

8 Freed In Capitol Protest Prosecution Of Other 800 Seen in Doubt

By Maurine Beasley
Washington Post Staff Writer

A Superior Court jury acquitted yesterday the first eight of about 800 demonstrators awaiting trial on charges stemming from mass arrests on the steps of the U.S. Capitol during the Mayday antiwar protest.

Hailing the verdict as a victory for free speech, defense attorneys said they have been informed that the government will now drop charges in the remaining cases. Although more than 1,000 demonstrators initially were arrested in the May 5 incident, charges previously were dropped against about 200 others.

The charges on which the eight were acquitted were disorderly parading and unlawful entry at the Capitol.

"The jury has spoken and we will abide by its decision," Assistant U.S. Attorney Luke C. Moore, the government's chief prosecutor said. By law the government is prohibited from appealing an acquittal.

Moore, however, refused to confirm defense statements that prosecutors will drop charges in the other cases in light of the verdict. He said U.S. Attorney Thomas A. Flannery will have to decide whether to proceed.

The trial of the eight, which lasted 13 days, initially was described by both prosecutors and defense attorneys as a test case of the government's ability to gain convictions in the Capitol Hill arrests.

The arrests on the Capitol steps were made during the last mass roundup of antiwar demonstrators in a week of

protests here that also included the blocking of traffic during rush hours and a sit-down outside the Justice Department.

The police were criticized, and most cases were subsequently dropped, because field arrest forms with proper identification and criminal charges were not made out during mass arrests earlier in the week.

But the police had been careful to fulfill these requirements in the Capitol steps arrests, giving the government what it considered its strongest mass arrest case for the period of disturbances.

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But it took the jury, composed of 11 women and one man, only about five hours of deliberating to acquit the defendants.

Entering the courtroom with smiles on their faces, they returned the verdict before Judge Stanley Harris.

Questioned by defense lawyers after leaving the courtroom, the jurors explained some of the factors leading to their decision.

"Several said they realized that this case was about the right of the people to speak out," Peter Weisman, one of the four defense attorneys, said. "They said that they felt these people (the demonstrators) went over there to the Capitol to exercise their constitutional right."

Weisman said the jurors also told him they "felt the government didn't prove that there was an actual disruption at the Capitol."

The defense contended that the demonstrators assembled on the Capitol steps to listen to speeches by congressmen and to "petition for redress of their grievances."

The prosecution pictured the protesters as "a noisy crowd" chanting obscene antiwar slogans and distracting

congressional employees from their routine duties inside the Capitol.

If the other 800 cases are dropped, Washington courts would have disposed of almost all cases resulting from mass arrests of more than 12,000 persons during the Mayday protests.

The vast majority of these cases involved persons charged with disorderly conduct and crossing police lines on May 3 and 4—local charges less serious than the U.S. violations brought against the Capitol Hill demonstrators.

While official court records were not available, prosecutors estimate that only about 200 of the 12,000 persons arrested have been found guilty after trials.

Thousands of charges have been dismissed by judges or prosecutors due to lack of evidence.

Among the witnesses were three Democratic members of Congress — Reps. Charles B. Rangel and Bella S. Abzug, both of New York, and Rep. Ronald V. Dellums of California. All three testified the demonstrators were peacefully listening to speeches by the representatives themselves when the arrests occurred with out justifiable cause.