

Veterans in Protest In Capital Allowed To Sleep in the Mall

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WASHINGTON, April 22—A Federal judge tonight dissolved the ban against overnight camping on the Mall by Vietnam veterans demonstrating against the war, despite approval Tuesday of the injunction by Chief Justice Warren E. Burger.

United States District Judge George L. Hart Jr. was, however, sharply critical of the Government for seeking an injunction and then declining to use it.

"This court feels that one equal, coordinate branch of government—the judiciary—has been dangerously and improperly used by one equal, coordinate branch of government—the executive—represented by the Department of Justice in this case," the judge told L. Patrick Gray 3d, an Assistant Attorney General.

The Government's acquiescence in formally removing the ban on sleeping in the Mall parkland was the latest sign that the Nixon Administration, perhaps at the President's own request, was going out of its way to demonstrate its tolerance toward antiwar protesters.

Earlier today the District of Columbia police arrested 110 veterans and supporters after they refused to stop chanting and singing on the steps of the Supreme Court. Although the demonstrators arrested for "obstructing justice," the Justice Department intervened to have the charges—potentially punishable by a year in jail and \$5,000 fine—reduced to the minor charge of disturbing the peace. The protesters were re-

Continued on Page 4, Column 3

Continued From Page 1, Col. 5

leased quickly on \$10 bond each.

The police broke up the demonstration after about 90 minutes of singing and chanting by the veterans. One protester smashed a toy rifle against a statue representing justice. It is illegal to demonstrate in a courtyard under statutes that are designed to prevent pressures being placed on judges or juries by aroused citizens.

Judge Hart granted the ban last Friday at the Government's request, saying that the Vietnam Veterans Against the War were entitled, in effect, to be on the mall overnight but not to sleep or dig in. On Monday a three-judge panel of the Court of Appeals for the District of Columbia modified the injunction to permit the protesters to sleep on Government parkland. The next day Chief Justice Burger reinstated Judge Hart's ban and the next day Justice Burger's colleagues declined to overrule him.

The mild treatment of the protesting veterans was the latest instance of shifting Government moves toward the first of a round of spring demonstrations in behalf of an immediate end to the war.

For the fourth successive night, the veterans were bivouacked on a small square of the wall—which they called Fire Base Berrigan after the Rev. Philip F. Berrigan, the Roman Catholic priest accused of taking part in a plot to kidnap Henry A. Kissinger, the President's national security adviser.

The bivouac looked like an encampment of active-duty servicemen. A mess tent dispensed food donated by sympathetic Washington residents. Men in combat uniforms lounged under trees. Others, equipped with toy rifles purchased from a nearby department store, moved out in groups not unlike combat patrols to conduct "guerrilla theater" demonstrations of the way in which civilians are allegedly mistreated in Vietnam.

Despite the urgency with which the Justice Department sought a District Court injunction against the campsite last week and reaffirmation of the ban by the Supreme Court on Tuesday, the Government took no steps to enforce the ruling by arresting the veterans who were violating it.

Congressmen sympathetic to the end-the-war demonstration continued to express support in a variety of ways, but

the attitude of tolerance extended even to the White House and to supporters of the President's Vietnam policy.

Ronald L. Ziegler, the White House press secretary, said that the Administration had taken steps to avoid any violence and would "move with the understanding that the people of this country have the right to express themselves."

The President—who presented posthumous Medals of Honor today to the families of three Army enlisted men killed in Vietnam combat—was aware of the veterans' dispute, Mr. Ziegler said, but he declined to say if Mr. Nixon would enforce the ban on overnight camping.

Senator Robert J. Dole, the Republican national chairman and a frequent defender of Mr. Nixon's Vietnam policy, had an amiable chat with three of the protesting veterans from his state of Kansas. He urged them to focus their dissatisfaction on Senators who voted in 1964 to approve the Tonkin Gulf resolution that was the basis for expansion of American involvement in Vietnam. Mr. Dole also invited the demonstrators to stop by Republican party headquarters and meet young staff members.

Government officials involved in planning for the spring dem-

onstrations, including a mass rally at the capitol on Saturday, would not say whether the tolerance reflected a general strategy or was specifically linked to the 900 veterans, among whom were several who had lost arms or legs in combat.

Some officials have expressed private concern that the People's Coalition for Peace and Justice, a more radical group planning a week of protests in May, might require sterner treatment. But the group's leaders, including Rennie Davis, a Chicago conspiracy trial defendant, announced that they had negotiated a permit from the Justice Department for 24-hour events in a section of West Potomac Park.

One assumption was that the Government sought an injunction against sleeping in the parks in case it should be needed in future demonstrations. But the Federal judge who granted the injunction on Friday was said to be displeased that it had not been used.

District Court Judge George L. Hart Jr. said in a telephone interview that he would make his attitude known through official channels. Asked if it was unusual to seek and not use an injunction, he replied: "What would you think?"