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# Can Farr Stay Out?

by  
Steve Calahan

Northern Iowan editor Steve Gibbons and I attended the People's Right to Know freedom-of-the-press symposium at the University of Iowa the weekend of February 2-4.

Speaking at the symposium was *Los Angeles Times* reporter William Farr. I had expected Farr to be the dominating, Jack Anderson-sort-of newsman. I'd gotten that impression from reading clippings on Farr in the *Des Moines Register*. The *Register's* rather uncomplimentary head-shot of Farr had made him seem head-strong and somewhat vain to me.

After all, this man had been in jail for 46 days. He had been jailed on contempt of court charges by Los Angeles City Court Judge Charles Older. One of the six attorneys involved in the Charles Manson murders case had slipped Farr a copy of a confession by a witness which pointed to Manson's guilt. Farr incorporated parts of the confession into a story which was published by his one-time employer, the *Los Angeles Herald-Examiner*. When Farr refused to tell Judge Older which two of the attorneys had released the confession transcript, he was jailed for contempt.

During his stay in jail, Farr's attorneys tried to arrange appellate hearings before higher courts. Only one higher court would hear his appeal, that court reaffirming Farr's conviction. The US Supreme Court refused to hear an appeal. But two months ago, Supreme Court Justice William Douglas ordered Farr freed until more appeals could be heard, saying that the nation's high courts have not yet considered questions which Farr's case had raised.

Reporters have in recent years claimed that a journalists' privilege exists which prevents journalists from being forced to reveal sources of information. The Supreme Court said in the 1972 Earl Caldwell case, that the First Amendment, on which the claims of the privilege are usually based, does not afford protection to journalists trying to keep their sources confidential.

If an appeals court rules against Farr in the future, he may have to return to jail for "forever and a day" or until he reveals his sources. Such was the sentence which had been imposed upon him by Older. Said Farr of his sentence, "One of the bases for our appeal is that the open sentence, without any limitations as to how long one may stay in jail, is cruel and unusual punishment . . . hypothetically I could be in jail for the rest of my life."

Why is Farr being so stubborn about keeping his sources secret? During the Manson trial, Judge Older had issued an order barring the public release of any information by the trial attorneys. This was done to protect Manson's Sixth Amendment rights to a fair trial. All six attorneys have under oath denied that they leaked the confession to Farr, meaning that two of them perjured themselves. If Farr revealed which two attorneys had given him the confession, the lawyers could be disbarred and their careers ended.

With firm conviction Farr held "I would not have done the story had the jury not been sequestered (been housed in a hotel, isolated from the outside world)." He related that before printing the story on the confession, he had worked with Judge Older to filter out that information which might be prejudicial to the jury even if they were to see it. Despite Older's expressed concern over Manson's right to a fair trial, Farr noted, he denied a motion for mistrial after Manson flashed a newspaper with the headline "Manson Guilty, Nixon Declares" at the jury.

A student asked Farr of his present relationship with Older. With a broad smile across his face, the reporter said "I've been tempted a couple times, although this judge has no sense of humor, to say to the judge 'now I've gone far enough, I'm going to have to tell them that you're the one that gave the information to me.'"

Farr has been covering another trial in Older's court for the *Los Angeles Times* since being freed. "The first day, he (the judge) studiously avoided any eye contact. But the second day he managed to smile and nod at me. I smiled back. I thought seriously about sticking out my

Photo by Doug Jacobs, *The Daily Iowan*

tongue," said Farr with a laugh.

Farr does not believe that the judge is "out to get him." "The judge doesn't really want me," he said. "It hasn't been a personal vendetta. He wants to discipline the attorneys. Quite simply, he wants me to squeal on them."

Regardless of the judge's intentions, Farr's trial has imposed great hardships on him. In paying the costs of his trial and the subsequent filing of appeals, Farr went \$6000 in debt, even though his attorneys had donated their services. In order to file appeals with the US Supreme Court one must file 40 copies of the appeal, most copies going to various law libraries around the country. This costs thousands of dollars. Fortunately the *Los Angeles Times*, for whom he now works, has assumed all of Farr's legal costs.

Newsmen must be able to maintain confidentiality of news sources, the argument goes, so that sources will not dry up as fonts of information. Some states have enacted "shield" laws which forbid the forced disclosure of sources in certain situations. According to Farr an absolute shield law must be passed by Congress which would forbid forcible disclosure in any instance. There would be abuses if such a law existed, he felt, but the good effects would outweigh the bad. However, Farr stated, Congress will probably pass a shield law which is not absolute but one with exceptions for cases involving crucial matters such as natural security.

This man, who has been accused of being a martyr without a cause by his detractors, told those at the symposium he is regretful that his case is the most well-known in the field of reporters' privilege. Farr thinks that there are better cases than his which point to the need for an absolute shield.

He said "This isn't the sort of story where there was any vast public good at stake," as was the case with the Watergate investigation. The next time it is important for the public to know something (the "People's right to know" concept) sources might not talk.

I was very impressed with Farr's level-headedness. He

was willing to listen to the opinions of people in the audience. Whereas, panel members such as George Reedy, former press secretary to President Lyndon Johnson, were ready to blast any persons who questioned their positions.

Said Farr, "Even with people in the press, many times in speeches you hear all this rhetoric about freedom of the press without any very good concrete reasons given to the citizens why, for instance, we want the privilege."

One person in the audience had asked panel members if granting absolute privilege to newsmen would not be tantamount to giving a blank check to reporters, a privilege which could be abused.

"It's a legitimate question," Farr emphasized. "But some of the panel members treated the guy like he was a dummy. This guy's going to go back and talk to 20 people he knows and, based upon the treatment he got, is certainly not going to be an ally, if he's as bright as I think he is. And I just couldn't blame him. We didn't satisfactorily answer his question. Not only that, I thought several of the replies were insulting to him." Public support must be courted, the reporter implied, for "in the end it will take public support to get good legislation passed."

Farr seemed like quite a guy. Throughout his talk he remained very earthy, very modest. He did not show the sickening, inflated ego that I saw in some of the professional journalists attending the symposium.

Steve Gibbons and I were among the 30 or so persons riding a bus to the Amana colonies for supper on the day of Farr's appearance. Throughout the ride to and from the colonies and during the meal, we listened to old crony journalists and stuffy Sigma Delta Chi (a professional journalists' society) members bore each other to death with tales of past experiences. Farr rode in the back seat of the bus, his hands between his knees, leaning forward a bit, and just wanting to be another one of the guys." He would pleasantly answer questions asked of him. But his widest smiles he gave to those who made small talk, any talk which did not relate to the journalism profession.

As usual, he seemed a man trapped by circumstance.