

Court Refuses to Overrule Burger's Order Barring M all

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WASHINGTON, April 21 — The Supreme Court declined today to overrule Chief Justice Warren E. Burger's order yesterday that barred camping on the Mall here by Vietnam veterans demonstrating against the war.

The Government, having won the legal argument, was not inclined to press the point by arresting the 900 or so veterans who have been camped on the Mall.

The Justice Department issued an "interpretation" that said, in effect, that the former servicemen were free to remain on the grassy parkland overnight but not to sleep.

But the demonstrators met in state and regional caucuses and voted, by a small majority, to risk arrest by sleeping.

The police from the District of Columbia were prepared to assist the National Park Police if arrests were made. But the National Park Service, which is responsible for the open mall between the Capitol and Lincoln Memorial, clearly was reluctant. A spokesman for the Park Service stated it this way:

"We're going to warn people. It's very possible we will warn people all night, 'Thou shalt not sleep.' We don't think it would be politic to go in with nightsticks."

Terms of Injunction

The veterans, most of them long-haired, almost all of them clad in combat fatigues and a few confined to wheelchairs, shouted, "Stay, stay," after their lawyer, former Attorney General Ramsey Clark, outlined for them the terms of the Supreme Court action and subsequent Justice Department interpretation.

The Justice Department said that under an injunction granted by a District Court judge last Friday, the demonstrators were prohibited between 4:30 P.M. and 9 A.M. from sleeping, lying "in, on or under" bedrolls, making fires, erecting any shelters other than a medical tent, breaking earth or doing any cooking.

Thus the argument over a small block of grass within

sight of the Capitol, having been contemplated by the nation's highest jurists, argued in three Federal courts in six days and led to an outpouring of Congressional indignation, appeared to have ended in a stalemate.

The Vietnam Veterans against the War, the vanguard of demonstrators planning to mass at the Capitol on Saturday, won what they had already secured — the opportunity to stay in the open air on Government land, albeit without sleeping too obviously at night.

The Government, anxious about setting a precedent for the May Day Collective, a more radical group threatening to "stop the normal functioning of government" if the war has not ended by May 1, maintained its legal argument against granting the right to

camp out in the District of Columbia parks.

President Nixon, meantime, apparently will miss both the mass gathering on Saturday and the week of May Day Collective demonstrations.

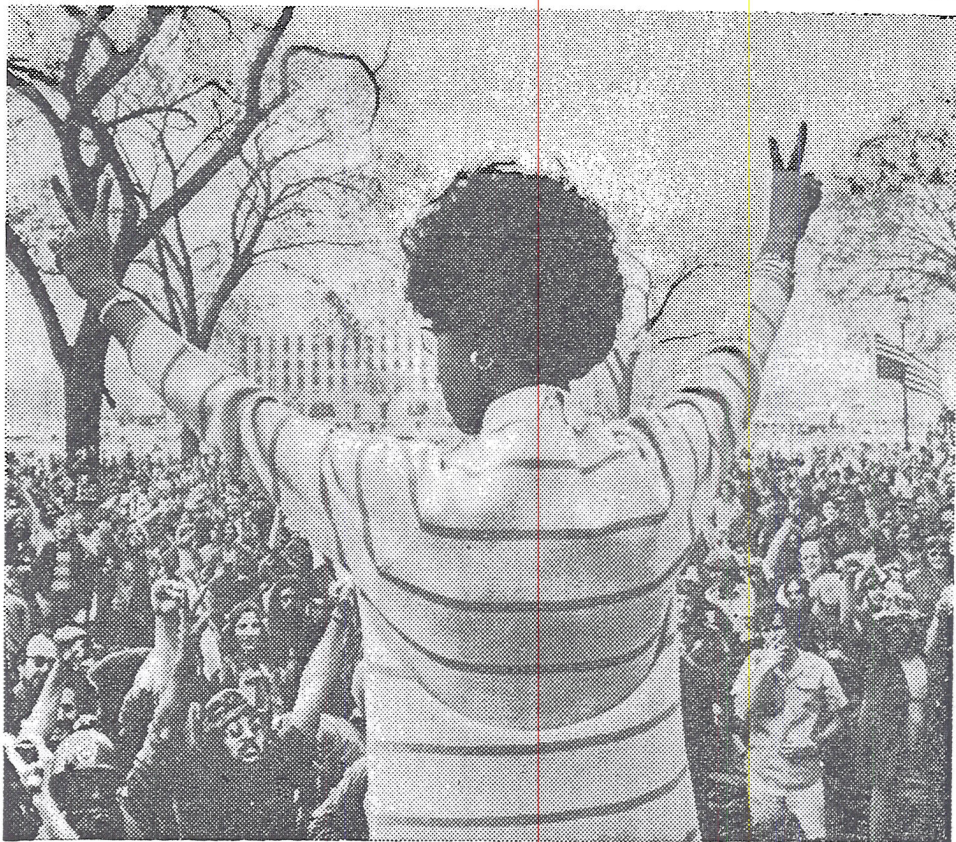
Mr. Nixon was making plans today to spend the weekend at Camp David, his Maryland retreat, and to go to the Western White House in San Clemente, Calif., between May 1 and May 7.

Ronald L. Ziegler, the White

House press secretary, offered assurances that avoiding the protests "is not the motivation."

The Supreme Court did not explain the legal philosophy or the vote of the Justices in declining to overturn the decision made yesterday by Chief Justice Burger, acting as Circuit Justice for the District of Columbia.

Chief Justice Burger revoked yesterday a ruling by a three-judge panel of the Court of Appeals for the District that the veterans were entitled to



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Representative Shirley Chisholm, Brooklyn Democrat, returns protesters' peace salute

Camping

sleep, but not dig in, on the Mall.

The Justice Department had warned yesterday that, although it would not enforce the Court ruling by evicting the demonstrators last night — because of the lateness of the decision and presence of small children at the campsite—the veterans faced arrest if they did not leave at 4:30 P.M. today.

It was at about 4:30 that the Court's position was made known and the Justice Department indicated there would be no arrests. These developments followed a day of mounting apprehension among Senators and Representatives sympathetic to the veterans' demand for an end to the Indochina conflict.

Legislators Offer Aid

Sixteen House Democrats offered to let the veterans sleep in their Capitol Hill offices. Three dozen other members urged the Secretary of the Interior, Rogers C. B. Morton, to make other park space available. Two Representatives sought a ruling from House Speaker Carl Albert that the protesters could sleep on Capitol grounds.

Senators, including Edward M. Kennedy, Democrat of Massachusetts, and George S. McGovern, Democrat of South Dakota, visited the encampment and urged the Administration to permit it to remain.

"If the country can find a place for you to stay in Vietnam," Senator Kennedy told one group of veterans, "they can find a place for you to stay here."

Earlier, planners of the mass rally on Saturday began emphasizing the character rather than the size of their expected turnout.