

Arrest of Leslie Bacon by U.S. In Capitol Bombing Held Illegal

By WALLACE TURNER
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SAN FRANCISCO, Sept. 30—The Federal Government acted illegally when it arrested Leslie Bacon in Washington to force her to testify before a Seattle grand jury about a bombing in the National Capitol, the United States Court of Appeals for the Ninth Circuit held today.

The court did not clarify the question whether Miss Bacon, 19 years old, must still be punished for contempt because she refused to testify to the grand jury. The ruling, in response to a habeas corpus petition, quashed the material witness detention warrant that had brought her arrest.

She had not been charged with a crime when she was taken into custody at a com-

mune in Washington by a raiding party of Federal Bureau of Investigation agents.

The warrant of arrest as a witness was issued by Federal District Judge George Boldt in Seattle on April 22, and Miss Bacon was arrested April 27. The warrant was based on the assertion of Federal officials that they thought she would flee to avoid testifying, and that her evidence was material to their investigation.

The Court of Appeals held that this assertion met only part of the test for issuance of a witness arrest warrant. What

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also is required is the showing of evidence that she would flee to avoid testifying, the appeals court held.

The court held that Miss Bacon had been denied the opportunity to appear willingly that is afforded to most other witnesses.

Miss Bacon's arrest and transportation to Seattle where accomplished under the guidance of Guy Goodwin, an Assistant Attorney General in the Department of Justice's Internal Security Division.

She was before the grand jury for the better part of weeks in May as she and her lawyers jockeyed with Mr. Goodwin. Finally, she was offered immunity, which was limited to the promise that her answers would not be used to prosecute her.

She and her attorneys contended that this offer was not really a grant of immunity and refused to accept it. She was then sentenced to jail by United States District Judge William N. Goodwin of Seattle.

It was on May 19 that Judge Goodwin sentenced her to jail until she answered or until the grand jury was dismissed. He set bond at \$100,000. Miss Bacon stayed in jail until June

16, when the Court of Appeals here said that she should be released in the custody of her attorneys.

In the early stages of her questioning by Mr. Goodwin before the Seattle grand jury, Miss Bacon was asked about the part she had allegedly played in an aborted attempt to firebomb a bank in New York.

State authorities had declined to press charges against her, while six others were indicted and five sent to prison. Miss Bacon answered questions about the firebomb plot in New York when she was before the Federal grand jury in Seattle. She said that she had withdrawn from the plan before it had been undertaken by the others.

Later, when she refused to cooperate with Federal prosecutors, she was accused in New York Federal court of conspiring with six other persons to firebomb the bank. Her answers to the Seattle grand jury were part of the basis of the charge.

She was arraigned on June 29 in New York, but no trial date was set. She continued to be free on bond. The six named as conspirators in the Federal charge, but not accused with Miss Bacon, were the six indicted by New York authorities.