

MAYDAY ARRESTS OF 800 DROPPED

Government Asks Dismissal in Capitol Steps Protest

Special to The New York Times

WASHINGTON, Aug. 29 —

The Federal Government, conceding it had little likelihood of winning convictions, has dropped criminal charges against more than 800 persons arrested on the steps of the Capitol during the Mayday anti-war demonstrations here last spring.

The Government's motion to dismiss the dual charges of trespass and unlawful assembly against the protesters — entered last Thursday before Judge Stanley Harris of Superior Court — left unresolved only a few hundred of the cases that resulted from the three days of mass disruptions last May 3-5, when more than 12,000 persons were arrested.

In a large number of Mayday cases, judges, citing incomplete or improper arrest procedures, have ordered wholesale dismissals of the charges, mostly misdemeanors, initially brought against the young demonstrators. Although formal charges were filed in 7,802 cases, convictions have thus far been obtained in fewer than 200.

Arrests Procedures Tightened

In contrast to thousands of arrests made earlier in the week, officers at the Capitol were careful to fill out field arrest forms, complete with photographs, for each of the demonstrators held. Many of the earlier arrests were later dropped because the absence of such forms had left prosecutors unable to link arrested persons with a specific illegal act.

Because the arrests dismissed last week were devoid of such procedural lapses, they were considered to be the strongest of the Government's mass-arrest cases.

On May 5, the police arrested 1,146 demonstrators who had gathered on the Capitol steps to present to Congress a copy of a "people's peace treaty" aimed at ending the Vietnam war. That action followed two days of unsuccessful attempts by members of the radical Mayday Tribe to halt rush-hour traffic in and around Washington as a war protest.

Although the protestors had been invited to the Capitol by

four Democratic Representatives—Bella S. Abzug and Charles B. Rangel of Manhattan, Ronald V. Dellums of California and Parren J. Mitchell of Maryland—and although Mr. Dellums and Mrs. Abzug addressed the crowd at some length on the war issue, police officials declared the assembly unlawful.

Chief Explains Arrests

At the time of the arrests Chief James M. Powell of the Capitol police took the position that the demonstrators "came here to be arrested, so they are going to be arrested." Chief Powell, talking through a portable loudspeaker, then announced that those who remained on the steps would be taken into custody.

Many of the young people said later that they had not heard the announcement because of the chanting going on. One of the protesters, John D. Cox, a 22-year-old graduate engineering student at Notre Dame University, said in a telephone interview yesterday that many of his companions had come with no intention of being arrested and had realized that the gathering was illegal only when they saw others being taken away.

"Then some of them tried to leave, but the police wouldn't let them," he said.

The dismissals followed by a month a trial in which eight of those arrested at the Capitol were acquitted after five hours' deliberation by the jury. According to defense lawyers, the trial was meant to serve as a "test case" that would determine whether the remainder of the Capitol cases would be prosecuted.

U.S. Aide Differs

A spokesman for the United States Attorney's Office here denied that, saying only that the decision not to proceed had been "significantly influenced" by the acquittal.

"In our judgment, the assembly still remains unlawful," he said, "but because of the several Congressmen who had invited these people up to the steps to present their petition, the likelihood that we would succeed in the remaining prosecutions was very slight."

At the trial last month, the defense's chief point, with which the jury ultimately agreed, was that because of the invitation and the speeches the demonstrators had been exercising their constitutional rights to petition their representatives.

None of the four Congressmen who issued the invitation could be reached, but a spokesman for Mrs. Abzug, who is abroad, said that in view of her belief that the demonstrators "shouldn't have been arrested in the first place," he thought she would "be happy to hear that the Constitution was alive and well."