

# U.S. Officials Say D.C. Made Mayday Policy

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U.S. Attorney General John N. Mitchell and his Deputy, Richard G. Kleindienst, have formally denied any responsibility for the mass arrests of 12,000 people here during last spring's Mayday antiwar demonstrations, saying the decisions were made by D.C. Police Chief, Jerry V. Wilson.

In sworn affidavits filed in U.S. District Court here, both Mitchell and Kleindienst contradicted long-standing reports that the Justice Department had set the guidelines for the police response to Mayday.

Answering a law suit filed by 15 persons who contend they were illegally arrested on Monday, May 3, Mitchell and Kleindienst denied the allegation that there had been "a predetermined conspiracy (by the government) to disregard and deny the legal and constitutional rights of citizens" during the arrests and detention.

In fact, said Kleindienst in his affidavit, "There were never any discussions, agreements or understandings between myself, the chief of police, the attorney general . . . on anyone else concerning the specific circumstances under which any arrests would be made or the methods or procedures to be utilized in arresting persons who were violating the law during (the) Mayday demonstrations."

"The only consensus which might be said to have been reached" before the demonstrations, Kleindienst added, "was that Chief Wilson had full command of police activities and that violators of the law would be arrested wherever possible."

The complaint of the 15 plaintiffs in the lawsuit demanding \$900,000 in damages, is that they were not violating the law at all, but were inno-

cent bystanders when they were swept up by the police during the mass arrests.

Controversy has continued ever since the Mayday demonstrations — during which protestors made an attempt to block traffic in the streets of Washington — over Wilson's decision to suspend the use of a standard field arrest form prior to most of the 7,000 arrests on Monday, May 3.

Only a handful of those arrested during Mayday were ever convicted after trial.

Government and independent sources have maintained ever since that while Wilson made "tactical field decisions" regarding Mayday, he nevertheless acted in close coordination with — and sometimes on the basis of instructions from — the Justice Department.

Attorney Philip J. Hirschkop, who represented the protest organizations in negotiations with the government, reiterated that view yesterday. "Kleindienst called all the shots," Hirschkop said when informed of the affidavits.

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"High police officials were consulting with him frequently."

Reporters themselves noted that during the demonstration Wilson was constantly accompanied by Fred B. Ugast, a Justice Department attorney who was in close radio contact with his superiors.

Mitchell was observed on a Justice Department balcony during a demonstration there on Tuesday, May 4, and he has been reported to have ordered arrests at that time.

Kleindienst previously testified in D. C. Superior Court that he had participated in the decision to revoke the Mayday permit for an encampment in West Potomac Park on Sunday morning, May 2.

Speaking to the National Press Club Friday, Wilson said "If you want to find fault with

my (Mayday) instructions, you can blame the President. If you want to find fault with the execution, you can blame me."

The Justice Department and Wilson have often protested the claim that they worked together closely during the Mayday protests, but the affidavits were the first sworn statements to that effect.

Kleindienst did concede in his affidavit, however, that the Justice Department held extensive interdepartmental meetings beginning in March "to consider the problems with respect to the demonstrations."

The business of the strategy session, he said, was to discuss "available intelligence and the progress of negotiations with the leaders of the planned demonstrations."

Kleindienst provided the following list of agencies that

had sent representatives to the session:

The Mayor's office, the police department, the National Guard, the U. S. Park Police, the Secret Service, the Office of Civil Defense, the Interior, Defense and Justice Departments, the General Services Administration, the Administrative Office of the U. S. Courts, the Executive Protective Service, the U. S. Attorney for D. C., the Capitol Police and others.

The Mitchell and Kleindienst affidavits were attached to a petition asking U. S. District Court Judge John H. Pratt to dismiss the law suit insofar as it pertains to federal officials, or to grant a summary judgment (before any trial on the merits of the case) on their behalf.

What little they did have to do with the Mayday demonstrations, the Justice Depart-

ment argued on behalf of its own two top officials, is protected by the doctrine of official immunity from civil liability.

In any event, an accompanying legal memorandum contends, "it is clear that no conspiracy . . . existed which in any way involved the attorney general or the deputy attorney general."

The Justice Department acknowledged, however, that President Nixon had delegated Mitchell to be in charge of federal policy with regard to demonstrations and that Mitchell had delegated Kleindienst as his "chief of staff for these purposes."

For its part, the D.C. corporation council also denied liability in responding to the lawsuit on behalf of Chief Wilson and the city government.

Any "injuries and damages" suffered by the 15 plaintiffs,

according to the city, "resulted solely from the intentional or unlawful actions of the plaintiffs, including . . . disorderly conduct, unlawful assembly and riot."

All actions taken by the police, the corporation counsel claimed, were "reasonable and necessary for the preservation of peace and order" in the District of Columbia.

The lawsuit is one of several pending against the government as a result of arrests and other actions during the Mayday demonstrations. Last week the Washington Chapter of the Medical Committee for Human Rights filed a court action charging that Chief Wilson had broken a promise to permit medical teams to operate freely during the protests.

A recent decision by the U.S. Court of Appeals here,

ruling that the District government could be held responsible legally and financially for the improper acts of policemen, is expected to affect the outcome of the Mayday law-suits.

A special committee of the D.C. Judicial Conference is also studying the government response to the Mayday demonstrations.