

# Even If They're Not Guilty, They

A Commentary

By Nicholas von Hoffman

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"The FBI needs an excuse as to why they can't find people, so they think this is a Lesbian conspiracy," says Robert Sedler, a Lexington, Ky., lawyer who has had five clients in jail since March 8 as a result of whatever it is that passes for thought at FBI headquarters.

All in their early 20s, four of them are women. In Connecticut, two other women are in jail for the same reasons. David Rosen, their lawyer in New Haven, says the G-men have even gone to the extent of tracking down the mother of one of his clients in another state

and telling her, "You may not know this, but your daughter is a Lesbian"

The reason for these jailings goes back to Sept. 23, 1970, when two women and two men robbed the Brighton branch of the State Street Bank in Boston. A policeman was murdered and shortly thereafter the two men were arrested for their part in the crime. One was convicted and sentenced to the electric chair, where he never sat, thanks to the Supreme Court; his confederate killed himself in jail before he could be tried.

Two Brandeis University students, Kathy Power and Susan Saxe, were indicted by a grand jury for the crime but have not been caught. It appears that they have escaped arrest by living under assumed names, holding

## Could Still Be of Some Help

Poster

ordinary jobs and making friends with people in the Woman's Movement.

Using the aliases of Lena Paley and May Kelley, they may have lived in the student feminist community of Lexington last summer, where it is supposed they made the acquaintance of some of Sedler's clients. The FBI thought so and yanked the clients before a grand jury, where they refused to testify. They've been in the cooler for contempt practically ever since.

In open court their lawyer told the judge that he was authorized to say in his clients' names that "None of us knows the present whereabouts of the persons known as Lena Paley and May Kelley. We state this to the court and we further state that we had no knowledge or

reason to believe that Lena Paley or May Kelley were persons other than the persons they claimed to be, or were fugitives from justice."

Much the same thing happened with the two women locked up in Connecticut. However, the government isn't alleging that any of them broke a law. What the government is after is a rundown on the lives and private affairs of people in the Women's Movement, whether gay or straight.

Maybe the Justice Department theorizes that the new threat to national security comes from this unlooked-for sector of society. A less bizarre possibility is that the

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# Even If They're Not Guilty They Could Be Helpful

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FBI has concluded no underground is hiding these two names on its most wanted list, but that, if the agents can understand the characteristic patterning of the feminist, radical sub-culture, they will be able to anticipate Power and Saxe and capture them.

That may be so, but such information can't be gathered without grossly intruding on the privacy of many innocent people. What a thing to do to gays, but straight women, who come to consciousness-raising sessions to talk out the most delicate aspects of their womanhood should not also have to worry about an extra man in their lives, namely Clarence M. Kelley, the head of the FBI.

To use the grand jury to extort such information doubles the seriousness of what these but-inkists are

doing. The grand jury wasn't created to be an investigative tool. Its purpose is to protect citizens against malicious prosecution by the authorities, not to afford the FBI subpoena powers that Congress has conspicuously refused to grant it. This instance of the use of the grand jury as a chamber of interrogation is less justifiable than most, since all the defendants in the bank robbery were indicted years ago.

Beyond this, there is some evidence that the FBI is now fanning out to bother people in the Women's Movement who have never laid eyes on Power and Saxe by any name. One such is Margie Robertson of Terrace Park, Ohio, an officer of the local NOW chapter there. She says that in February she was visited by a woman who identified herself as an FBI agent named Mary Elizabeth Denn. Denn was very polite but she wanted to

know all about Mrs. Robertson's feminist friends and organizational connections.

Mrs. Robertson, who had to put up with this questioning while nursing a sick child, says Agent Denn subsequently showed up at the Cincinnati Rape Crisis Center where "she started flashing her badge around and had to be asked to stop intimidating people."

Not long after the visit by Denn, Mrs. Robertson reports she began to experience telephone troubles: "Sometimes I can't hear on it; sometimes I hear the sound of a broken tape on a reel. When that happens we tell them, 'Get it together, boys.'"

Good idea, fellas. Get it together and clean up your act while you're at it.