Sacramento cleared a bill that would extend blanket protection from contempt citations to newsmen.

Older jailed Farr for contempt because the 37 year old newsmen refused to identify, which of six lawyers

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involved in the murder trial of Charles Manson gave him a witness' secret story for use in the Los Angeles Herald Examiner, for which then worked.

In his petition today, Hurwitz argued that Older was the person who acted in the manner of a grand jury in bringing the charge of contempt.

He cited earlier decisions by higher courts which held that a judge who acts as a grand jury may not act as a jurist in the same matter.

'Not Impartial'

"He has been so personally embroiled in controversy with this litigant," he said of Older, "that he has not been the impartial trial judge that the due process clause demands."

The attorney also argued that Older acted in the Farr case against a person who was not subject to the gag order he had issued, which was directed to the attorneys involved.

He said the contempt citation, which could keep Farr in jail so long as Older is on the bench, was "in reality a criminal proceeding" against a party who was not subject to the court's original order.

Farr himself, in the Los Angeles County Jail, reaffirmed his vow not to identify his source.

All six attorneys involved have sworn twice under oath

that they did not give Farr transcripts of the witness' testimony.

If he were to identify any of them as sources now, they would be subject to perjury prosecution and disbarment.

The Los Angeles Times editorial, which traced a series of repressive court decisions against the news media, said Farr was in jail "as a portent of things to come."

"His cellmate is the First Amendment," the newspaper said. "Judge Charles H. Older of the Superior Court of Los Angeles put them both there."

Other Elements

It declared that Farr's imprisonment had less connection with his refusal to betray a confidence than with two other elements:

"First, an ugly streak of authoritarianism that is pervading some of the courts and, second, the false free press-fair trial issue that masks an attack on First Amendment protections of press and speech."

The editorial traced current restrictions on press and speech to the effort to protect a "cherished right — a fair trial."

"The impulse toward censorship by those in authority is always strong," the newspaper said.

"The courts have recognized this by repeatedly rejecting restrictions attempted by other government

agencies, but some judges — not all, by any means — have now decided that censorship is the basis of a fair trial."

In Sacramento, a measure drawn up by Assemblyman William T. Bagley (R-San Rafael) went to the floor on an 8-0 vote after Bagley said it would assure "unharassed news media" and "protect the public's right to know."

Current law provides that a reporter cannot be adjudged in contempt by a court, the Legislature, or any administrative body for refusing to disclose news sources.

Bagley's bill would extend that protection to newsmen called to testify before "any other body having the power to issue subpoenas," such as grand juries.

L.A. Won't Support News Bill

LOS ANGELES — (AP) — Los Angeles County Supervisors avoided taking a stand last night on the William Farr case, declining to support a bill by U.S. Sen. Alan Cranston that would guarantee a newsmen's right to

protect news sources.

Supervisor Kenneth Hahn could not get a second to his motion to support the Cranston bill, which says a reporter cannot be forced "by a court, the legislature or any administrative body" to

name sources.

Farr, a Los Angeles Times reporter, was ordered back to jail yesterday for refusing to disclose the source of a story he wrote during the Charles Manson murder trial.