

Miss Bacon Granted Immunity, But She Still Balks at Questions

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SEATTLE, May 19—Leslie Bacon was granted immunity from presentation today but still refused to answer questions before a Federal grand jury investigating the bombing of the United States Capitol.

Miss Bacon's lawyers said they had advised her that the immunity was not sufficiently broad to protect her constitutional liberty against self-incrimination and that she could still be prosecuted for crimes about which she might testify. The questions that Miss Bacon has refused to answer have not been disclosed. But her lawyers have said that she has been asked about the March 1 bombing of the Capitol as well as about her travels and meetings and about individual in the antiwar movement.

In the event that the 19-year-old antiwar activist is ordered to answer under threat of contempt, the questions that she refused to answer will be listed and she will be returned to the grand jury to answer them. If she then refused to answer, she would go before Federal District Judge William N. Goodwin to be declared in contempt and sentenced.

Delay Is Rejected

It was Judge Goodwin who issued the grant of immunity today after turning aside attempts by Miss Bacon's lawyers to delay the case.

"Is it your position you do not want your client to have immunity?" Judge Goodwin asked of Jeffrey Steinborn, one of Miss Bacon's lawyers. Mr. Steinborn deferred to Jennie Rhine, another attorney, said: "This kind of immunity does not give her immunity."

Miss Rhine then attempted to present arguments to Judge Goodwin, but he rejected this and told Miss Bacon. "I have entered an order giving you immunity." He directed her to answer the questions before the grand jury.

When Miss Rhine again attempted to present arguments, Judge Goodwin called for the beginning of a jury trial that was scheduled in his court today.

"I was outraged not even to get to argue for my client," Miss Rhine said later.

Mr. Steinborn said: "We have no alternative but to advise her to refuse to answer."

Miss Rhine said that questions asked by Government lawyers have ranged "the entire scope of her friends in this country in the antiwar movement." The Government lawyers are Stan Pitkin, United States Attorney for the Seattle district, and Guy Goodwin, a Justice Department lawyer from Washington, who is not related to Judge Goodwin.

Mr. Goodwin has specialized in grand jury investigations of bombings and other violence by radical groups. He is assigned to the Justice Department's Internal Security Division.

The Federal immunity statute used in Miss Bacon's case is one passed last fall as a part of the Crime Control Act of 1970. It is an attempt to step back from the broad grant of immunity in the previous law, which was called "an immunity bath" in debate over the new law.

Under the earlier Federal law, when a witness was given immunity and ordered to testify, he could never be prosecuted in a Federal court for any crime discussed in his testimony.

The new law says that the witness's testimony cannot be used against him, even to provide evidence from other sources. But he could still be prosecuted for those acts if the Government could find evidence in ways not related to his testimony.

The new immunity law has not been ruled on by the Supreme Court. However, in a decision handed down March 29 by the United States Court of Appeals for the Ninth Circuit, the new law was upheld "as clearly within the protective limitations" of the Fifth Amendment. That decision controls rulings of Federal district courts in the Pacific States.