

2 Britons Cry Injustice

Newsman Arrested as Drunks Decoy 4-Hour Hiatus in Georgetown Cell

By Nancy Moran

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Two British journalists declared themselves unhappy yesterday with the way police in Georgetown's Seventh Precinct treat some of their prisoners.

And a couple of the city's leading civil liberties lawyers said they are not too pleased with the procedures, either.

What upsets them is the way Washington's poshest precinct—and for that matter all its other precincts—handle drunks.

It all started rather late the night of June 16 when Henry Dennis Miller left the London Daily Telegraph's National Press Building office, stopped off for a few beers on M Street and started walking home on 34th Street nw.

As Miller told it yesterday, suddenly he felt a loose false front tooth slip from his mouth. He went to his hands and knees to find it.

"I was groping around in the darkness for my tooth," he said, "when I was suddenly surrounded by blue pants, frisked against a car in American style and bundled into a paddy wagon."

The police then took him to the Seventh Precinct station house, booked him for being drunk and put him in a "very nasty little cell." He said they told him they had to lock him up for four hours so he could "sober up."

At 5:30 he was allowed to post \$10 collateral and leave.

Early Tuesday morning, the second journalist, Henry Fairlie, and his wife were walking the few blocks to their Georgetown home from a party. He is in Washington as a free-lance writer for several British publications.

Fairlie was arrested by a Seventh Precinct policeman at the corner of Dumbarton and 30th Streets nw., charged with drunkenness, and kept in the cellblock from 2:58 to 6:45 a.m.

Fairlie did not have much to say yesterday about his experience, except, rather icily, "I think the police made a mistake."

Both men were detained, police said, under an unwritten rule that says once a person is booked as drunk he must spend about four hours in the cellblock to prevent him from harming himself or others. Four hours, police say, is the

minimum time required for a drunk to sober up.

According to Clark King, assistant Corporation Counsel, the policy is a "rule of thumb" used by the police for at least 25 years.

But yesterday Monroe Freedman, a law professor at George Washington University, said that the rule may be unconstitutional because there is no judicial check on the police and because the time limit is arbitrary.

"Even assuming the rule was properly drawn, a statute providing that a man be locked up for protective custody may be unconstitutional. I think this is a clear case of police abuse and a practice that should be changed," he said.

Joseph L. Rauh Jr., chairman of the D.C. Democratic Central Committee said "every kind of check should be made to make sure that only those people who would harm themselves or others are detained." He said some new procedure should be worked out by the police.

Both Freedman and Rauh are associated with the American Civil Liberties Union here.