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Court Backs Clearing of Protesters

Associated Press

The Supreme Court yesterday refused to overturn a lower court's ruling that the District of Columbia must expunge the arrest records and return forfeited bail to thousands of persons improperly arrested in the 1971 Mayday demonstrations.

Last spring, the U.S. Circuit Court of Appeals for the District held that federal courts have jurisdiction over a class action suit attacking the validity of many of the 14,500 arrests made during the disturbances.

The appeals panel instructed a federal district judge to expunge arrest records and return forfeited bail in arrests that were made without police field arrest forms or in which improper booking procedures were used.

Under pressure of the demonstrations, police abandoned field arrest procedures in favor of mass arrests. The Circuit Court acknowledged that some, perhaps most, of those arrested may have been engaged in criminal activity while others were innocent of wrongdoing.

Lawyers for the District of Columbia argued that the recently expanded local court system should be allowed to handle the issue and that in any event the appeals court set too stringent a standard for validating the arrests.

The high court refused to interfere with the lower court decision.

Lawyers representing the original plaintiffs in the suit asked that Justice William H. Rehnquist withdraw from consideration of the case.

During the demonstrations, Rehnquist was a high Justice Department official who "participated in planning and decision-making in connection with the arrest and prosecutions which gave rise to this case," they argue.

Rehnquist apparently agreed, for he took no part in the consideration of the case.