

Court Frees Mayday Plan

11/28/74

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Newly released documents recounting Justice Department meetings immediately prior to and during the massive Mayday antiwar demonstrations here in 1971 portray top Nixon administration officials—particularly former top White House aide John D. Ehrlichman—as taking the hardest line of any of the participants handling the protests.

The picture is presented in minutes of Justice Department meetings of May 13, 1971 that included representatives of the metropolitan Police department, the Defense Department, the White House, the Justice Department, and the National Guard. The documents were ordered turned over by U.S. District Judge William B. Bryant in a pending civil suit brought in behalf of 12,000 persons arrested during demonstrations that week.

The administration has previously admitted that it played a key role in planning for the Mayday protests, but has contended that former D.C. police chief Jerry V. Wilson was the person who made the key decision to employ mass arrest procedures that later ended in dismissal of charges against most of the 12,000 persons arrested.

The documents provided by the Justice Department in the civil suit detail just how much of a role Nixon administration officials took in the days im-

mediately preceding and during the arrests.

The first meeting was a two-hour session presided over by then Deputy Attorney General Richard Kleindienst and attended by 11 other persons including Wilson and Ehrlichman.

At that meeting Kleindienst indicated there had been no firm decision to deploy federal troops during the protests. He recounted intelligence estimates that possibly 1,000 or 2,000 demonstrators might plan to disrupt traffic.

The deputy attorney general suggested that some possible diversionary tactic be considered when the demonstrators leave their camp site to engage in their unlawful acts of disruption," the minutes said.

Chief Wilson stated that he believed that many (of the demonstrators) were not here to disrupt but even so the great numbers might constitute a problem. He stated that he foresaw a little chance of violence.

However, one Army general suggested that if troops were needed they be flown into the city on helicopters. "But Mr. (Robert) Mardian (then head of the Justice Department's Internal Security Division) suggested that the use of helicopters could cause bad press."

Ehrlichman joined the conversation and "stated that he

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was amazed at (a suggestion to wait another day to decide on the use of troops) and could see nothing to be gained by waiting until Sunday. He stated that the President wanted the city kept open if it took 100,000 (troops). He added that if we were short on troops someone will be in big trouble.

"He said there was to be no misunderstanding about that and no fine tuning was needed and he said if it turned out to be 'hot air' (i.e.: if the protests were not disruptive) that would be fine," the minutes continued.

From there, the discussion appeared settled on the necessity of troops.

Ehrlichman mentioned a few minutes later another concern of the President.

"Mr. Ehrlichman stated that a lot of questions were being raised as to why the government was permitting pot (marijuana was reportedly being used openly by demonstrators) and violations of the law. He stated that the

President was ready to go further than had been discussed up to now in this meeting."

Ehrlichman also suggested that the police break up the campsite in West Potomac Park, at 6 a.m. Sunday, a maneuver that occurred the next day and had the effect of dispersing a large number of demonstrators. Ehrlichman called it a "psychological maneuver," saying that a failure to disrupt the protesters would appear to be a government position "that . . . we were aiding and abetting the protesters in their illegal plan."

The decision to shut the park the next morning was made final and everyone present was cautioned to keep the plan a secret so the demonstrators would not be forewarned.

Meetings on the Monday morning, after the arrests of thousands of demonstrators were focused on problems of where to house those arrested. But there was time for this comment:

"The meeting was opened by the Attorney General (then

John N. Mitchell) extending the compliments of the President and his thanks for a good operation."