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# F.B.I. Misuse of Grand Jury Alleged by Lawyers in

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LEXINGTON, Ky., Feb. 22—

The Justice Department was accused yesterday of allowing the Federal Bureau of Investigation to use a grand jury as a tool in its search for a pair of long-sought fugitives.

The charges were made by attorneys for six young people called by a grand jury here after they refused to talk with F.B.I. agents about Katherine Power and Susan Saxe, two former Brandeis University students who have been on the bureau's "10 most wanted" list since 1971.

The two women apparently lived and worked here last year under false names and the F.B.I. has focused its inquiry on those who may have known them during that period, including the five women and a man subpoenaed by the grand jury earlier this month.

### Immunity Imposed

Yesterday, Federal District Judge Bernard T. Moynahan Jr. granted a request from the Justice Department to impose immunity on the six witnesses, thereby neutralizing their right to protection against forced self-incrimination and requiring them either to testify or be held in contempt.

In testimony, interviews and affidavits, agents of the bureau were accused of the following:

¶ Harassing the young people and informing their relatives or employers of their homosexual life-styles.

¶ Threatening the young people with grand jury subpoenas should they refuse to cooperate in the bureau's search for the fugitives.

¶ Giving friends and relatives

of the young people false information about them as a means of inducing the friends' and relatives' cooperation.

The F.B.I. inquiry, the subpoenas and the immunity ruling by Judge Moynahan are the latest episodes in a long, violent and sometimes bizarre story that began with the killing of a bank guard in a robbery in Boston in September, 1970.

Miss Power and Miss Saxe were indicted that year by a Federal grand jury for interstate flight to avoid prosecution for that slaying and in 1971 both women were placed on the F.B.I.'s "10 most wanted" list.

### Revolutionary Tie Alleged

The bureau said that the women were members of an unnamed revolutionary organization.

Last summer, two women, Lena Paley and May Kelley, moved into the fringes of the University of Kentucky campus here, living and working among its tiny homosexual community.

The F.B.I. believes Miss Paley and Miss Kelley were Miss Power and Miss Saxe and the bureau's investigation has focused on that same community, specifically on the six young people involved in yesterday's hearing before Judge Moynahan.

All of them — Jill Raymond, 23 years old; Maria Seymour, 22; Gail Cohee, 21; Debbie Hands, 22; Linda Link, 22, and 19-year-old James Carey Junkin—say they refused to speak with F.B.I. agents who got in touch with them about their possible acquaintance with either Miss Paley or Miss Kelley.

They were immediately subpoenaed by the grand jury.

The bureau does not have general subpoena power, and a citizen has the right to decline an interview with its agents. Federal law, however, makes it a crime to lie to a Federal agent.

Robert Sedler, a professor at the University of Kentucky Law School, and Judith Peterson of Tampa, Fla., the lawyers for the six, argue that the F.B.I., failing to elicit information through normal interviews, caused the grand jury to issue the subpoenas.

"They don't have a very good record of finding people these days," Mr. Sedler said. "They can't find Saxe and Power and

they're so frustrated they're willing to abuse the law—which is exactly what they're doing in this case."

His allegations aside, agents here and elsewhere were reportedly quite eager to interview the six reluctant young people.

From Albuquerque to Detroit to Seattle, the bureau dispatched men to get in touch with friends or relatives of the witnesses here, and in some instances those who were reached say they were shocked by the agents' techniques.

### F.B.I. Overtures Reported

Alan Russell, a friend of Miss Raymond, was reportedly asked by agents to come here from Detroit to persuade her to cooperate with the F.B.I. The agents who visited him promised to pay his expenses, he said, and suggested to him that should he fail, Miss Raymond would be in great difficulty.

Another of Miss Raymond's friends, who asked not to be identified, said that agents had been "harassing" and "insulting" when they visited her in Albuquerque to ask about a gasoline credit card Miss Raymond had borrowed from her.

On another occasion, according to an affidavit from Letty Ritter of Lexington, F.B.I. agents asked her to inform the witnesses that the bureau had letters in its possession that provided answers to the questions they wished to ask.

"Now, if that's the case," Mr. Sedler asks, "why do they need these kids in front of the grand jury? I'm not only curious as to where they got the

letters—if they have them—but also why, if they have letters that answer all the questions, they need to ask them any further questions. Are they trying to set them up for perjury?"

Some of the witnesses said that their relatives or employers had been told by F.B.I. agents of their preferences for homosexuality. Some of the witnesses also said that since they had declined to cooperate in interviews with the bureau, they had been followed by agents. Mr. Junkin said that he had been stopped three times by the local police, asking for identification, since he declined to participate in an interview.

"What this is about really," Miss Peterson, the attorney, said, "is that the Justice Department is using a Federal

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## Fugitive Case

grand jury to obtain information which would assist the F.B.I. in the apprehension of suspects already under indictment—and that just is not the function of the grand jury."

The "use immunity" imposed by Judge Moynahan yesterday at the request of Eugene Siler, United States Attorney, means that testimony given by any of the six persons before the grand jury cannot be used in any prosecution against them. They may still refuse to testify, but Mr. Siler said yesterday that he would immediately charge them with contempt of court. Should that occur, and any of them were found guilty, they would be jailed until they agreed to testify or until the life of the grand jury expired—18 months.

REMP

## C.I.A. Agent Used in Effort to Aid Vesco

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WASHINGTON, Feb. 22 (AP)—An agent for the Central Intelligence Agency was used in efforts initiated by former Attorney General John N. Mitchell to free Robert L. Vesco, the financier who is now a fugitive in Costa Rica, from a Swiss jail.

The agent told the chief of Swiss intelligence on Dec. 1, 1971, "that there was unusual interest in higher United States governmental circles, including Attorney General Mitchell, in this case and that we hoped that Vesco would be released on his own recognizance today," according to a memorandum stamped confidential that was shown to The Associated Press.

A spokesman for the C.I.A. confirmed that the conversation had taken place but denied any agency involvement in the Vesco affair. "Don't hang it on us as an agency undertaking," the spokesman said. "This duty was in no way in his C.I.A. capacity. It [the conversation] was regarded as a routine cover mission."

The memorandum, written by the C.I.A. agent to Richard D. Vine, then deputy chief of the United States mission in Berne, goes on to state that the Swiss official, Hans Walder, replied that he knew nothing about the case and could not intervene in any event, but promised to make inquiries. Several hours later a Swiss court ordered Mr. Vesco released on \$125,000 bail.

The memorandum does not identify its author as a C.I.A. employe, but the agency confirmed his position after the A.P. had obtained independent confirmation of the fact. Confirmation was contingent upon preservation of the agent's anonymity.

Mr. Vesco spent one night in Saint Antoine prison in Geneva on charges involving an alleged attempt to remove securities from a Swiss bank. The charges against him were later dropped.

Some of the details of Mr. Mitchell's efforts on Mr. Vesco's behalf were made public during last year's trial in which Mr. Mitchell and the former Commerce Secretary, Maurice H. Stans, were acquitted of attempting to influence an investigation by the Securities and Exchange Commission in return

for a secret \$200,000 Nixon campaign contribution from Mr. Vesco.

The memorandum describing the contact between the C.I.A. official and Mr. Walder was made available to both prosecution and defense attorneys but was never made public. There is no indication that any of the attorneys were aware of the agent's true position.

Evidence presented at the trial shows that Mr. Mitchell spoke with Mr. Vine by telephone on the evening of Nov. 30, 1971, the day Mr. Vesco was arrested by the Swiss authorities. Mr. Vine, who already had made inquiries about Mr. Vesco's legal difficulties, testified he had told Mr.

Mitchell that a Swiss magistrate had said Mr. Vesco would probably be released on bail the next day but that nothing could be done to spare the multimillionaire a night in jail.

Documents made available to the A.P. show that the next morning Mr. Vine received a phone call from one of Mr. Vesco's lawyers asking if the financier, who was then under S.E.C. investigation in connection with his efforts to take over the mutual fund complex created by Bernard Cornfeld, could be released on his recognizance. Fifteen minutes later, the documents show, Mr. Vine got in touch with the C.I.A. agent and asked him to speak to Mr. Walder in "a low key."