

ACLU Sues on Mayday Arrests

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The American Civil Liberties Union (ACLU) filed suit against the Justice Department and local and federal law enforcement agencies yesterday, charging unconstitutional abuses of police power during last year's Mayday antiwar demonstrations and asking that millions of dollars in damages be divided among the more than 7,000 persons arrested on May 3.

The suit, filed in U.S. District Court, contends that then Attorney General John N. Mitchell and Acting Attorney General Richard G. Kleindienst conspired with Police Chief Jerry V. Wilson to "maliciously" arrest the protesters and spectators to the May 3 demonstrations and illegally detain them.

It also charges that Justice Department officials either "usurped" the authority of Mayor Walter E. Washington when field arrest procedures were abandoned, or that the mayor neglected or refused to exert his authority.

The ACLU asked the court to enjoin local and federal officials from making arrests indiscriminately during future demonstrations here and from using unnecessary force against protesters.

The U.S. Court of Appeals here has already ruled that the District government should be held responsible, le-

gally and financially, for the improper acts of policemen.

For technical purposes, the suit claims that each of the plaintiffs listed by name could be entitled to \$50,000 or more in damages, which would total \$1.9 million.

But because the ACLU is asking the court to broaden its findings to cover all 7,000 persons arrested on May 3, the lawsuit asks that "reasonable" damages be assessed by the court.

ACLU attorney Monroe H. Freedman said at a press conference that compensatory damages could "reach into millions of dollars."

Freedman said that if damages are awarded, a special court hearing would be held to apportion the money among the persons arrested.

The suit filed yesterday is the most expansive of several that have been filed in recent months by the ACLU. Other cases pending include an attempt to have the records of 2,000 persons arrested on May 3 expunged and a lawsuit against the Capitol Police, who arrested 850 demonstrators on the Capitol steps.

The events covered in the ACLU's most recent suit occurred when thousands of antiwar protesters attempted to block traffic at major traffic intersections and bridges.

Wilson suspended the use of field arrest forms and ordered mass arrests and jailings, a de-

cision he has repeatedly defended since then as being necessary to maintain order.

Subsequently, the U.S. Court of Appeals blocked the city from prosecuting 2,400 of the arrested protesters. Only about a dozen of the 7,000 arrested on May 3 were convicted after trial.

The ACLU, however, said the question of infringements of constitutional rights has not been satisfactorily settled.

"It is not enough to win vindication in defending innocent citizens from unwarranted criminal prosecutions," Freedman said.

"On the contrary, it is essential that those responsible for official lawlessness be subjected to constitutional restraints and that they should respond in damages as any person would who commits assault and battery, false imprisonment and other civil wrongs," he added.

Ralph Temple, ACLU legal director, said that the police response to the May 3 protest may have been politically inspired to present a "tough law and order stance" of the Nixon administration.

Freedman said, "Mayday is the price we're paying for Jerry Wilson to be the new director of the FBI. The price is too great to pay for him ingratiating himself with the administration."

There has been speculation that Wilson is being consid-

ered to succeed J. Edgar Hoover as FBI director when Hoover retires, but the administration has never confirmed it.

The lawsuit alleges that metropolitan and U.S. Park police used clubs, fists, knees and feet to arrest many of the 7,000 persons and illegally confined them at a number of temporary lockups, including a practice field adjacent to Robert F. Kennedy Stadium and the D.C. Coliseum, under "inhumane" conditions.

Many of the demonstrators, the suit claims, were coerced into pleading guilty and ultimately forfeited collateral.

In response to a question, Freedman said that it "may well be that some of these people were engaged in unlawful acts," but he contended that the police should have arrested those people and left the rest alone.

"We don't treat serious felons that way," Freedman said of the protesters who were jailed without arrest processing.

Freedman said the ACLU would seek to obtain sworn affidavits from Mitchell, Kleindienst and other Justice Department officials, and would call many Mayday participants and observers as witnesses.

In response to another Mayday lawsuit, brought by 15 persons, Mitchell and Kleindienst denied in sworn statements any responsibility for the mass arrests. Wilson also said the decision was his own.

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**Mayday Cases
Left on Docket
Down to 381**

Only 381 of the 9,001 Mayday related cases filed in District Superior Court remain to be heard, court executive officer Arnold M. Malech announced yesterday.

The court has found 757 persons guilty in the 9,001 cases disposed of so far.

Superior Court Chief Judge Harold H. Greene will hear 307 of the remaining cases Oct. 8. Twenty-seven other nonjury cases will be worked into the regular court calendar.

The remaining 47 cases are pending against persons who can't be located, or against persons for whom bench warrants have been issued.

Of those persons already found guilty, Malech said 328 were jailed and subsequently released, 64 were fined and 305 received suspended sentences.

Malech said that 114 persons were found not guilty, while 3,707 cases were dropped before coming to trial.

Of the remaining cases, 3,247 were dismissed, and 1,176 persons chose to forfeit collateral.

