

# Court Rejects More Mayday Arrest Cases

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Hundreds more cases involving people arrested during the Mayday antiwar demonstrations here last month — cited by prosecutors as being among their strongest cases — were thrown out of court this week for lack of evidence and the failure of police officers to testify.

The persons affected were among the more than 2,000 arrested during a demonstration at the Justice Department May 4, where police used field arrest forms and photographs.

They were not covered by a U.S. Court of Appeals order two weeks ago requiring the D.C. corporation counsel to screen Mayday cases meticulously before bringing them to court.

The Court of Appeals ruling concerned only the 7,000 arrests throughout Washington on Monday, May 3, when the police suspended their standard field arrest procedures.

On Wednesday, of this week, 63 cases growing out of the arrests at the Justice Department were on the D.C. Superior Court calendar.

The prosecutors certified only three for trial, however, and only one of those three resulted in a conviction.

Of the others, 19 were dropped by prosecutors; 23 dismissed when policemen did not appear to testify; 11 were continued to another date because prosecutors were not ready for trial, and 7 resulted in a forfeiture of collateral posted on the day of arrest.

Yesterday, an estimated 60

case from May 4 were on the court calendar, but only one went to trial, and it resulted in an acquittal.

The others were dismissed or continued for the same variety of reasons as earlier in the week.

On other days this week, court statistics indicated similar results.

Attorney Edward L. Genn, appearing before U.S. District Court Judge Howard F. Corcoran for the American Civil Liberties Union yesterday, attempted to have the Court of Appeals ruling extended to the cases growing out of the May 4 arrests at Justice.

He pointed out that some defendants were traveling hundreds of miles at their own expense, only to learn that the case against them would not be prosecuted.

Genn cited the case of Maureen May, of Lansing, Mich., as representative of another category: defendants who go to trial, but against whom there is insufficient evidence.

According to Genn, Miss May was charged with disorderly conduct "for sitting in the 200 block of 10th Street NW. When the case came on for trial recently, although there were field arrest forms . . . the police officer testified that he did not see Miss May

commit such act, nor did he have any evidence thereof; and the photographs involved showed no criminal activity; and the Court forthwith acquitted her."

Corcoran told three assistant corporation counsels at the hearing that "it's not fair"

to force people to travel a great distance under those circumstances.

"Is there any reason why the prosecutor can't talk to the police officer in advance?" the judge asked.

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## Court Drops More Cases In Protests

MAYDAY, From B1

Assistant Corporation Counsel John R. Hess protested that "special treatment is not warranted for these cases."

New Hearing Set

Corcoran declined to issue any formal ruling and scheduled a new hearing for next Friday on the ACLU's charges that prosecutors have maintained Mayday demonstration cases "in bad faith."

The police department's general counsel, Gerald Caplan, conceded yesterday that "there has been some slippage in the system" of notifying policemen when they must testify in court on Mayday cases.

Both he and Corporation Counsel C. Francis Murphy said action would be taken to "straighten out" the problems.

In some of the May 4 cases that have resulted in acquittals after trial, defendants testified that they did not hear police orders to move on or that they did not have enough time to leave before being arrested.

An estimated 1,000 people arrested May 4 have yet to be processed through the courts, as do the more than 1,000 arrested on federal charges on the Capitol steps Wednesday, May 5.

There have been only a few convictions in the May 3 cases, about 30 of which remain to be tried.