

May Day Suits

A ruling by a Federal District Court judge in Washington should have a salutary effect on police officers who tyrannize innocent bystanders. Judge Gerhard A. Gesell has awarded civil damages to two men who were swept up in the wholly illegal dragnet which District of Columbia police used to counter the May Day disruptions of 1971.

Both men had identified themselves when requested and had demonstrated to a policeman their innocence of the slightest involvement in the rioting. The officer had accepted their explanations and let them go when he was arbitrarily overruled by a zealous superior's order "to arrest everybody." Booking, fingerprinting, mugging and some twenty hours of incarceration followed.

In the first of what promises to be a long series of suits for false arrest, the local government inevitably pleaded the extenuating circumstances of an emergency situation. Clearly such a situation existed, with thousands of demonstrators avowedly determined to stifle the city's activities for the day. But while failure to satisfy in each and every arrest the full requirements of the law would at least have been understandable, the sweeping police assault on everyone they happened to encounter was indefensible.

Refusing to accept the extenuation argument, Judge Gesell made the wholesome point that the most appropriate moment for safeguarding constitutional protections was "in times of stress and strain." Police chiefs of the country would do well to study the decision—not to mention the compensatory and punitive damages imposed.