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ACLU Suit 430

WASHINGTON AP - Acting Atty. Gen. Richard G. Kleindienst and 13 other defendants Monday were charged with conspiracy in the mass arrests of May Day last year in Washington.

In a suit filed in U.S. District Court here, the American Civil Liberties Union said the legal action "will serve as notice to Mr. Kleindienst, District Police Chief Wilson and other public officials that ours is a government of laws, that the Constitution is the Supreme Law of the land, and that it is not subject to suspension at the convenience or whim of any public official."

On May 3 1971, in response to threats by antiwar demonstrators to block traffic, the district police, U.S. Park Service police and the National Guard "swept some 7,000 people off the streets and sidewalks of the District of Columbia—the vast majority of whom had committed no offense whatsoever—and herded them into detention camps and prison facilities," said Monroe H. Freedman, special ACLU counsel.

Most of those arrested were either not charged with violating the law or had their cases thrown out of court.

"It is not enough, however, to win vindication in defending innocent citizens from unwarranted criminal prosecutions," Freeman said.

"On the contrary, it is essential that those responsible for official lawlessness be subjected to constitutional restraints, and thqh they should respond in damages as any person who commits assault and battery, false imprisonment and other civil wrongs against other people."

The suit asks the court for a declaration of constitutional rights, an injunction against "any future official lawlessness of this kind," and for compensatory damages "that will undoubtedly reach into millions of dollars."

Freedman said no figure was set for damages "because we don't know how much should be awarded for being penned up without food, shelter or toilet facilities for 24, 48 or 72 hours."

Besides Kleindienst, other defendants named in the class action suit include former Atty. Gen. John N. Mitchell; Will Wilson, former assistant attorney general; District Mayor Walter E. Washington; Chief Jerry Wilson; the District of Columbia and members of the Justice Department, the U.S. Park Police, the Metropolitan District Police, among others.

The suit charges the plaintiffs with, among other things, making arrests indiscriminately and without probable cause; using unnecessary and unreasonable force in making the arrests; detaining prisoners under conditions that were over-crowded, with inadequate privacy and sanitary facilities; falsifying arrest forms; coercing prisoners to plead guilty or nolo contendere, and initiating and maintaining prosecutions in bad faith, for purpose of harassment and without any reasonable expectation or likelihood of obtaining valid convictions.

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