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## Court Won't

## Free L.A.

## Reporter

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By Jerry Carroll

The State Supreme Court refused yesterday to free a Los Angeles news reporter who faces up to 15 years in jail for contempt of court for refusing to reveal the source of a story.

The court declined without comment to consider a petition seeking the release of Los Angeles Times reporter William T. Farr, 37.

He was ordered jailed by Los Angeles Superior Court Judge Charles H. Older for refusing to say where he got the information for a Herald-Examiner story published in 1970.

That story concerned a statement made by a prosecution witness during the

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Tate-LaBianca murder trial of four members of the Manson Family.

Farr obtained a statement from a witness who claimed the family intended to murder other movie personalities in addition to actress Sharon Tate.

The jury, which was sequestered and denied all access to news media, never read the statement themselves and much of the information was never introduced during the trial.

Farr said during a court hearing that he obtained the statement from two defense lawyers and a third person involved in the case, but refused to say who.

He refused to answer on grounds he was protected by a state law guaranteeing the confidentiality of news sources. The three implored him in private not to reveal their identities, Farr said.

Seven months later, when Farr was no longer a reporter, he was summoned back before Judge Older and, when he again refused to reveal his source, was held in contempt. He later went to work for the Times.

#### BATTLE

Over an 18-month period, a legal battle was carried all the way to the United States Supreme Court, which on November 13 let the contempt conviction stand.

Farr's attorney, Mark Hurwitz, had appealed to the State Supreme Court to free the newsman on grounds Older was not impartial.

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

Under the terms of Older's order, Farr can remain in jail until he reveals his source or until the 55-year-old judge reaches the mandatory retirement age of 70 years.

In a lengthy editorial yes-

terday, the Times said Farr's case is an example of a dangerous trend by judges to assume dictatorial powers.

"Farr's imprisonment has less connection with his refusal to betray the confidence of his news source 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 Times said.

The first appeal to the U.S. Supreme Court centered around whether the California law protecting a newsman's right to keep his sources confidential violated the separation of powers doctrine.

The high court held that the law didn't apply in the Farr case because it interfered with the court's need to control its own proceedings and to discipline its officers.

Hurwitz said he will appeal the question of Older's impartiality to the federal courts and will take it to the U.S. Supreme Court if necessary.

From his windowless 8-by-12 foot cell in the Los Angeles central jail, Farr told reporters he was "disappointed" by the State Supreme Court's decision.

He said his conditions amount to solitary confinement. Farr is not allowed to watch television, listen to the radio or talk to other prisoners.

He said "it's not a place where I'd like to have long-time accommodations." The Times said it will continue to pay Farr's salary while he is behind bars.