Constitution dies in DC

© 1971 by the Board of Directors of The Tech

By Peter Peckarsky

WASHINGTON – It's all over. The last of the demonstrators from the longest series of peace demonstrations to date are leaving the nation's capitol. Untangling the snarl of legal problems will take days, perhaps years, but it's all over. The war continues.

It is a matter of undisputed legal fact that the Department of Justice and its agents, up to and including Attorney General John Mitchell, and the President of the United States, who is ultimately held accountable for the actions of the executive department, conspired to cause and encouraged one of the most flagrant violations of the Fourth, Fifth, and Fourteenth Amendments to the Constitution in the history of this nation in order to insure the domestic tranquility.

An understanding of the events of Monday and Tuesday, May 3 and 4, is necessary to set the stage for the sworn testimony offered on Tuesday evening by subpoenaed Justice Department employees in a hearing before District of Columbia Superior Court Chief Judge Harold Green.

The Mayday Tribe openly announced weeks in advance that they would attempt to stop rush hour traffic on Monday and Tuesday morning. Although the group's permit for the use of the West Potomac Park had been suddenly revoked at 6 am Sunday morning, the demonstrators met in small groups at various points Sunday afternoon to plan the attack against each of the bridges and traffic circles designated as targets. By 6 am Monday morning when this reporter commenced a tour of all but two of the target areas by bicycle, troops lined each of the bridges into DC from Virginia, traffic was abnormally heavy, and agitators had already begun to disrupt traffic by throwing tires and refuse into the streets, standing in front of cars, and stalling cars in traffic. At 6:50, members of the DC Metropolitan Police Department's Civil Disturbance Unit (CDU) were observed chasing and clubbing fleeing demonstrators. At 6:55 a mass arrest of 40 persons was observed and at 7 am a mass arrest of approximately 150. At 7:10 Metropolitan Police Department (MPD) cars and scooters were observed running down demonstrators. Several persons allegedly suffered fractures because of this police activity. After the 1968 disorders the MPD instituted the practice, at all demonstrations, of completing a field arrest form (an abbreviated arrest form on which are entered the arrested person's name, the specific place, time, date, offense, and the arresting officer's name) and a contemporaneous Polaroid photograph of the arrested party and the arresting officer standing together. This evidence is then used in court. This practice, which had been used meticulously for over 1000 arrests in the preceding two weeks, was suspended at approximately 5:30 am Monday by MPD Chief Jerry Wilson. At almost the same time the Chief broadcast to the police Nixon's message of congratulations (for the previous weeks' efforts) and encouragement (for the coming week).

By approximately 11 pm, the MPD had in custody over 7000 unidentified people for whom no field arrest form or photos contemporaneous with the arrest existed. These persons so overcrowded jail facilities that some prisoners were sent miles into Virginia and some 2500 were confined, on this cold, windy day, within an uncovered, fenced-in area outside RFK Stadium. Authorities provided these people with no sanitary facilities, food, or shelter until late Monday evening and, in some cases, early Tuesday morning when they were transported to the Washington Coliseum where some cold food, one bathroom, no beds, and a few blankets were available.

Late Monday evening, the DC Legal Aid Society filed a mass writ of *habeus corpus* for those at the Coliseum. Judge Green issued a show-cause order, returnable at 8 pm May 4, which required the DC government to show why they should be allowed to further detain the prisoners at the Coliseum.

Tuesday the MPD reinstituted use of the field arrest forms and contemporaneous photos; Nixon issued a statement, through his press secretary Ron Ziegler, saying that the MPD had dealt with the demonstrators appropriately on Monday, hence giving his approval to gross violations of the Bill of Rights.

In the show-cause hearing before Judge Green Tuesday evening, several subpoenaed Justice Department employees testified under oath that they had been ordered by their superiors to report to the Coliseum and to follow the instructions given them by the MPD. Under MPD directions, these Justice employees testified that they had produced fictitious documents concerning the persons leaving the Coliseum. Chief Wilson had ruled that those in the Coliseum and other jails could be released after being photographed, and giving the police their name, fingerprints, and $10 collateral which could be forfeited if the person did not wish to contest the case. The witnesses testified that in the first step of the release procedure they completed a long arrest form on which they were instructed to leave blank the date and time of arrest and list the specific place of arrest as "DC" (not a street corner or specific address, just somewhere within the tens of square miles comprising the District of Columbia). They further were given a list of seven officers' names to be placed in rotation in the space labeled "arresting officer," except they were first to change the word "arresting" to "court." The critical evidence came as the second witness described the fingerprinting process. On the fingerprint card there was also a space labeled "arresting officer." However, those at the second step were instructed to merely copy the name in the space relabeled "court officer" on the long arrest form into the space labeled "arresting officer" on the fingerpring card without changing the word "arresting."

After a time, it was apparent to those who had been following the demonstrations that Justice and the White House had directed the police action throughout the demonstrations and had instructed Chief Wilson to conduct mass arrests. Both the President and his Attorney General knew very well that such mass arrests trod roughshod over the Constitution.

The Administration knowingly acted in a criminal fashion because it wanted to maintain a business as usual atmosphere. Hence, the appearance of Mr. Mitchell on his balcony for a large part of Tuesday afternoon as police trapped 2000 people directly below him after giving them five minutes warning led one to ask if Mr. Mitchell spends a usual afternoon standing on his balcony with Deputy Attorney General Kleindienst and Assistant Attorney General for Internal Security Mardian staring down at the street as scores of FBI agents and Justice employees do likewise.

Informed sources felt that the MPD arrested 494 persons on Tuesday morning and the 2000 at Justice because the senior statesmen on Capitol Hill told the Administration that come what may they did not want the demonstrators on the Hill Wednesday. The charges Tuesday were trumped up ones such as the arrest of four persons walking abreast on a sidewalk for blocking the sidewalk and arrests for shouting in a public park. If the authorities had given the demonstrators 30 minutes to clear the street in front of the Justice Department, which was at the time being blocked by the police rather than the demonstrators, a few hundred would have remained to practice nonviolent civil disobedience. Instead masses were trapped by the police who knew very well that those arrested Tuesday afternoon would not be freed for days.

At his press conference Thursday evening, April 29, Richard Nixon said that no one, including the President of the United States; is above the law. Yet the Administration, by seeking an injunction against the Vietnam Veterans Against the War camping on the Mall, appealing the issue to the Supreme Court, and then refusing to enforce the injunction and by orchestrating 7000 violations of the Bill of Rights in the space of hours, has practiced the most wanton abandon with respect to the highest judicial authority and the highest law in this nation.

Actions speak louder than words.

THE TECH

VOLUME XCI, NO. 24 Friday, May 7, 1971

Board of Directors

Chairman . . . . . Bruce Weinberg '72
Editor-in-Chief . . . . . Alex Makowski '72
Managing Editor . . . . . Bill Roberts '72
Business Manager . . . . . Bob Elkin '73
News Editors . . . . . Harvey Baker '72, Joe Kashi '72
Lee Giguere '73, Bruce Peetz '73
Night Editor . . . . . Tim Kiorpes '72

Second-class postage paid at Boston, Massachusetts. *The Tech* is published twice a week during the college year, except during college vacations, and once during the first week in August, by *The Tech*, Room W20-483, MIT Student Center, 84 Massachusetts Avenue, Cambridge, Massachusetts 02139. Telephone: Area Code 617 864-6900 extension 2731 or 1541. United States Mail subscriptions: $4.50 for one year, $8.00 for two years.

Printed by STI Publishing

Boston Common: sense of deja vu

By Harvey Baker

There was a sad feeling of deja vu among the more cynical elements of Wednesday's march to the Common. Veterans of last spring's strike noted their familiarity with the whole scene, even to the extent that the exact same patterns were being used for timing and direction of feeder marches. This kind of depressing overview, complete with the knowledge that last year's strike had failed totally to end the war, hung like a pall over the gathering outside the MIT Student Center as people waited to join the march from Cambridge Common.

Speaker after speaker, including Nobel prize winner Salvadore Luria, accosted the war and the President, and told of how this year's march was going to be different, of how now the anti-war movement had a majority, of how now real pressure could be brought to bear. And yet almost no one listened because no one really believed that it was true. People have been to too many demonstrations, too many marches, and have sat too long idly listening to speakers for this type of action to have much impact any more.

This mood of depression had to be contrasted with the almost carnival air that people discovered when they got to the Common itself. As the Cambridge feeder march arrived, the James Montgomery Blues Band was rocking on stage and the area was filled to the brim with happy, smiling people. Upon discovering this, some people were absolutely astonished. They had expected a more serious, somber group of revolutionary types, particularly since the march was sponsored by the more radical People's Coalition for Peace and Justice, in contrast to the Peace Action Coalition which directed the April 24 March on Washington. Nevertheless, the atmosphere of the day was the same as the Washington march, with flower-children and nonviolent people being in a clear majority.

The telling note of the day was the reception accorded the various speakers. The speakers who stuck to the old familiar line of "get out of Vietnam now," not bringing in all kinds of other issues, were the most successful. The other speakers from PCP&J however, who spoke on welfare and the like, were greeted with polite applause. People simply were neither ready nor willing to tie together the positions on various left-wing causes into one cohesive, unified philosophy. While PCP&J spouted off about its broad-based backing, it was clear that what had brought the crowd to the Common was the prospect of another fine, sunny day, spring anti-war rally.

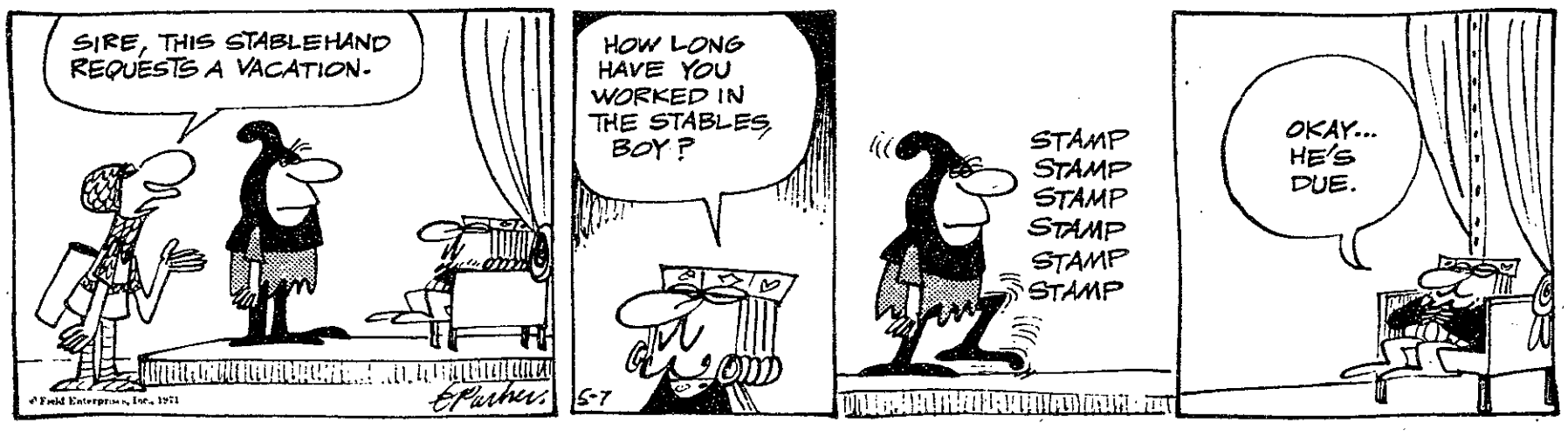
They came to hear the rock music, to smoke dope, to annoy the police, and to get some sunshine. They knew ahead of time what was going to happen (it was on the program), and they knew that they could count on having a good time. Yes, there were the Hardhats Against the War and the Vietnam Veterans Against the War. But seriousness was to be discouraged, and having a good time was incompatible with really rough revolutionary rhetoric.

By now, "Out Now" has become politically safe to say. Some of the nicest people you and I know say it. Vance Hartke says it. The clergy say it. Hence, it was not in any sense dangerous to press that theme as the topic of the day. Any more radical rhetoric would have risked antagonizing the predominantly white liberal crowd, so the speakers stuck to tried and true ideas. It is true that by now "Out Now" is felt by a majority of the American public. It is true that the speakers are right when they say that this is the time to move, that with the politics of people oriented the way they are on the War issue, much can be accomplished. But there is another side to this story.

On most of the other issues promulgated Wednesday, that consensus of support for the left is lacking. The real revolution is miles away. People simply cannot feel as strongly about welfare as they do about the war, particularly at a time when we are in a recession and welfare costs are rising astronomically (an incredible one billion dollars in Massachusetts alone). Hence the left has this predicament: it has the support of the people on the war issue, even the cynical people who have seen the whole charade of marching before. It can and will continue to bring out large numbers of people for anti-war marches. But beyond that? Can a left coalition be focused on other issues? Based on the demonstration Wednesday and the general turn to the right in this country, the answer would appear to be no.

THE WIZARD OF ID

by Brant parker and Johnny hart



The Wizard of Id appears daily and Sunday in *The Boston Herald Traveler.*