

Judge Kills Indictment Against Mayday Leader

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An indictment charging Bradford Lyttle Jr., a leader of the Mayday antiwar demonstrations, with assaulting a policeman last May 3 was dismissed yesterday by a Superior Court Judge.

Ruling on technical grounds, Judge George H. Goodrich held that the indictment was defective because a representative of the Justice Department's internal security division had appeared without authorization before the grand jury that returned it.

According to grand jury

transcripts presented before Judge Goodrich yesterday, the representative, Gene Johnson, a Justice Department attorney, initially presented evidence against Lyttle to the grand jury on May 11.

Due to an oversight, Johnson entered the grand jury room several hours before he received written authorization from his superiors to do so. The jury returned the indictment but Johnson feared that it might be faulty.

See TRIAL, C5, Col. 1

Mayday Leader's Indictment Killed

TRIAL, From C1

The next day, May 12, Johnson returned to the grand jury room—this time armed with the authorization—and requested the jurors to return a new indictment. But this time only one of the two policemen who had testified against Lyttle on the previous day were able to appear.

Consequently, in asking for the reindictment, which the grand jury returned, Johnson referred to testimony that had been given on the previous day.

For this reason, Judge Goodrich dismissed the indictment yesterday, holding that it was unclear "what impact the previous day's testimony had on the grand jury indictment on May 12."

The dismissal came at the start of Lyttle's trial on three assault charges brought in the indictment: assaulting a policeman with a dangerous

weapon; assault with a dangerous weapon and assaulting and interfering with a policeman engaged in official duties.

According to the indictment, the dangerous weapon, was an audible portable loudspeaker. The alleged offense took place at 14th Street and Independence Ave. SW where police lines were set up to keep protesters from stopping traffic.

Judge Goodrich dismissed the case without prejudice, meaning that the government can seek a new indictment, if it chooses. Yesterday Johnson said he did not know if the Justice Department would.

An attorney for Lyttle, Peter Weisman, said he had been prepared to show that the policeman, Officer Richard C. Christianson, had attacked Lyttle, a leader of the Peoples Coalition for Peace and Justice. He expressed disappointment that "the truth didn't come out."