

The Editor

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The ACLU on Mayday

Your editorial was excellent regarding the government's belated decision to drop prosecution of the 800 Mayday demonstrators at the Capitol. However, you mistakenly accepted the Justice Department's assertion that the only reason for the acquittals in the test case was that the demonstrators had been invited by members of Congress.

At the trial, the prosecution presented testimony by Chief James M. Powell and others that the demonstrators had forfeited their invitation by becoming "out of control" and "in a wild frenzy." Official police photographs and motion pictures showed, however, that this testimony was perjurious. The demonstrators in fact were peaceable, orderly, and attentive to the speakers.

In addition, the evidence showed that the demonstrators caused no more noise or distraction than swearing-in ceremonies on the House steps, drum and bugle corps, and groups of tourists, all of which have been routinely permitted by the authorities.

It is clear, therefore, that there was no justification whatsoever for the mass arrest of the demonstrators, for the inhumane conditions of their lengthy imprisonment, or for having maintained the threat of prosecution against them for almost four months. Yet these tactics have been praised by President Nixon and Attorney General Mitchell, who have threatened to use the same unlawful

arrests, detentions, and prosecutions in the future against those who might be so foolhardy as to exercise their First Amendment rights to speech, assembly, and petition for redress of grievances.

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