

Post 107171

Court Says Leslie Bacon Held Illegally in Bombing

From News Dispatches

A federal appellate court in San Francisco ruled yesterday that antiwar activist Leslie Bacon was illegally arrested as a material witness last April in connection with the March 1 bombing of the Capitol.

A three-judge panel of the Ninth Circuit of the U.S. Court of Appeals granted Miss Bacon's petition for habeas corpus and ordered her arrest warrant quashed.

Miss Bacon, 19, spent 1½ months in jail in Seattle on a contempt citation after she refused to answer questions put by a federal grand jury there in its investigation of the still-unsolved Capitol bombing.

After her release in Seattle on \$10,000 bond on June 16, she was indicted by a New York federal grand jury on charges of making bombs and conspiring to blow up the First National City Bank in Manhattan. She already had been indicted by another grand jury in New York on charges of conspiring to bomb the same bank.

Miss Bacon, a former member of the Mayday antiwar group, is free on \$10,000 bond from those charges and is living in New York City, according to her former Mayday associates here.

"She's just living there and trying to survive," said Stephen D'Arazi, of Washington, a former Mayday activist. D'Arazi said she faces a possible 75 years in prison on the bank conspiracy charges.

The Court of Appeals in San Francisco said that the warrant issued for Miss Bacon's arrest as a material witness last April 22 was illegal, since it assumed without a proper basis that Miss Bacon would not answer a routine subpoena.

The court ruled that a proper arrest warrant must be based on probable cause that the witness's testimony is material and that it would be impractical to use a subpoena.

The first test was met in the case of Miss Bacon, the court ruled, but the second was not. "Mere assertion (by the U.S. attorney) will not do," the court ruled.

Miss Bacon, the daughter of an Atherton, Calif., lumber firm owner, was arrested here at a Mayday commune on Lanier Place NW on April 28 and flown to Seattle the next day to answer questions by the grand jury.

When she refused, the court granted her partial immunity, but she again refused and was cited for contempt.



Associated Press

Leslie Bacon escorted by a U.S. marshal to the U.S. courthouse in Seattle, Wash. last May.