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Leslie Arrest Held Illegal by Court

Anti-war activist Leslie Bacon was illegally arrested last April 27 as a "material witness" in the March 1 bombing of the nation's Capitol, the U.S. Circuit Court of Appeals held today.

The pretty daughter of a wealthy Atherton lumber yard operator already was free on her own recognizance on the warrant and had posted \$10,000 bail on a firearms and incendiary bomb arrest.

The U.S. Ninth Circuit in San Francisco granted a writ of habeas corpus for the pretty, 19 year old militant and ordered her arrest warrant quashed.

The warrant had been issued in Seattle last April 22 on the assumption that Miss Bacon would not answer a

subpena. That assumption, the appellate court ruled today, was without proper foundation.

In an opinion written by Judge Ben C. Duniway and concurred in by Judges Frederick G. Hamley and M. L. Koelsch, the court said there must be probable cause that the testimony of the witness is material and a subpena would be "impractical."

This assertion of impracticality must be supported by sufficient fact and mere assertion is insufficient, the court ruled.

Question

"The question becomes whether those facts are sufficient in themselves to warrant a man of reasonable caution believing that the requirement of impracticality

has been met," the court held.

"This opportunity is granted to most witnesses and the showing in the present case does not justify denying Bacon the same opportunity," the court said.

Flown to Seattle

Miss Bacon was arrested at a Washington, D.C., commune and flown to Seattle to answer questions about the bombing.

Although at first she cooperated, she finally refused to testify further even after she was granted limited immunity by U.S. District Judge William Goodwin. As a result she was held in contempt of court for her refusal.

While in custody in Seattle, she was charged with conspiring to make firearms and incendiary bombs in connection with an attempted bombing of a First National City Bank branch in New York last December.

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