

## COAST NEWSMEN AWAITING APPEAL

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Editor Sentenced Over  
Refusal to Name Source

NYTimes

FRESNO, Calif., April 24 (AP) — Four Fresno Bee staff members, including the managing editor and city editor, have until May 23 to appeal indefinite jail terms over their refusal to disclose a news source. The four have been ordered to jail until they disclose the source of material from a sealed grand jury transcript that The Bee published. The start of their indefinite jail terms was delayed to give The Bee time to appeal on constitutional grounds and on the basis of state law that permits newsmen to protect confidential sources of news.

After the city editor, James Bort Jr., was sentenced yesterday, Superior Court Judge Denver Peckinpah said that appellate courts up to the United States Supreme Court had already refused to halt his hearing aimed at finding if a court official leaked the material.

Of editorials in The Los Angeles Times and San Francisco Chronicle denouncing three previous indefinite sentences, Judge Peckinpah said, "I don't care how much pressure is put on me individually. As long as the law remains as it is, I will do my sworn duty to uphold it."

Mr. Bort said later, "There was an important principle involved—the right of confidentiality without which often we would be unable to get and publish information of interest to the public. On behalf of all of us, we are not intimidated by threat of jail sentences. We

do not intend to reveal our sources."

Judge Peckinpah said his use of indefinite sentences was "coercive rather than punitive." He said he could have pronounced sentences of up to five days in jail for each of 73 contempt counts.

A distinction between punitive and coercive sentences was made by Judge William H. Levit of California Superior Court last year in the case of William Farr, a newsmen jailed for refusal to identify a source.

Judge Levit ruled that Mr. Farr could not be given an open-ended sentence, which the judge suggested was punitive, but that the newsmen could be given a fixed term for refusal to obey a lawful order.

Attorneys for the Fresno Bee contend that ordering the four to jail until they purge them-

selves of contempt by answering questions is punitive because they have vowed never to reveal their source.

Jail sentences were imposed at a hearing Monday on the managing editor, George Gruner, and the reporters, Joe Rosato and William Patterson.

The transcript involved a bribery-conspiracy indictment against Fresno City Councilman Marc Stefano and two other persons. Mr. Stefano was acquitted Monday in Oakland.

### Illegal Weapons Seized

TUCSON, Ariz., April 24 (AP)

—Federal authorities are investigating sales of illegal weapons after the arrest Monday of John Andrew Dane, a self-styled soldier of fortune here. Mr. Dane was arrested with a large quantity of weapons and explosives.