

SF Chronicle

Anti-War

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Protesters'

Big Award

Washington

A U.S. District Court jury here yesterday awarded about \$10,000 in damages to each of 1200 persons who were arrested during the 1971 Mayday anti-war demonstrations as they listened to speeches on the steps of the U.S. Capitol.

The \$12 million verdict — described by legal observers as probably the largest amount ever awarded in a civil suit in which no large corporations were involved — was also extraordinary in numerous legal ways.

It was the first jury verdict awarding damages in any of the numerous lawsuits growing out of the Mayday protests and mass arrests and was possibly the first jury verdict ever to award damages in a class action suit involving more than a handful of persons.

It was also the first time damages have been awarded to persons who cited violations of their rights under the U.S. Constitution — in this case the First and Eighth Amendments — rather than citing civil rights legislation, according to lawyers in the case and other legal observers.

The jury ordered the District of Columbia government, then-Metropolitan Police Chief Jerry V. Wilson and U.S. Capitol Police Chief James Powell to pay various portions of the damages for the violation of the arrested persons' constitutional rights, false arrests, false imprisonment, and malicious prosecution.

The D.C. government has indicated previously it would pay Wilson's share of the award, and the federal government has indicated the same for Powell.

Attorney Warren Kaplan, who tried the case for the American Civil Liberties Union, praised the jury verdict, saying that he hoped one impact of the award would be to "avoid a repetition of similar occurrences in the future."

He said he felt the jury verdict indicated that jurors found the Mayday-related arrests "a tragic blight on the administration of justice in the city and in this nation."

Government attorneys Raymond B. Battocchi and Edward L. Curry, who represented the federal govern-

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ment and D.C. respectively, said they had no comment after the verdict.

It is expected, however, that the government will appeal the award.

The complex verdict was returned by the six-member jury (the number of jurors used in all civil cases in federal court here) after nearly eight hours of deliberation.

The jurors had heard approximately 60 witnesses over the past six weeks of the trial before U.S. District Judge William B. Bryant.

The suit grew out of a demonstration on the Capitol steps on May 5, 1971, during a week of protests that have been collectively called the "Mayday" demonstrations.

More than 12,000 persons were arrested that week, but only a handful were ever prosecuted and convicted because practically all of the arrests were later ruled illegal by the courts.

The 1200 who were arrested on May 5 were listening to speeches by Representative Ronald V. Dellums (Dem-Calif.) and other congressmen when D.C. and Capitol policemen sealed off the steps and began making arrests.

Dellums, who was not arrested, was awarded \$7500 for violation of his freedom of speech under the First Amendment of the Constitution.