

Prosecutor Drops 2,500 Mayday Cases

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The D.C. corporation counsel decided yesterday to drop about 2,500 of the remaining arrest cases growing out of the Mayday antiwar demonstrations without ever calling them for trial.

Acting on a Wednesday night ruling by the U.S. Court of Appeals, Corporation Counsel C. Francis Murphy in effect acknowledged that he did not have adequate evidence to prosecute more than half the Mayday cases yet to be processed. A judicial court estimates that after Murphy's deci-

sion, approximately 2,000 cases still could be prosecuted.

But neither the prosecutors themselves nor D.C. Superior Court could produce an exact figure on the number of persons who might still be called.

They cited administrative problems in the weeks since the demonstrations as the reasons for their inability to keep precise statistics.

In another development, Superior Court Judge Eugene N. Hamilton ruled that collateral would no longer be automatically forfeited if defendants failed to appear for trial.

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He said the prosecutor must first certify to the court whether there is "probable cause" to link a defendant to his alleged offense before calling a case.

If the prosecutor does certify probable cause and the defendant fails to appear, Hamilton ordered, the case must be continued until July and the defendant formally notified of his new trial date.

Before the Court of Appeals decision and Hamilton's ruling, hundreds of Mayday defendants had a conviction entered on their record merely because they failed to appear to learn that the case against them was being dropped.

Murphy chose to drop the 2,500 cases only after the American Civil Liberties Union warned that it would take the prosecutor back to the U.S. Court of Appeals if he adopted another proposed formula in the Mayday cases.

That formula would have provided for automatic forfeiture of collateral when a defendant in a case thought by prosecutors to include "adequate evidence" did not appear.

But the ACLU pointed out that such an arrangement would still require all remaining, unprocessed defendants to appear on the chance that they would be singled out at the last moment for prosecution.

When the corporation counsel complained that it would be "burdensome and expensive" to notify all those who need not appear for trial — as required by the Court of Appeals order — the ACLU offered to do that job for him.

Murphy is to deliver a list of the 2,500 cases to be dropped to the ACLU today for notification.

Another 158 Mayday cases were on the Superior Court calendar yesterday morning, but prosecutors immediately moved to drop 100. Of those remaining, most were continued until July for a determination by the prosecutor of whether he has "adequate evidence."

Only two cases were actually certified for trial. One resulted in an acquittal and the other was dropped by the

corporation counsel at the last moment.

Thus far, there have been about 10 convictions in cases growing out of the arrest of 12,000 persons during the Mayday demonstrations.

U. S. District Court Judge Howard F. Corcoran has scheduled a hearing for next week on whether prosecutors have maintained Mayday cases "for purposes of harassment and in bad faith with no hope of securing convictions."

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Most Mayday Cases Dropped