

See also this file 7, 11, 12 May 71.

Rights Report Is Critical Of Wide Mayday Arrests

JUL 5 1971

Special to The New York Times

WASHINGTON, July 4—The District of Columbia Human Relations Commission has reported that more than half of the 10,000 young people arrested during the Mayday demonstrations here two months ago did not violate any law.

In a 59-page report released last week, the commission also said that while the rest of those arrested may have violated some law, only about one-quarter of them had been apprehended by the police while committing an illegal act.

Moreover, the commission said that it had found that the principal criterion by which the arrests had been made appeared to be "evidence of youthfulness," such as long hair, casual dress or the wearing of beards, rather than "evidence of an unlawful act."

The 15-member commission said that it had received "numerous requests" to investigate the street disorders that occurred May 3 through 5, when thousands of members of the Mayday Tribe attempted to "stop the Government" by blocking automobile traffic in the capital.

The commission said that it had reached the conclusions contained in its report after examining the testimony of more than 400 demonstrators and witnesses, reading newspaper reports, interviewing officials and studying the observations of its own staff.

Among the findings were these:

¶Although "isolated instances of police brutality" occurred on May 3, most officers conducted themselves "in a manner becoming officers of the law in carrying out an extremely unenlightened policy" of indiscriminate mass arrests.

The commission said that "a substantial number" of police officers had failed to wear badges or name-tags and this gave an "anonymous and indifferent character" to many of the arrests and "seems to have encouraged officers to act in ways for which they could not later be called to account."

¶The suspension of emergency field arrest procedures by the metropolitan police department, "on the advice and counsel of the Justice Department and without the approval of the city administration," violated minimal due process requirements.

The decision to forgo the use

of field arrest forms on May 3, the commission said, was made by the Metropolitan Police Chief, Jerry V. Wilson, with the result that "no documentation existed in many cases to link the arrested person with the arresting officer."

"Even though in some cases there were as many officers as prisoners, and the officers were doing nothing of an official nature, no effort was made" to fill out the forms, the report said.

¶The circumstances and legality of the arrests, the report said, were further muddled because the police entered the charge of "disorderly conduct" in nearly every case, and this contributed to the subsequent inability of the City Attorney's office to prosecute successfully many of those arrested.

"A typical exchange," the commission said, "would be for someone arrested while walking down the street to be told that the grounds for arrest were failure to move on. Some people were told they were jaywalking. The blanket charge of disorderly conduct entered later... contradicted the oral charges first asserted in many cases."

The commission also said that Justice Department attorneys helping with the arrest reports on May 3 were given instructions from Attorney General John N. Mitchell to supply one of a list of seven names as the "arresting officer" in all cases.

One woman, arrested on her way to a satellite demonstration at the State Department, said in a letter to the commission that she had been the victim of such incomplete post-arrest procedures.

Many Cases Dismissed

"As I was 'processed,'" she wrote, "a police officer wrote on an arrest sheet that he made out for me that I had been arrested at 7:30 A.M. at 1701 H Street, N.W., both wholly false statements, and took the name 'T. J. Lyons, S.O.D....' from a list of three officers to write down as my arresting officer."

"He had no record of arrest in front of him and asked me no questions about the arrest."

When she arrived in court, the woman said, officer Lyons was not present. When the judge ordered him to report, she said, "he did not recognize any of us or know why we

were arrested."

The woman's case, along with thousands of others, was subsequently dismissed. The most recent statistics released by the District of Columbia Superior Court show that, out of the first 3,949 Mayday cases to come before it, convictions were obtained in only 79.

The commission also criticized the Justice Department and the police as failing to make preparations for "the humane detention of people held under their mass arrest policy, although... [they] had ample advance notice of the projected plans to disrupt traffic."

Except in the open-air enclosures used to hold prisoners at Robert F. Kennedy Stadium and at the city jail's recreation field, the report said, a "lack of space is reported to have

been a serious discomfort at every place of detention in the district."

"Cells were generally crowded with five or more times the number of prisoners for which they were designed," and "food and water were reported to be generally absent at the holding points until the afternoon of May 3."

The lack of medical and sanitary facilities and extremes of temperature were also said to

be characteristic of the detention centers.

One man, who said that he was an employe of the Library of Congress and a veteran of the Vietnam war, described his experiences in a letter to the American Civil Liberties Union which the commission reproduced.

After being arrested at the Capitol on May 5, the man wrote, "I was jailed at the D.C. Coliseum and the District Court basement cellblock."

"I spent 32 hours in confinement before seeing a lawyer," he said. "Despite repeated requests, I was not allowed to use a phone for the entire 46 hours of detention. I was being held incommunicado. Neither employer, friends nor relative knew my whereabouts. We went from 11:30 P.M. Thursday to 2:30 P.M. Friday with no solid food."