

# Girl, 19, Seized as Witness In Bombing of U.S. Capitol

By ROBERT M. SMITH APR 29 1971  
Special to The New York Times

WASHINGTON, April 28 —

Agents of the Federal Bureau of Investigation arrested a 19-year-old girl here last night as a material witness for a grand jury in Seattle that is looking into the bombing of the United States Capitol on March 1. They arrested her on a roof near a commune in which she lived.

According to residents in the lower-middle-class, racially mixed neighborhood in northwest Washington, four gray cars filled with F.B.I. men, some

with long hair and wearing rumpled clothes, pulled up around 7 last night and went through two houses on Lanier Place in search of the girl, Leslie Bacon.

They found her on the roof nearby and held her overnight for appearance before John J. Sirica, Chief Judge of the United States District Court here.

While her lawyers argued that she should be freed, Miss Bacon ran her hand through her long blond hair or leaned back and looked up at the ceiling of the courtroom as if she were totally uninterested in the proceeding.

The lawyers, Philip Hirschkop and Michael Fayad, first argued that the arrest warrant should be quashed on the ground that the Government had not established that she was a material

Continued on Page 71, Column 2

Continued From Page 1, Col. 3

witness. When Judge Sirica denied that motion, they argued that the bail, set at \$100,000, should be reduced.

When Mr. Hirschkop failed in that motion as well, he appealed to the judge to stay his decision for two hours so the girl could appeal. "If they whisk her out of the jurisdiction, our appeal is nullified," Mr. Hirschkop said.

Judge Sirica refused to delay his decision, and the Assistant United States Attorney, Harold J. Sullivan, refused to say whether the girl would be kept in Washington until her lawyers could appeal.

At that point, Mr. Hirschkop, who has defended several persons accused of political crimes, rushed down to the clerk of court and filed a handwritten writ of habeas corpus, asserting, among other things, that the arrest warrant was not valid.

Less than an hour later, the clerk told him the United States Court of Appeals here would hear the case tomorrow at 11 A.M.

## Informer Was Used

At today's hearing, a square-jawed, black-haired F.B.I. agent, Daniel Mahan of the Washington field office, testified that an informer — identified only as S-1 — had talked twice with Miss Bacon and had passed along information that she had been carrying messages for Federal fugitives. Mr. Mahan also testified that S-1 had said Miss Bacon would flee if subpoenaed.

In addition, Mr. Mahan said — his arms crossed in front of his chest — Miss Bacon had access "over the past three or four months" to \$29,000. Mr. Hirschkop's efforts to learn specifics beyond the agent's general testimony, such as where the money was, met Government objections that the proceeding was not a trial and the judge's admonition that the identity of S-1 be protected.

Mr. Mahan said his opinion that Miss Bacon would flee if she was not arrested had been based on "other factors" besides the information of S-1; but again the Government successfully argued that he should not be made to go into them.

## Lawyer Lashes Out

At one point, Mr. Hirschkop asked the agent whether Miss Bacon was suspected of having participated in bombing the Capitol. Mr. Mahan said, "Yes."

Mr. Hirschkop said later that he had been "told differently" by the United States Attorney last night.

The lawyer, bearded and wearing brown leather boots, lashed out in an impromptu news conference at both the judge and the F.B.I.

"This is a 19-year-old girl," he said. "She has no prior criminal record. They went down there with four F.B.I. cars; they were following people all day—all this for a material witness!"

"It was a gross procedure. They let murderers and rapists loose on less than \$100,000. The judge sort of went along with the F.B.I. They are unable to come up with adequate facts

about the Capitol bombing and they are trying to preserve their image."

Mr. Hirschkop was also acerbic about the site of the grand jury. "Seattle?" he asked. "They could have gone to Honolulu or Fairbanks, but they were being reasonable and went no further than Seattle."

The Justice Department said "no comment" to questions about why a grand jury investigating a bombing here would be in Seattle. Pressed to explain such a situation hypothetically, however, a spokesman read this statement:

"Without regard to any specific matter, a Federal grand jury may be convened in any Federal district in which an act occurs relating to an alleged Federal crime in another district."

The clerk of court for the United States District Court in Seattle, Charles Schaaf, said there was only one grand jury in session in that district. He said no special grand jury was sitting and that the present, regular jury convened as usual on the fourth Tuesday of the month—yesterday.

## Call From Seattle

The Capitol bombing took place on March 1. Just before the bombing, an anonymous male reportedly telephoned the Capitol switchboard and said, "This is in protest of the Nixon involvement in Laos."

In addition, police sources said at the time that telephone calls asking about the bombing had been received from Seattle and Chicago before news of the explosion had become public.

Observers here point out that the bombing is one of two unsolved cases under which the F.B.I. is feeling pressure because of the direct concern of Congress. The other case is the burglary at the F.B.I. office at Media, Pa., that has resulted in the public dissemination of a number of F.B.I. files.

Miss Bacon, who is of average height and weight, wore a red maxiskirt, a purple sweater and beads, a vest and clogs at today's hearing. She has long, straight blond hair parted in the middle. She wore no make-up.



Associated Press  
Leslie Bacon, being held as a material witness.

\* Material on bombing filed Indochina/Reaction; first clipping dated 2 Mar 71.