

Capital Jail Ruled 'Cruel' Punishment

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WASHINGTON, May 7 — A judge ruled here today that 600 persons arrested during antiwar demonstrations were being held under conditions that inflicted "cruel and unusual punishment."

Judge James A. Belson of the Superior Court of the District of Columbia gave Police Chief Jerry V. Wilson and the superintendent of the district jail, Charles M. Rodgers, until 1 A.M. tomorrow to bring the 600 to court for arraignment. The authorities began doing that early today, and by nightfall fewer than 200 were left in jail.

The judge found that the prisoners were being detained "under conditions which grossly violate the minimum standards properly applicable even to temporary detention facilities" and were suffering "irreparable injury."

The 600 persons are the last of thousands arrested this week who had not yet had a court appearance. The vast majority of those already arraigned were free on personal recognizance, payment of \$10 collateral or \$100 bond.

Advice on Conditions

The judge made his ruling at 4:10 this morning after a tour late last night of the detention facility in the United States Courthouse. When he returned to his own courtroom two blocks away, Judge Belson asked the lawyer representing the District of Columbia for advice on what minimum conditions he might impose to protect those being held.

The judge said: "I'm anxious to hear any suggestions you have, for example, at to whether they should be afforded a place to sleep—a place to lie down—one place per per-

son, and blankets and things of that nature.

David P. Sutton of the District corporation counsel's office replied: "Your honor, these minor things, I don't think—"

The record at this point notes "a loud exhalation from spectators."

When the judge restored order, Mr. Sutton said: "I would wish to qualify that. I certainly wouldn't consider it minor if I had been relegated to that detention center, as far as my own personal comfort is concerned. I wouldn't be honest if I said otherwise."

The judge's findings concerning the cellblock in the courthouse recalled the reports of some of the youths arrested here this week that they had received inadequate treatment in jails and detention centers. Reporters, unless they had been arrested, were not allowed to inspect the jails or the Washington coliseum, where many of the youths were kept.

Senate Aide Astonished

At a detention camp set up on the Washington Redskins' practice field—bounded only by an open fence—it was evident last Monday that there was no food and no sanitation facilities. Asked about food for the prisoners, a police captain said, "My men haven't eaten for 15 hours. We're not going to worry about them until my men get fed."

During the week, many of those arrested said they had been fed only bologna sandwiches — a single slice of bologna between pieces of bread—and water.

One of those who did get into a cellblock of the United States Courthouse as an observer early today was James F. Flug, chief counsel of a subcommittee of the Senate Judiciary Committee. The chairman

of the subcommittee is Senator Edward M. Kennedy, Democrat of Massachusetts.

"I just couldn't believe it," Mr. Flug said. "A room the size of my office had about 31 people in it. There was only room for six or eight people to sit on the benches and room for 15 or so to lie on the floor. The rest had to stand. They were in there for 19 hours.

Mr. Flug said another cell, with two benches and an open toilet, held 121 people. "It was really gross," he said. "The cells were dirty, and the temperature there must have been over 100 degrees at some points during the day."

Mr. Flug said representatives of both the corporation counsel's office and the United States Attorney's office were in the cellblock at different times.

A spokesman for the Department of Justice said that, despite the judge's ruling, "we don't feel that any cruel or irreparable harm came to the people detained there." The spokesman said the facility was under the control of the United States Marshals Service, part of the Justice Department.

The spokesman said that "jails around the country are over-crowded" and argued that "the situation of the week" with its many protests and 12,000 arrests had to be taken into account.

He said that the capital police had used the cellblock "in accordance with a long-standing agreement between the D.C. Government and the Federal Government" that they might do so when necessary. He also said the capacity of the cellblock was "450 to 500."

Judge Belson made his ruling on a petition of the District of Columbia Public Health Association. The association argued that the facilities constituted a hazard to the prisoners, their jailers and the community.

Mr. Flug said that some of those in the cellblock were refusing to undergo arrest processing. This involves being photographed and fingerprinted, and some of the youths believe their fingerprints should not be sent to the Federal Bureau of Investigation until they have been found guilty.

Mrs. Barbara Bowman, director of the Public Defender Service here, said that late in the afternoon many youths were still trying to decide whether to submit to processing.

"They object," she said, "because their fingerprints will be sent to the F.B.I. for dissemination to 15,000 employers and employment agencies, and a dossier will be begun on them. These are people who don't deserve to have any record at all because they were probably illegally arrested."