

LEXINGTON GRAND JURY DEFENSE FUND COMMITTEE

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(What follows is a news update on recent events in resistance to the F.B.I. and grand jury in Lexington. The Defense Committee will be sending out another mailing shortly indicating the committee's analysis of the political implications of the resistance here.)

F.B.I. and judiciary collusion continues in the state's harassment of the Lexington community. Asst. U.S. Attorney Jeffrey Miller, the Philadelphia prosecutor in the Saxe case, and Robert Piccirilli from Alcohol-Tobacco & Firearms "formally requested" to interrogate ten persons. While only seven of those people are known to us, five of them have refused to cooperate. The interrogation was precipitated by these seven people and others having talked with the F.B.I. previously and the F.B.I. having made the records of those conversations available to Miller. The purpose was to seek "friendly" witnesses to make identification of Saxe in order to render a conviction for interstate flight. Some blanket subpoenas to the Philadelphia trial have already been issued to Lexington people but it is doubtful how many people will actually be called.

In relation to the four women in jail for refusal to testify before the grand jury, the 6th Circuit U.S. Court of Appeals on April 28 said "the issue is in doubt whether the sole and dominant purpose of subpoenaing the witnesses before the grand jury was to obtain information that would purportedly aid the government in apprehending already indicted fugitives."

The legal people here view this as a small legal victory because it is possible to read into the court's statement that they think it is proper to question the purpose of the grand jury. The effect might be a beginning to put limits on the usually considered broad investigatory power of the grand jury. The 6th Circuit Court instructed the district judge to make a determination as to the purpose of the grand jury as well as to set bail for the jailed witnesses.

On May 2, the district judge set \$10,000 cash bond or \$20,000 property (singly owned) bond for each witness; an outrageous total of \$40,000 or \$80,000 that the Defense Committee was unable to meet for everyone on short notice.

On May 6, in the determination hearing, the only new evidence that the judge allowed was an affidavit from the U.S. Atty. which the judge reviewed in secret. While the judge insisted that the burden of proof was on the defense, the testimony which the witnesses needed introduced from the local F.B.I. agent was not allowed by the judge. On the basis of the affidavit from the U.S. Attorney, the judge found that the sole and dominant purpose of subpoenaing the witnesses was not to aid the state in apprehending fugitives. Now the case goes back to the 6th Circuit for a final ruling. If the 6th Circuit is satisfied by the lower court's finding, then the upshot legally is that witnesses would never be allowed to prove the purpose of the grand jury. Politically, this is another example of the state gathering information to be used in its own preservation and against people who resist the power of the state to invade our personal and political lives.