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SON OF M'CARTHY FREE IN CAPITAL

Mayday Charge Set Aside—
Convictions Put at 63

WASHINGTON, June 10 — Michael McCarthy, the 20-year-old son of former Senator Eugene J. McCarthy, was set free today after District of Columbia prosecutors said they were unable to produce evidence to support a charge of disorderly conduct against him.

Mr. McCarthy, a sophomore at Harvard University, was arrested with a friend, Kenneth McCormick, early on the morning of May 3, the first day of disruptions here by the so-called Mayday Tribe.

The two said they were walking near the Georgetown section after hearing instructions from the police to "go back home" when they were arrested and taken to a makeshift holding area at Robert F. Kennedy Stadium.

The police did not complete field arrest forms on either of the two youths, but prosecutors said they later established Mr. McCarthy's presence there through police photographs.

Photograph Misplaced

A lawyer in the District Corporation Counsel's office said today that the photograph had been misplaced, and that when Mr. McCarthy arrived in court he was told that the charges against him were being dropped.

Court officials say they do not know how many of the May 3 arrests have ended in convictions, but statistics released yesterday indicate that only 63 of the more than 12,000 arrested during "Mayday week" have been found guilty after trial.

Police officials say that hurried policemen were unable to complete the usual field arrest forms linking each individual to a specific crime, and prosecutors have consequently found it difficult to produce acceptable evidence in court.

In some cases, like Mr. McCarthy's, the police were able to reconstruct events leading to individual arrests through photographs, but most of the photographs were taken on May 4 and 5, when thousands of demonstrators staged sit-ins near the Justice Department headquarters and the Capitol.

However, judges have been dismissing many of these cases as well, according to one city attorney, because the photographs, which simply established that an individual was present at an illegal assembly, did not show him committing "some overt act."

The low rate of convictions has generated much criticism from legal authorities, some of whom have charge the police with unconstitutional arrest techniques and prosecutors with attempting to take to court cases that were virtually impossible to prove.