

L.A. Reporter Back in Jail

-- Won't Divulge Source

Los Angeles

Los Angeles Times reporter William T. Farr was sent back to jail yesterday for an indefinite contempt sentence after flatly accusing two unnamed attorneys in the Manson murder case of again perjuring themselves in court.

Three prosecutors and three defense lawyers swore before Los Angeles county Superior Court Judge Charles H. Older that they had made no deal with Farr. They said he was free to tell where he obtained Manson case material released in violation of a court order.

But Farr told Older that two of the attorneys had "implored and beseeched" him to disregard whatever waiver of confidentiality they might make. He declined to say when that happened, or who the attorneys were.

In sending Farr back to jail, Older said it appeared that the reporter either was being a "martyr without a cause," or had made some kind of an "under the table" deal with the attorneys.

Farr took exception to the judge's remark about being a martyr, calling it a "slur."

"It is a problem of personal conscience and professional ethics, not for the purpose of martyring," he told Older. "I'm the one who knows, and you do not."

Farr's attorney, Mark E. Hurwitz, asked for a stay of execution of the sentence until this morning. The judge denied it and the reporter was taken immediately to the Los Angeles County Jail, where he spend 4½ hours November 16.

Hurwitz said he will fly to San Francisco today to ask the State Supreme Court to free Farr pending action on a petition for a writ of habeas corpus filed last week.

The State Court of Appeal denied such a petition last

week — after previously freeing Farr — and ordered him back to jail. Older stayed that order pending yesterday's hearing.

An overflow crowd jammed Older's courtroom for the hearing, which he began with a 40-minute dissertation on problems of free press and fair trial dating back to the Bruno Richard Hauptmann trial in the Lindbergh kidnaping nearly 40 years ago.

Older said court orders restricting release of information by attorneys and court personnel in pending cases have become a "necessary accommodation" to preserve the rights of both a free press and fair trial.

He said Farr admitted he "set out deliberately to subvert the purposes" of such an order by soliciting persons to violate it in the Manson case.

"In a very real sense, the predicament in which Mr. Farr finds himself today is of his own making," the judge asserted.

He said attorneys have no right to rely on the confidentiality of disclosures made to newsmen in violation of such an order. He characterized it as "a misguided promise to someone not entitled to such a promise."

Older also denied that he had any "personal vendetta" against Farr. He urged those who violated the court order to "have the courage to admit it."

He said it was for this reason that he ordered Manson trial prosecutors Vincent Bugliosi, Stephen R. Kay and Donald A. Musich, and defense attorneys Daye Shinn, Irving A. Kanarek and Paul J. Fitzgerald back to court.

Under questioning by Deputy County Counsel William Stewart, each reiterated under oath that he had not released the material to Farr and did not know for sure who did.

Farr, called to the stand over his attorney's objections then declined to answer when asked specifically if Kay, Musich, Bugliosi, Shinn, Fitzgerald or Kanarek had been his source.

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