

Informant not truthful

District Attorney Busch talks about

JERRY GOLDBERG

The *Antelope Valley Daily Ledger Gazette* has reversed its week of Dec. 15 story which declared District Attorney Joseph Busch was a secret violator of Judge Charles Older's gag order in the Manson trial which subsequently led to the ultimate jailing of reporter William Farr for refusing to reveal his source.

During the same week the *Los Angeles Free Press* had repeated the same story about the secret informant described in a story by *Ledger Gazette* columnist-reporter Bill Mayer. The informant claimed both Busch and Vincent Bugliosi (former deputy district attorney and Busch's opponent during the recent hotly contested race for Busch's post) had given forbidden information to Farr.

Subsequently, both Busch and Farr have claimed that they never knew each other until several months after Farr's story first appeared in print. Meanwhile, Mayer stood by his story, claiming his informant had been an honest member of the District Attorney's staff for several years. The District Attorney asked for an interview with the *Free Press* to tell his side of the story and in a discussion with this writer and Editor Art Kunkin denied his involvement.

Since then the secret informant has refused to talk with Mayer or this reporter about the story. Last week the *Antelope Valley* paper issued a story which said it had been in error for printing the original story and now felt the informant had not been completely truthful with it. Since the *Free Press* based its story almost totally on the research of Bill Mayer, we also acknowledge that an unfortunate error was made.

During the interview, Busch said he had been an acquaintance of Mayer's since the reporter had been press secretary to former District Attorney Evelle Younger. He said he had known Mayer for about eight years.

In discussing his relationship with Mayer, Busch said, "When Younger was elected Attorney General, he (Mayer) came over and talked to me. He indicated an interest in being my press secretary. Of course I had not been appointed District Attorney and I could not commit myself to anybody on anything. And after I was appointed District Attorney we had some conversations that he felt that he was quite instrumental in certain areas of the Board of Supervisors that were influential in my favor. And that he did anticipate being appointed my Press Secretary."

Mayer told the *Free Press* he had been approached by another reporter from the County Courthouse Beat asking if he could sway any votes on the Board of Supervisors for Busch. Mayer said he was then working for Councilman Ernie Bernardi and didn't need a job because of this, besides having sufficient personal savings so he did not have to work at that time.

Mayer said he went to Supervisor Kenneth Hahn and got his promise to vote for Busch. He had been working in Hahn's U.S. Senate race just prior to the incident in question. He said Supervisor Hahn at that meeting indicated a willingness to vote for Busch.

Busch indicated no knowledge of efforts on the party of Mayer. He said, "John Howard, who is my chief deputy, had talked to him about that appointment. I never committed myself prematurely for any favor to anybody to do anything for me in any way. And I never did promise Bill that he would be my Press Secretary. I did not hire him as my Press Secretary. But there was that type of conversation."

He continued: "Other than talking with Bill Mayer himself, I have no independent recollection of anybody talking to me that Bill Mayer should be my Press Secretary. He did indicate a strong desire to be my Press Secretary or News Secretary. I never did commit myself."

Busch continued by saying he never had had any harsh words with Mayer. "I've never had any words of ill will, words of a type that would indicate that he would attack me unjustly. That there would be any acrimony between us."

Busch agreed some members of his staff did not feel he was the best choice for District Attorney. He said, "I think if one were to ask, was there a

group of individuals in the office who felt there should be some change in reference to my being District Attorney, I would candidly have to say yes. That it would meet the proportions inferred during the campaign, that was really absurd."

In discussing the jailing of Farr, Busch said, "I think Farr is absolutely 100 percent right. I believe in the position that he has taken, except that he is protecting two lawyers that I think should have their asses fried. I really believe that when it comes to something like this."

Busch then said the informant who gave the information to the *Daily Ledger Gazette* was a "liar." He said, "I could show you a dozen things that are not factual" in the *Antelope Valley* story.

Bill Farr has now spent more than 30 days in jail. The *Free Press* has learned from one legal expert the jail

inaccurate story

sentence may have been caused because of questionable advice from his attorney.

The problem is similar to those individuals who have taken the Fifth Amendment. If they answer one question they must answer all questions or be considered in contempt. Thus a Fifth Amendment witness will start taking the Fifth from his first moment on the stand.

Farr apparently got into trouble because his attorney stipulated two of six possible individuals gave out the information. He thus gave up all immunity by giving up some of his immunity.

The *Free Press* has not been able to contact Vincent Bugliosi to question him concerning his involvement in the story although we have contacted several people close to him to inform him of our interest. To date, he has not attempted to contact the *Free Press*.

Following are excerpts from the *Free Press* interview with District Attorney Busch. (Interested readers are referred to our issue of December, 72, in which we printed the District Attorney's denial in full.)

JERRY: What I'm basically trying to find out, since we are using someone else's material . . .

BUSCH: Well, I hope you are relying on some other liar and not making it up.

JERRY: I know you're not a lover of the *Free Press*, but . . .

BUSCH: I'm not a dislover of the *Free Press*. The last article that I read in the *Free Press* about the (District Attorney) campaign was as candid and as fair on qualifications and discussions of campaign issues as I've read in any newspaper.

JERRY: I wrote that election issue. I'm sorry that your statement didn't get in (and we had to summarize your views from your literature), but it came several days too late because of the mail.

BUSCH: I thought that was fair. I have no quarrel with that. I thought it was a very fair presentation.

JERRY: (Discussing a headline about 18 administrators in the District Attorney's office being reassigned). There must be some sort of antagonism.

BUSCH: No, that's a mid-management realignment. No demotions at all. Everybody at the

same level will be assuming different responsibilities.

JERRY: I'm a little confused. The City Attorney's office appoints all of his people, yet all of yours are civil servants.

BUSCH: Absolutely. All but two ... of the lawyers.

JERRY: I know you have investigators ... on your staff.

BUSCH: Limited. They are civil servants too. If you want to know what appointive power I have, I can appoint two lawyers. I appoint the head of the Bureau of Investigation, and fifteen detectives. Of 195 investigators they are all Civil Servants. This is not a spoils system. I have not made any appointments or changed any appointments of those that I have the power to since the election or before ... Well, I guess I did add a policeman to my Bureau of Investigation. A retired policeman, who was not active in my campaign.

ART: Let me ask you about an interesting legal problem. The Mayer article doesn't say that you gave him the affidavit. What, then, is the legal position if the reporter gets the material independently and then goes to one of the attorneys, subject to the gag order, who knows something about the matter and gets an affirmation or denial?

BUSCH: Well, I think that attorney would be in violation of the gag law. When you're under a court gag order (and let me reiterate that I don't believe in them), it would still be a contemptuous thing on the part of an attorney to affirm a rumor or a story. Obviously, that particular attorney would know that they are seeking an affirmation and verification of what they were about to write. I would say that as an officer of the court he would be in violation of the gag order.

I think he would be duty bound to say, "Don't print that story" ... As a lawyer, I'm not going to say, "No comment" ... I'm going to say, "Yes, that is true, but if you print it, it would be in violation of the court order. And that would be in contempt." I don't think that hiding the truth is anybody's virtue. I have no idea how Mr. Farr got his transcripts.

JERRY: What about the fact that during the Hinman trial, Wally Burke in the Santa Monica Outlook and Ron Rouders apparently talked to lawyers for a girl named Howard who had also been a cell mate of Susan Atkins and they subsequently printed much of the story of the mass plot theory to kill half of Hollywood off.

BUSCH: I think that everybody is losing their perspective in the Farr case. What we are concerned about in the Bill Farr case is, did persons subject to the gag order violate it? The next question is: who is subject to the gag order? The officers of the court and the witnesses. Not the press.

... First, I ever even knew about it was in March or April, when Farr came in and was an employee of mine. I received a call from a Judge that there might be an inquiry about it. I had no knowledge of it. My men had never talked to me, communicated to me in any way that there had been any inquiry or discussion. I may have read (Farr's) story (in the newspapers) but I don't remember ... But when he changed jobs,

suddenly the judge called him back. And said, OK, now tell me. And Bill refused. He had an attorney there and the attorney said, "Well, your honor, he doesn't want to disclose it but we will stipulate that it was two of the six attorneys on record." This is what bothered me about it.

ART: Why did he do that?

BUSCH: That's why this kind of a story ... retches you for factuality. Farr subsequently agreed that it was two of the attorneys. On the record, under oath. Now this is in essence why the judge held him in contempt, and they appealed. Everybody was under the impression, and it was my impression, that Judge Older had called him in March because he had changed his status from a reporter to a working man for the D.A.'s office. The Judge said, "You no longer have the protection of the reporter's privilege because you have changed status." That was my impression.

JERRY: That was what the judge said at that time.

BUSCH: Look. If Bill had said, like you would say and I would encourage you as newspapermen to say, "I'm not going to tell you," nothing would have happened. But when he said, "Hey, there are four of us here, and one of them told me." And all of us happen to be officers of the court ...

ART: Can you speculate why he made that stipulation?

JERRY: He did not, the attorney did.

BUSCH: ... the attorney did. Ask Grant Cooper. I could tell you how Bill Farr could have walked away. He could have walked up there and said, "I refuse to answer on the grounds that it might incriminate me." Because the lawyers, the two lying sons of bitches, lied. So he knows someone who is committing perjury. Now Bill Farr would not take that position. He will not take the position of "I will not answer on the ground that it will incriminate me." He takes the position that, "I gave my word as a newspaperman that I wouldn't disclose who these two lawyers are." And I admire him, and I think he's right. I think the most damaging thing in the world is to be identified as the lawyer who put him in jail. Two of those lawyers are no good sons of bitches. And I don't know who they are.

ART: Are you sure that he is telling the truth about that?

That question came up in my mind because Jerry's information indicated that Bill had originally gotten the information from the girl in the jail cell.

BUSCH: I could not imagine, ... just as a reasonable man, that I would take a fall on a principle to protect two liars on a false premise ... People are beginning to question, is he truthful? These are the things that are bothering Bill as he sits there. You can never convince me that a man of Bill's character could have created the fabric of a story that would achieve those results if it wasn't true.

JERRY: Do you want to go through sections of your letter to us?

BUSCH: Yes. Let me show you what I dispute in that. One is that imprisoned reporter Bill Farr may surprisingly be protecting District Attorney Busch from the court room order of Judge Older forbidding attorneys from divulging information of the Manson case to the press. He is not protecting me. And has never disclosed to me who was involved, and I have never discussed with him in any way this article that appeared in the paper. "Later checked his facts with Busch before publication, thus involving him in a possible conflict with the gag order." I have never discussed at anytime, anywhere with Mr. Farr any story.

JERRY: You didn't know him at all when he was on that beat?

BUSCH: I didn't know him until either December or January when he was recommended as a possible candidate for Press Secretary.

Now the third one. "Busch knew

Correction

The photographs of the Berkeley City Council used last week were taken by Tim Wiese.

COMING NEXT WEEK

Next week the Freep will publish more "Science of Breath," a Freep view of 1972, the latest lab analysis of street drugs done by the USC Medical Center and the Astrology column will return. The mail got messed up this week.

about Farr's story before it appeared in print and had given Farr the idea that it was all right to run the story." Well, that's not true. I never saw the story. I wasn't even aware that the story was even going to appear in print. Nobody involved in the prosecution of the case had even intimated to me about it.

Four. "Busch's role in the story that ultimately lead to the jailing of William Farr." I think what we are referring to, and again I am editing other names out, is that I in some way gave some sort of credence or permitted or encouraged Mr. Farr to participate in the violation of the gag order. And this is not true.

Five. "And then showed his story to Busch and asked him if the story would get Farr in trouble. Again, he was supposedly told that the information was basically correct." I have never even seen the statement of the girl that was involved. To this day, it was never presented to me, nor have I ever had such a discussion nor did I ever give such an approval. I know somewhat the substance of what her story was now that it's been in the public eye.

Six. "Is Farr now protecting both his original source as well as Busch?" That's not true.

Seven. "Busch was apparently involved in the possible violation of Judge Older's Gag rule." That's not true. I've never been in violation of any gag order, issued by Judge Older on this or anything else.

Eight. "Perhaps this also explains why Busch was obviously very nervous throughout the first hearings and has taken unusual pains to make comfortable arrangements for Farr's family. Well, I don't know when the first hearing was ...

JERRY: I was thinking of the ...

BUSCH: I was not nervous. I was not a bit perplexed about the hearings at all. I was concerned about Mr. Farr.

JERRY: I'm talking about the day he was remanded ... We sat and watched you, and we all thought you ...

BUSCH: Was nervous ...? Really, well, that would be an observation. It would be subjective.

JERRY: That was subjective, and it was subjective the way I wrote it. You were very solicitous of his family at that time.

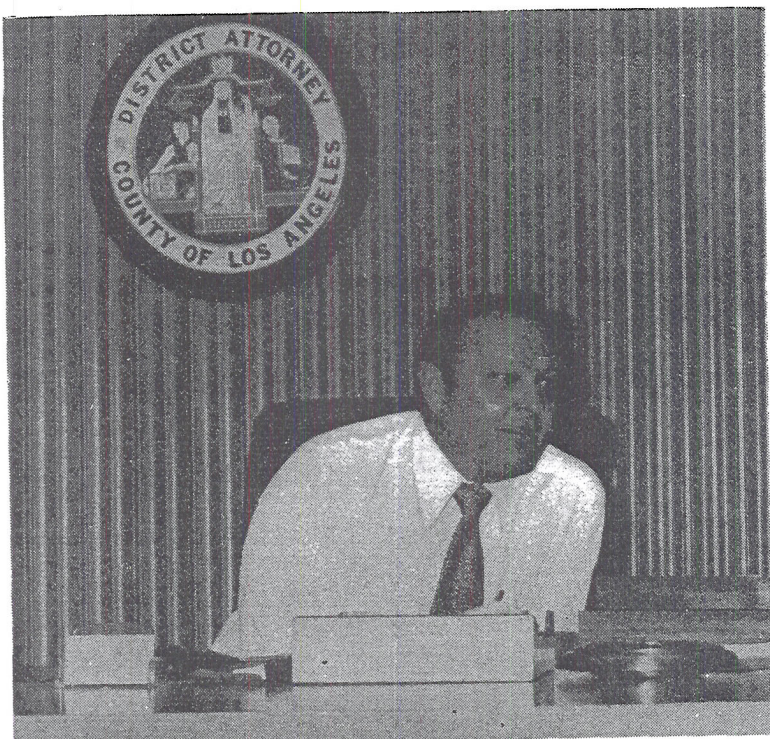
BUSCH: I do not have anything to do with arrangements for ...

JERRY: No, I was trying to put down about that particular moment.

BUSCH: As a matter of fact, I met Mr. Farr's family for the first time when he had a fund raiser at the Coconut Grove.

JERRY: They were up here originally.

TOM McDONALD: I was with you as you walked over to the sister who broke down in tears.



District Attorney Joseph Busch

replaced. First, the use of ornaments requires great care so that one can strike a balance between exaggerations of the period and what is acceptable today. Second, the vigorous tempi favored by modern Handel specialists contribute vitality and excitement, but can also wind up destroying intensity and drama. The exclusion of sentimental rubati is probably the only performance practice that carries with it no built-in hazard.

These ideas came to mind last Thursday night during a performance of *Messiah* featuring Margaret Price, soprano, Claudine Carlson, mezzo (sic), Michael Best, tenor, and Benjamin Luxon, bass, the Los Angeles Master Chorale (Roger Wagner, director), Owen Brady, organ, Susanne Shapiro, harpsichord, and the Los Angeles Philharmonic, all under the direction of Zubin Mehta.

Following a recent English practice, Mehta opted for Baroque performance techniques and resources. Cutting the orchestra personnel to only a few more than the original Dublin performance and limiting himself to the sparse original orchestration, he then limited the size of the choir to about fifty voices. And given the bright acoustics of the Pavilion, these resources were more than adequate.

Consistent with Eighteenth-century practice, Mehta allowed a variety of embellishments in solo, choral and instrumental parts which were, for my money, generally successful; there were many more of these in this performance than in, say, Colin Davis'

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involved in this should be disbarred, that they should never practice law. They are a disgrace to the profession. I don't know how other people feel, but I really feel that way.

ART: I am quite ready to believe the dirty politics that are around the District Attorney's office and the enemies that you would make. I spent four months in New Orleans during the Clay Shaw trial. I don't know what you think of Jim Garrison, but at any rate I was about the only reporter there that he related to. I learned a lot about the internal politics of that office and it was hair raising. I'm going to inquire further, but I'm very impressed by your candidness in speaking to us.

BUSCH: I have nothing to hide. ^{END}