

Unit to Study Problems Protest Arrests Cause

Mayday Cases To Be Focus

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In the view of Chief Judge Harold H. Greene of D. C. Superior Court, the Mayday anti-war demonstrations here last spring showed that "the laws we have aren't particularly well-suited to this kind of demonstration."

"We've never had to cope with this sort of thing before in this country," Greene says, acknowledging his own exasperation at the confusion and controversy of Mayday.

Former Attorney General Ramsey Clark finds the problems more serious.

The arrest of 7,000 people here on the morning of Monday, May 3, he said during an interview last week, was "a completely lawless use of police."

The government, Clark contends, "abandoned the rule of law and resorted to the rule of force."

In the Justice Department and in the city, the prevailing official view is that "if we had it to do over again, we'd do it just the same."

But even Gerald M. Caplan, general counsel of the metropolitan police department, observes that Mayday challenged "the limits of effective civilian police action; it was shrewdly

designed to catch the criminal justice system at its worst."

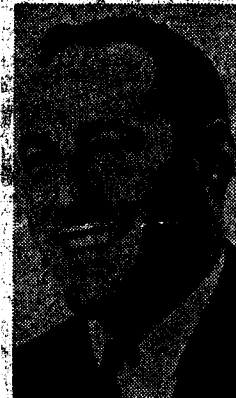
A five-ribbon panel of 18 lawyers and public officials will convene at 4 p.m. today in a law office on 15th Street NW to discuss "the administration of justice under emergency conditions."

When the committee was initially authorized by the Judicial Conference of the District of Columbia at its annual meeting in White Sulphur Springs, W. Va., last April, its task seemed relatively noncontroversial.

It was to review the extent to which the city had implemented the findings of a similar committee, which reported three years ago after the Washington riots.

But then there was Mayday.

When the police arrested an unprecedented number of people during the militant anti-war demonstration intended to stop the government from functioning, the recommendations of the last committee — including the use of a standard "field arrest form" during



STEPHEN POLLAK
... committee chairman

a crisis — were completely ignored.

By common consensus, the Mayday controversy has become the first item of business for the new committee, which is headed by attorney Stephen J. Pollak, a former White House aide under President Johnson.

Obviously, it cannot write new laws. But with the legal issues of Mayday still resounding in the courts and Washington's legal community, last spring's crisis may, in fact, be its only item of business.

More than three months after the protesters sponsored by the People's Coalition for

Peace and Justice left town, Superior Court is only just completing the processing of more than 12,000 arrest cases.

Out of those arrested between May 3 and 5, if one goes by official court records, there have been almost 800 convictions.

But that figure includes people who forfeited collateral (some without realizing it), those who did not appear for trial (often because they were unaware of the date) and others who pleaded "no contest" as the fastest way of getting out of jail.

As for convictions after trial, there have been only a handful — the best guess is two or three dozen.

Most of the remaining cases, involving persons arrested during a rally on the Capitol steps May 5, are expected to be dismissed, after a Superior Court jury acquitted eight persons who were tried as test cases.

Meanwhile, however, myriad suits are pending in U.S. District Court here, which raise issues of false arrest, unlawful detention and "bad faith" prosecution.

See MAYDAY, C4, Col. 8

MAYDAY, From C1

Resolution of these and other outstanding issues became all the more urgent last week, when Mayday leader Rennie Davis announced at a fund-raising party here that specific plans are being formulated for new militant demonstrations in Washington, New York and elsewhere in October and November.

These are some of the questions facing the Pollak committee as it convenes today.

• Is there an appropriate field arrest procedure that can be adapted to emergency street conditions, permitting the police to keep records on those in custody while still performing their law enforcement job?

Police Chief Jerry V. Wilson has complained that there simply was no time for completion of field arrest forms and that taking of photographs, if his force was to "keep the streets open" as directed.

But critics of the police ac-

tion, including Philip J. Hirschkop, an attorney for the demonstrators, contend that purpose could have been accomplished with many fewer but more valid arrests.

Can better detention facilities be provided for large numbers of people?

Some of the most outraged complaints about Mayday concerned the use of an outdoor practice field, the D.C. Jail courtyard and other makeshift to facilities detail thousands of people.

The D.C. corrections department has applied for a grant from the Law Enforcement Assistance Administration to study that problem, but its application is still tied up in the bureaucracy.

• Can defendants be processed expeditiously enough to avoid a court logjam that intensifies the existing backlog of cases?

Judge Greene criticizes the corporation counsel's office for presenting many cases where there was no hope for conviction.

But Corporation Counsel C. Francis Murphy suggests that it might be useful in the future to "appoint special judges to ease the workload and avoid interfering with normal court business."

• How can the innocent be separated from the guilty, maintaining a reasonable possibility of convicting those who have actually violated the law?

The major reason for thousands of acquittals and dropped cases arising out of Mayday was that police officers, if they appeared in court, were unable to identify defendants or their alleged crimes.

Chief Wilson has already suggested, in a speech to the Philadelphia Bar Association, that in future emergencies an entire demonstration might be videotaped or those arrested stamped with indelible ink to indicate necessary detail.

• Should the fingerprints of those arrested in demonstrations be forwarded to the FBI's identification files, as they are in ordinary arrests?

Outstanding court orders have not prevented the police from submitting to the FBI the fingerprints of thousands who were never found guilty of — or even charged with — any crime.

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Corporation Counsel Mur-

phy contends that a firm showing of "mistaken or accidental arrest" would be required to expunge any of the records still in police and FBI files.

But many civil libertarians insist that the burden should be on the government to justify the fingerprint submissions, at least until new guidelines have been established.

Pollak declined yesterday to comment on which of these issues will be taken up, and he anticipated that today's session will be held behind closed doors.

Probe Stirs Controversy

Even before its first meeting, the Judicial Conference committee studying the Mayday arrests has itself been the focus of heated controversy in Washington legal circles.

Chief Judge David L. Bazelon of the U.S. Court of Appeals was delayed two months in appointing the committee after colleagues on his own court protested that it might involve judges in a touchy political issue.

Some, including Appellate Judge Roger Robb, argued that the committee should not be formed until litigation involving Mayday had finished working its way through the court system.

But with countless civil suits and criminal appeals pending or anticipated, Bazelon pressed ahead and named an 18-member committee that includes only one judge, Senior Circuit Judge Charles Fahy.

Legal observers noted yesterday that the committee seems heavily weighted on the direction of those who were sharply critical of the police during Mayday.

It includes Barbara Rowan, director of the Public Defender Service, who represented the arrested demonstrators in many recent proceedings. Another member, Attorney Daniel K. Meyers, spent hours balling out those arrested from police precinct stations and later complained about conditions there.

D.C. City Council Chairman Gilbert Hahn Jr. is a member, but there are no representatives from the police, the U.S. attorney's or corporation counsel offices.

See APPOINT, C4, Col. 3

Protest Panel Stirs Dispute

APPOINT, From C1

Bazelon and committee chairman Stephen J. Pollak have refused to discuss the makeup of the committee, but other sources revealed that law enforcement agencies and prosecutors declined to cooperate with its formation with the same objections as the judges.

U.S. Solicitor General Erwin N. Griswold originally accepted membership, but sources said, but resigned a few days later as opposition to the committee developed within the Justice Department. Griswold had a curfew agreement yesterday.

A previous committee which considered the administration of justice during the 1968 riots here included members from all parts of the criminal justice system, but this one is composed primarily of members of the private bar.

Attorney Lloyd N. Cutler, who chaired the 1968 committee, said yesterday he had declined to serve this time because his own group's recommendations would be under review.