

Protesters Suing for \$1.2 Million

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The American Civil Liberties Union yesterday filed a \$1.2 million lawsuit against federal and District officials on behalf of the 2,000 antiwar demonstrators arrested May 5 on the Capitol steps.

The suit, filed by Rep. Ronald V. Dellums (D-Calif.) and 10 arrested demonstrators in U.S. District Court, charges the officials with perpetrating false arrest, false imprisonment, unlawful conditions of detention, unlawful searches and seizures, assault and battery, negligence, conspiracy, malicious prosecution and malicious abuse of process.

ACLU spokesmen said in a press conference yesterday that the suit is the first in what will be a major legal counter-offensive against the government over arrests made during May day demonstrations here.

It comes in the wake of a U.S. Court of Appeals decision Oct. 1 that struck down virtually everything the government has done to prosecute the more than 12,000 people arrested in the course of antiwar protests.

"Now we come to the reversing of the tide, I hope," said local ACLU president James H. Heller yesterday. Heller said that two or three more lawsuits would be filed in the near future.

He said the Capitol steps arrests were chosen as the subject of the first suit because those arrests represented the high tide of government lawlessness in this country.

Yesterday's suit asks for at least \$10,000 in damages for each of the 2,000 arrested, for the expungement of arrest records and destruction of illegally obtained fingerprints and photographs.

It asks for a judgment that will permit each (arrested demonstrator) properly to assert that he or she has not been "arrested" within the reasonable and lawful meaning of that term.

Named as defendants in the suit are James M. Powell, chief of the U.S. Capitol Police; D.C. Police Chief Jerry V. Wilson; D.C. Department of

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Corrections Chief Kenneth L. Hardy; the D.C. government; Attorney Gen. John Mitchell; Deputy Attorney Gen. Richard Kleindienst; and Assistant Attorney Gen. Will Wilson.

The arrests on May 5 were of protesters who crowded around the east steps of the House of Representatives listening to four members of Congress tell them the gathering had succeeded in focusing attention on the Southeast Asia conflict.

In one incident, Rep. Dellums said, a policeman hit him in the ribs with a billy club when he tried to go through a police line.

At the end of a two-week trial in July, a jury acquitted eight of those arrested in a test case. The government subsequently dropped the other cases.

The Oct. 1 Court of Appeals decision placed a total ban on dissemination of all Mayday arrest records, even to the FBI, except for those among the fewer than 200 persons convicted of illegal activities during the protests.

The appellate court warned that it may order all Mayday arrest records to be completely expunged except those of persons convicted after trial, but it has not yet done so.