

To the Editor:

Prof. John Ronayne's letter of May 20 attempts to justify as constitutional the mass arrests in Washington. Although the law apparently was stated correctly, the professor's failure to apply it properly to the facts obviates his conclusion that mass arrests are not per se unconstitutional.

Assuming, as the professor stated, that "the validity of an arrest is determined as of the instant of the arrest" and that "if the police officer has probable cause for the arrest at that time the arrest is legal," it is still difficult to imagine the legality of the Washington mass arrests.

A mass arrest is one in which numerous, indeed, in Washington, legions of persons are arrested simultaneously. A police officer or even a group of such officers would be hard-pressed to attest in a legal proceeding with certainty that he had personal knowledge as to the criminal acts of each and every member of the arrested group.

Indeed, it was this inability of the police to establish probable cause (in some cases, defendants could not be identified) which in Washington led to the "mass dismissals" rather than the "physical impossibility of processing large numbers" of defendants.

Professor Ronayne's myopic legal interpretation of the mass arrests in Washington reflects the need for at least a more careful analysis of existing standards and, at best, for the setting of new ones.

ANDREW ROSS

PAUL STARK

Brooklyn, May 22, 1971

Double Standard?

To the Editor:

It is fascinating that when a group of young people threaten unsuccessfully to tie up a city over their protest that thousands are being killed, the Administration and the public thunder that mass arrests are not only inevitable, but appropriate.

But when another group of people successfully tie up a city, including sabotage of major equipment, in order to line their own pockets, the silence in Washington is deafening. It's as American as the double standard.

DONALD L. DOERNBERG

New York, June 8, 1971