

# Mayday Weakens Court, Police Ties

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Washington's police and prosecutors chose "order at the expense of citizens' rights" in their handling of Mayday antiwar protesters, according to Superior Court Judge Charles W. Halleck.

Halleck's comments, prepared for delivery today in a commencement address at St. Joseph's College, Rensselaer, Ind., underline a strain that court sources see in relations between Superior Court judges on the one hand and prosecutors and police on the other.

The influx of more than 7,000 Mayday cases, coming four months after the court underwent a reorganization aimed at cutting crime by improving judicial processes, has retarded efforts to reduce backlogs and schedule speedy trials, officials say.

In Judge Halleck's view:

"Citizens were arrested under conditions that betrayed a blatant disregard for the civil liberties of protesters and innocent bystanders alike, but more importantly, they were arrested in a fashion that totally abandoned any hope of successfully prosecuting the vast majority of those arrested."

Even though most of the Mayday-related cases have been or are likely to be thrown out on grounds of lack of evidence, an estimated 2,500 remain on the calendar. Most of the defendants are expected to request jury trials on demonstration-related charges. The court already has a backlog of 1,100 other criminal misdemeanor cases awaiting jury trials, court sources say.

## Officials Criticized

Judge Halleck, scheduled to receive an honorary doctorate of laws degree from St. Joseph's, attacks in his prepared text Police Chief Jerry V. Wil-

son and Corporation Counsel C. Francis Murphy for going to the Justice Department and "complaining that the judges will not convict the Mayday demonstrators."

"Attacks upon courts... are unexpected from the chief of police (and) the city's top prosecutor," Halleck said.

"Such attacks are particularly inappropriate when they seem to be more nearly designed to find a scapegoat or whipping boy to blame when the embarrassing chickens come home to roost in a nest feathered by public preening and self-congratulations on a job well done, in though the way in which the job was done could only, ultimately, have resulted in convictions in the majority of cases if the courts had ignored their sworn duty to preserve and defend the Constitution."

Gerald Caplan, police department counsel, said the department would have no comment on Halleck's remarks. Murphy could not be reached for comment on Halleck's speech.

Last Monday, Superior Court Chief Judge Harold H. Greene publicly rebuked Murphy for "undermining public faith" in the court by accusing judges of indiscriminately throwing out Mayday cases.

Green based his reprimand on a statement Murphy made to a reporter in The Washington Post. Murphy said he and Wilson had informed Justice Department officials that they could not get convictions because judges were "throwing out 'good' as well as marginal cases."

## Collateral at Issue

Meanwhile, Wilson and the judges have been feuding over the issue of collateral. So far the judges have won, taking

control of collateral completely away from the chief.

Collateral is the amount of money normally posted at the stationhouse by persons arrested on minor charges. It serves either as a pledge to show up for trial or as a fine to be forfeited in place of court appearance.

The week before the Mayday demonstration Wilson suspended the payment of collateral at stationhouses and asked Superior Court judges to raise the collateral for disorderly conduct from \$10 to \$50.

Although in the past the judges have heeded Wilson's wishes on the amount of collateral, this time they balked. Instead, they voted to hold court on a 24-hour-a-day basis to set collateral themselves.

## Stand Reversed

Police initially agreed to bring all demonstrators arrested to court. But when confronted by the problem of holding for court appearances the 7,000 persons arrested May 3 they changed their stand and allowed hundreds to post collateral and be released. The following day, however, police again suspended the collateral schedule and all arrested demonstrators were brought to court.

When defense attorneys appealed the police chief's vacillation on the collateral issue to Greene, he said:

"The court was placed in an untenable position of either setting bonds that were meaningless — since no one would agree to court processing if he

could be released at the precinct for a nominal amount — or of having constantly to adjust its bond policies to follow the ever-changing tactical line of the police department.

The judge also ruled that Chief Wilson had no power over collateral and said its control rested solely with the court. He ordered a suspension of collateral on all non-traffic offenses here during the demonstration period and did not reinstate collateral until a week later.

#### Slow on Study

Meanwhile, the judges have indicated their displeasure with the police over the collateral issue by moving slowly on a promise made to Wilson to study the need to raise collateral for demonstrators charged with disorderly conduct.

The police department might have the last word, however. According to Caplan, the D. C. code makes no provision for police to accept collateral when the court is open, although it has been long standing practice for the police to do so.

Consequently, the police could take all persons to court for bond hearings until a higher court decides the issue. Caplan said that the police have no plans at present to do this.

If they did, the court would be further burdened, with a consequent increase in the backlog, sources said.

Also at issue is the role of Arnold M. Malech, appointed court administrator April 1.

By law, Malech is charged with serving as the court's public information officer, but he has been unavailable to persons seeking information on the processing of Mayday cases.

Since the cases began coming to court, Malech has issued only one statement on the disposition of cases. Another was promised Friday, but Malech's office said then it would not be ready until this week.

#### Help From ACLU

Yesterday, Edmund H. Freedman, of the American Civil Liberties Union, said teams of 10 to 15 police officers have been working

round the clock to supply ACLU officials with names of persons arrested May 3, 4 and 5 whose names will be dropped.

He said the officers are poring over collateral sheets trying to spot the names of defendants against whom they think they have a good case. Those names will be crossed off the sheets, which will then be turned over to the ACLU with instructions to notify everyone else that they need not appear for trial.

Murphy said there are about 3,000 collateral cases in which the defendants have elected to stand trial. About 2,500 of these will be dismissed, he said. He added that there are about 2,000 additional cases in which authorities have filed arrest forms. Murphy said all these cases will be dropped.

In spite of the friction over the Mayday cases, Greene said he feels that future contact between the court and police and prosecutors will be beneficial as ever.

Other court sources are less certain. They point, for instance, to Halleck's refusal to grant requests by Murphy and Wilson excusing them from a hearing on the constitutionality of the city's "parading without a permit" ordinance.

#### They Wait

Responding to a subpoena, they appeared at the courthouse at 1 p.m. last Thursday, but Halleck himself did not start the hearing until 2 p.m., the sources said. In addition, both Wilson and Murphy were kept waiting all afternoon to testify due to their own attorneys' delay in calling them as witnesses, the sources said.

The problem, according to one District official who declined to be quoted by name, is this: "The Mayday arrests have created strains and tensions at a time when the court should be addressing itself to the complex problems of court reorganization."