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# The Lesson of Mayday, 1971

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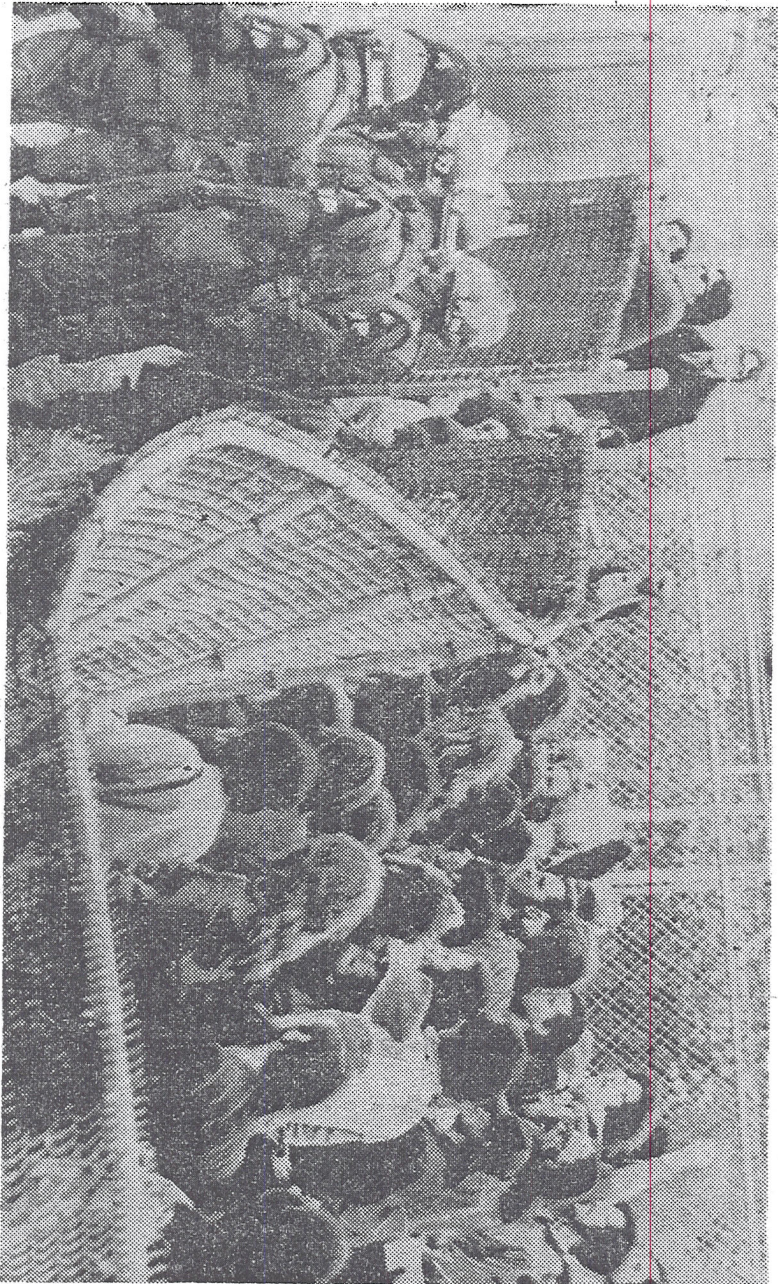
## Behind the \$12 Million Verdict

By Mary McGrovy  
Washington Star-News  
Washington

A letter from Albany, written on notebook paper, is typical of the mail that has been pouring into the local office of the American Civil Liberties Union office at 3000 Connecticut avenue since the \$12 million Mayday verdict was announced.

"I'm embarrassed to say," writes a student, who is unsure of his eligibility to collect damages won in the unprecedented class-action suit,

**Analysis  
and  
Opinion**



MILITARY POLICE STOOD OVER ARRESTED DEMONSTRATORS IN MAY, 1971  
Those arrested were held on the practice field at RFK Stadium in the District of Columbia

"that I have just assumed that the government would get away with the repressive behavior that was displayed in Washington during that week."

Some 14,000 citizens were arrested, illegally, during the last and the worst of the anti-war demonstrations in May, 1971. Only those 1200 who were booked on the Capitol steps are currently in line for awards averaging \$10,000 apiece for violation of their First Amendment rights.

"They're not greedy," says Florence Isbell, the brisk, blonde executive director of the Greater Washington ACLU, who reminds applicants that the verdict is being appealed. "They think the money is nice if and when they get it, but they're mostly glad we did it. You'll notice how reasonable they are, they put in their Social Security numbers and a lot of them add their draft numbers, too."

One applicant from Berkeley, who remembers most vividly "the lousy baloney sandwiches, made from horrible white bread" that were his only fare during 20 hours in RFK stadium, wrote, "I'm flabbergasted, but overjoyed about the outcome."

That is also the tenor of the telephone calls being received by Warren Kaplan who won the historic suit against the government.

"They were pretty disenchanted, but now they see the jury system works and that the Constitution really applies even to political outcasts."

All of the 14,000 arrested during those turbulent days have something else of value as the result of the ACLU action, the expunging of their arrest records.

The ACLU has won custody of the police files, which are locked up in the store-room of another Connecticut avenue apartment house, and has also won the right to

preserve them until two other Mayday litigations being pressed by ACLU are brought to a conclusion.

May 5, ACLU lawyers regard as a classic case of First Amendment violation. But May 3, the day the Nixon administration tried to arrest a whole generation, and May 4, the day demonstrators gathered at the Justice Department, were ordered to disperse and then arrested when they tried to do so, are equally flagrant violations of the Fourth Amendment, which protects the citizen against false arrest.

More than Watergate even, the Mayday police action, hailed as "a model operation" by the President, exemplifies the Nixon administration's genius for over-reaction.

The Mayday tribes had threatened violence, grandiloquently warning they would "stop the government" by stopping rush-hour traffic. The Nixon administration emerged from a series of hard-breathing meetings promising to protect the "national existence."

"The government prepared as if for the invasion of Normandy," says Kaplan, who brought out in the trial evidence that while former District of Columbia Police Chief Jerry Wilson was the front man, the strategy was being planned at the Justice Department. "They had so many police and soldiers on the street it turned out they had two each for everyone they arrested."

Much of the testimony about the Capitol Hill affair turned on the "disruptive" quality of the meeting. Members of the Ways and Means Committee complained of the noise. Kaplan, who called attention to Capitol hospitality to other groups, settled the point by introducing a tape of the Los Angeles Chinese Drum and Bugle Corps, which made a

much greater racket on the steps.

Kaplan is gratified that Representative Ron Dellums (Dem-Calif.) one of the congressmen who had invited the demonstrators to exercise their constitutional right to petition for redress

of grievances, was awarded \$7500 for being interrupted in mid-speech by the police.

"The jury didn't think his rights were worth any more than anybody else's," said Kaplan.

The Nixon administration plainly expected to get away

with Mayday, but just as the Watergate verdict told us that the Constitution applies to somebodies, the Mayday verdict is the government's most costly lesson in the fact that it applies as well to nobodies, even those who wear denims and beards and protest wars.