

## Nixon Aides File Answer to Suit

# Administration Admits Planning for Mayday

2/10/70

By Jim Mann

Washington Post Staff Writer

Throughout last May's antiwar demonstrations, and in the weeks and months that followed, the Nixon administration maintained that D.C. Police Chief Jerry V. Wilson was the man in charge of handling the protests.

President Nixon personally congratulated Wilson for preserving law and order in the face of a protest aimed at shutting the federal government down. So did Attorney General John N. Mitchell and other high-ranking administration officials.

It was Wilson, these officials said, who decided on the mass-arrest policy that resulted in the incarceration of 7,000 persons last May 4—more than for any other single event in American history.

Now, in response to a damage suit brought in U.S. District Court here by persons arrested in the demonstrations the Justice Department has provided the first glimpse into its own extensive, elaborate planning with Wilson for the Mayday protests.

The court papers reveal that officials at the highest levels of the Nixon administration held eight specific meetings to plan for Mayday, with Wilson attending seven of them. (The papers do not say who was in charge of the meetings or who made specific decisions.)

Mitchell attended three of the planning sessions, according to the Justice Department. The then-second-ranking official in Justice, Deputy Attorney General Richard Kleindienst, at-

tended seven of the eight meetings.

Other administration officials who participated included John D. Ehrlichman, the President's leading domestic adviser; Thaddeus R. Beal, under secretary of the Army; Assistant Attorney General Robert Marjarian; and then-Assistant Attorney General William H. Rehnquist.

Seven of the meetings took place at the Justice Department—six of them in the three-day period from May 1-3, when the Justice Department apparently took on the atmosphere of a command post.

Wilson was the only District of Columbia official listed in the court papers as attending most of the Justice sessions. Mayor Walter E. Washington is not listed as a participant at any of the meetings; his deputy,

Graham Watt, is said to have attended three.

A few days after the Mayday arrests, a high Justice Department official, who refused to be named publicly, said that Justice had decided to employ mass arrests to ensure the public safety. The official said that standard field-arrest procedures were abandoned after it was found that the process was taking too long.

No Justice Department official has ever acknowledged publicly that such a decision was made by Justice. In sworn affidavits last September, Mitchell and Kleindienst denied any involvement in decisions to make mass arrests.

"There were never any discussions, agreements or understandings between myself, the attorney general, or anyone else concerning the specific cir-

cumstances under which arrests would be made or procedures to be utilized in arresting persons," Kleindienst said in his affidavit.

Chief Wilson had his own formulation of his relationship with federal officials. He told a National Press Club luncheon last September: "If you want to find fault with my (Mayday) instructions, you can blame the President. If you want to find fault with the execution, you can blame me."

Although the new court papers filed by the Justice Department do not say who made major decisions, the papers do give one-sentence descriptions of the topics discussed at each of the eight sessions.

Mass arrest procedures are never mentioned. The papers do say that in a meeting May 2 (the day before See MAYDAY, C12, Col. 1

## Justice Had a Role In Mayday Plans

### MAYDAY, From C1

the 7,000 arrests were made), "the desirability as a matter of policy of arresting demonstrators who violated the law was generally agreed upon."

That meeting was attended by Kleindienst, Rehnquist, Beal, Chief Wilson and Watt, among others.

Likewise, the papers do not say who made the decision to revoke an Interior Department permit for an encampment in West Potomac Parkway on May 2. D.C. police in riot gear came to the park at 6 a.m. that day and evacuated an estimated 80,000 to 80,000 demonstrators from the area, in an action generally credited with reducing the size of the Mayday demonstrations.

Kleindienst had acknowledged in Superior Court last year that he participated in making that decision.

The new court papers show that on May 1, Kleindienst, Ehrlichman, Beal, Mardian, Rehnquist, Chief Wilson and other officials discussed "whether such demonstrators should be allowed to remain in West Potomac Park."

At a second meeting that afternoon, with White House counsel John Dean replacing Ehrlichman and with Mitchell in attendance, the topic is said to have been "the dispersal of the demonstrators," the court papers assert.

They added that various Justice Department officials including former Assistant Attorney General Will

Wilson and Associate Deputy Attorney General Donald E. Santarelli—served as "liaison officials" with law enforcement personnel from the District of Columbia in the Mayday planning.

The court papers are signed by Mitchell and Kleindienst and are said to be based on documentary material and internal memorandums in Kleindienst's office.

The documents were filed as part of the defense in a law suit against Mitchell, Kleindienst and Wilson brought by 13 Washingtonians—primarily attorneys, journalists and students—who were arrested during the Mayday demonstrations.

The plaintiffs are asking the court for \$80,000 in damages each and for a declaration that their arrests are null and void, because of an alleged "predetermined conspiracy (by the government) to disregard and deny the legal and constitutional rights of citizens" during Mayday.

The new papers will not end the legal battle over how much information regarding the Mayday decision-making processes should be made public.

The attorneys for the plaintiffs—Joseph E. Rauh Jr. and Elliott C. Lichtman—have formally asked that Mitchell and Kleindienst be ordered to specify in more detail what transpired at the planning sessions.

In addition, the attorneys have arranged to take a deposition (a transcribed interview) from Chief Wilson.