

Mayday Park Closing Ruled Illegal by Judge

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Superior Court Judge Harold H. Greene ruled yesterday that the government acted improperly when it closed the Mayday antiwar encampment in West Potomac Park on May 2, one day before the demonstrators had vowed to disrupt the city.

Dismissing charges against 56 demonstrators accused of failure to leave the park, the

judge held that the Nixon administration had failed to carry out "its promises" to the Mayday collective.

"The plain fact is that the government agreed that it would consult with the leaders of this group prior to revoking the permit agreement (allowing use of the park), yet it failed to hold the required consultations. The government is, of course, bound to carry out its promises like everyone else."

The judge also held that the demonstrators had no constitutional right to use the park in view of their announced aim of turning it into "a staging area from which to exit every day to paralyze or interfere with the operations of government."

"The widely advertised purposes of the Peoples' Coalition for Peace and Justice were not constitutionally protected . . . symbolic or otherwise."

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"They were plainly illegal, however noble or ignoble the motives of those participating."

The encampment was cleared by police on the morning of Sunday, May 2, after Deputy Attorney General Richard G. Kleindienst and other officials revoked the permit allowing use of the park from April 23 to May 9.

At the time about 35,000 to 40,000 persons were assembled there, initially more than 200 persons were arrested. Charges subsequently were dropped against all but the 56 who were freed yesterday on unlawful entry charges by the judges ruling.

In the six-page opinion, the judge emphatically declared that the government had no obligation to permit the demonstrators to assemble at the site.

"Given their stated and widely publicized purpose, the demonstrators had no

more right to congregate in the park than "a group would be entitled to a governmental permit for a staging area on public property adjacent to the U.S. Capitol or the White House for the announced purpose of assaulting and occupying these buildings," the judge said.

"Nevertheless and for whatever reason the government decided to grant to this group a permit to assemble," the judge continued, emphasizing that once it had been granted the government should have been bound by it.

The permit provided for revocation if its terms were violated, but contained a stipulation that "consultation shall be first sought, if possible or reasonable" between permit holders and government officials. Judge Greene pointed out.

At a hearing Wednesday, Kleindienst conceded that no consultations were held when the decision to revoke was made May 1. He asserted that Philip M. Hirschkop, attorney for the demonstrators, had agreed with the administration that the situation in the park was "out of control" and that the permit should be lifted. Hirschkop contradicted that statement.

"The only explanation ever offered during the testimony for the failure to consult was that if the signatories (Rennie Davis and other demonstrators) had been appraised of the plan to revoke the permit, this would have complicated the evacuation operation."

The judge said that he did not doubt that this would have been true. "But the fact is that the government, knowing full well the character, intentions and purposes of the people with whom it was dealing, nevertheless agreed to consult with them . . ."

"Rennie Davis and his colleagues were as well known to the government on April 23 when it agreed not to revoke the permit without prior consultation as they were on May 3 . . . yet, whatever the reason, the government chose to make an agreement which included a consultation clause."