Mass Arrests In Washington During Anti-War Demonstrations Are Ruled Unconstitutional

United States Court Judge Hits Lack Of Police Restraint, Long Incarceration Under Harsh Conditions; Denial Of Individual Rights

WASHINGTON (AP)–United States District Court Judge Joseph C. Waddy ruled this week that procedures used by Washington, D.C. metropolitan police during mass arrests of anti-war demonstrators were unconstitutional. The ruling stems from a class action suit brought by the American Civil Liberties Union (A.C.L.U.) on behalf of some 15,000 people arrested between the fall of 1970 and the spring of 1971.

A.C.L.U. lawyer Ralph Temple hailed the ruling as proof that the American legal system works. "We have a legal system strong enough to preserve our basic rights," he said.

Judge Waddy declined to make a statement about the case, saying "I make it a policy not to comment on my rulings."

In the ruling, Waddy found three key elements of the Washington police force's mass arrest procedures unconstitutional. These were arresting people who crossed police lines, making sweep arrests of crowds; and suspending the use of standard forms during mass arrests. Waddy ordered the D.C. Police Department to draw up new mass arrest procedures in 90 days, specifically banning these three tactics.

In his opinion, the judge said police used wanton and unrestrained physical violence in making arrests during demonstrations in front of the Watergate apartment of then-Attorney General John Mitchell. He found a "pervasive pattern" of lack of police restraint evident in the police department's own films of the demonstration.

Waddy also wrote that police failed to inform those arrested of their constitutional rights, deprived them of access to counsel, and kept them incarcerated for an unwarranted length of time in unusually harsh conditions. Temple said only a handful of those arrested were ever prosecuted. Waddy's opinion blamed poor training for the police officers' conduct.

Temple said the ruling was the third victory for the A.C.L.U. resulting from mass arrests in Washington during anti-war demonstrations between 1967 and 1971. In the first case won by the A.C.L.U., Temple said all arrest records of those picked up during anti-war rallies have been expunged. The second victory was a ruling last March in which $12 million was awarded to people arrested on the steps of the Capitol during "May Day" demonstrations on May 5th, 1971.

The case in question in Tuesday's ruling is "The Washington Mobilization Committee vs. D.C. Police Chief Maurice Cullinane." Temple said the case was originally "The Washington Mobilization Committee vs. D.C. Police Chief Jerry Wilson." Wilson was police chief at the time of the arrests, but he retired this spring, to be replaced by Cullinane. Temple said, since the A.C.L.U. was seeking an injunction against police tactics, and not damages, the suit was changed. Chief Cullinane was unavailable for comment.

Sources in the Justice Department have confirmed reports that former Chief Wilson is being considered to head the U.S. Drug Enforcement Administration.

ATTEND LADIES DINNER—Mrs. Edward Gierek, wife of Polish First Secretary Edward Gierek, (left), Mrs. Betty Ford, and Mrs. Trygve Brattell, wife of the Prime Minister of Norway chat during the Ladies' Dinner Wednesday night at the State Banquet Hall in Helsinki.

Injecting Some Humor Into The Bicentennial Band Of Tories Would Return U.S. To England

RICHMOND, Va. (AP) — Now, upon ground once trod by Patrick Henry and Thomas Jefferson, comes a counter-revolutionary band of loyalists who would finally return prodigal America to the forgiving arms of Mother England.

Already these latter-day Tories have collected $83 and the support of 150 U.S. citizens who envision a happier life in a colony restored. If only another 200 million or so sign up, their petition may be ready for the queen when she arrives for a Bicentennial visit next July.

Otherwise, the Bicentennial will be nothing but "a big fake, a piece of propaganda trying to cover up the mistakes we've made," says John T. Ambrose, co-founder of the Committee for Reunion with England.

"It's time we realized that the Revolution was nothing more than the self-serving acts of a bunch of hotheads and caused a lot of problems for this country which now can be corrected only by reunion."

According to the committee's Declaration of Reunion, the corruption and injustice which have troubled America's 199 years could have been avoided if the rebels had only been patient enough to work within the system.

It noted, for example, that slave trade was abolished in the British Empire "two score and 16 years" before the Emancipation Proclamation.

If only the colonies had stayed in line, there would have been no Civil War, no Reconstruction and no Ku-Klux-Klan, it adds.

"World War I and II would never have occurred. Germany would never dare attack a British Empire that included both sides of the Atlantic Ocean. The American Revolution not only betrayed America, but also Mother England, nay the entire civilized world," it says.

Not that Ambrose and his collaborators are looking for revenge.

"Mother England is kind and just," the declaration says. "If we apologize now and promise not to rebel any more, she will go easy on us. Amnesty will be offered to the rebel leaders and the present officials of this rebel government. There would be no fear that President Ford, members of Congress or the Supreme Court will be sent to prison."

Naturally "there cannot be unconditional amnesty," however. "They have made mistakes and must pay a penalty ... perhaps a period of alternative service in the Bengal Lancers."

The committee was organized back in March when Ambrose, an advertising writer, and David A. Gambill, a Richmond bank employe, decided the Bicentennial was, on the whole, boring.

"It's lacked a sense of humor, any real comedy," said Ambrose. "So we got out a mimeograph machine, took an ad in the Richmond Mercury, rented a Post Office box and sat back to watch the fun."

1976-STYLE TORY—John T. Ambrose, an advertising writer, is co-founder of the Committee for Reunion With England which thinks the American Revolution was "nothing more than the self-serving acts of a bunch of hotheads." (AP Photofax).

Ban Is Asked On High-Tar Cigarettes

WASHINGTON (AP) — The Ford administration, submitting the ninth government report on smoking and health to Congress, has asked for the power to ban high-tar and high-nicotine cigarettes.

Caspar W. Weinberger, secretary of health, education and welfare, said new scientific research has affirmed that cigarette smoking is "a serious public health problem," and a major contributor to deaths from cancer and heart and lung diseases.

"Its toll in illness and premature death is needless and preventable," he said in letters to Congress last week accompanying the latest report, which has been made public.

Weinberger asked Congress for legislation to "authorize the regulation of cigarettes through the power to ban the manufacture and sale of cigarettes exceeding what are considered excessively hazardous levels of tar, nicotine, carbon monoxide and other ingredients shown to be injurious to health."

Weinberger did not specify the levels of tar and nicotine that would be used under such a ban.

"The extent to which the cigarette smoking public has over the years spontaneously moved toward this kind of self-protection suggests that it would welcome the additional protection such legislation would bring," the secretary said.

He recommended that the proposed legislative authority be granted to HEW "or some other appropriate agency."

The report, entitled "The Health Consequences of Smoking," concludes as similar reports have since the famed Surgeon General's Report in 1964, that cigarette smoking leads to higher death rates from cardiovascular disease, cancer, and respiratory disease.

Joan Little May Testify

RALEIGH, N.C. (AP) — An attorney for Joan Little said Wednesday the 21-year-old black woman may take the witness stand to defend herself against charges that she murdered a white jailer.

Defense attorney Marvin Miller's statement was the first indication that Miss Little might testify on her own behalf.

The defense also filed a motion Wednesday asking that defense counsel Morris Dees be reinstated. The defense argued that the removal of Dees deprived the defendant of "effective counsel."

The motion states that Dees was assigned as chief counsel for the examination of evidence and interviewing of witnesses and that he is needed for the young black woman's defense.

The Cumberland News

Published daily except Sunday by The Times and Allegasian Company, 74 South Mechanic Street, Cumberland, Md. 15 per copy by Carrier 75c weekly. Mail subscriptions for Maryland, Pennsylvania, West Virginia, Virginia and District of Columbia, $2.00 one month, $17.00 six months, $33.00 one year; other states $2.25 one month, $18.50 six months, $36.00 one year.

First Lady Feels Better After Overcoming Jet-Lag

HELSINKI, Finland (AP) — America's First Lady, Betty Ford, said Wednesday she was feeling "absolutely marvelous" after overcoming jet-lag and fatigue that plagued her earlier on her whirlwind tour of Europe with the President.

While President Ford held a mini-summit with Soviet leader Leonid I. Brezhnev and then attended the opening of the mammoth European security conference, his wife did some window-shopping in Helsinki's old town and toured a harborside street market.

"I feel just marvelous," she told perspiring newsmen as a hot sun beamed on this far northern capital. "I just had a little jet-lag and too little sleep. I just took some time off."

During a two-day visit to Poland before arriving Tuesday, Mrs. Ford canceled some of her engagements, pleading fatigue and jet-lag after a transatlantic journey and a visit to West Germany.

"Hi Betty, how are you?" shouted American tourists as the First Lady stepped out of a black limousine at the crowded cobblestoned market place in front of a granite monument erected to mark the first visit of the Russian Czarina Alexandra to Finland in June 1833.

Smiling back, Mrs. Ford proceeded to inspect the stalls at the market place that purvey items ranging from fish to flowers to handmade jewelry against a picturesque backdrop of ships, fishing boats and wheeling seagulls.

The First Lady stopped in front of a tiny stand selling jewelry, realized she had no Finnish money, and turned to her escort, Mrs. Mark Evans Austad, wife of the U.S. ambassador, who gave her 10 marks ($3) to buy a pair of earrings and a ring.

Mrs. Ford also bought "for our cottage" a wall hanging showing a reindeer, an animal raised for its meat and skins in the Lapland region of northern Finland.

After stopping several times in the pressing crowd to ask prices of new potatoes, tomatoes and cauliflowers, the First Lady rejected strawberries offered by an elderly woman with a smiling "no, thank you," but a couple of minutes later accepted a bouquet of roses with "oh, what a lovely surprise."

Carrying the roses in her hand, Mrs. Ford walked to a luncheon given by American Embassy wives at a local restaurant, stopping frequently at shop windows to inspect rugs and Finnish stonewear.

On Advice Of Ethics Board, Elkins Resigns From Bank

ANNAPOLIS (AP)—The State Board of Ethics Wednesday advised the president of the University of Maryland Dr. Wilson H. Elkins that he should resign from the board of directors of the Suburban Trust Co. because of what the board termed the "potential" for conflict of interest.

The board, in a 14-page opinion, said the evidence indicated "no natural conflict of interest" on the part of Elkins because the banking relationship with Suburban was established "in its major dimension" before Elkins became university president.

Late Wednesday afternoon, Elkins resigned from the bank's board of directors.

In a statement issued from his College Park office Elkins said: "Although the board clearly stated there was neither a conflict of interest or wrongdoing or any evidence of unethical conduct by me, I will, nevertheless, accept the board's premise that my position might cause the public to assume a possible conflict of interest."

The report said Elkins played no personal role in the decision to open new accounts or the cash management practices in regards to these accounts.

The board stated, however, that the decision of the code of ethics prohibits outside employment which conflicts with the duties of a state officer as "never been interpreted to proscribe only actual conflicts of interest."

"In the majority of matters before us, the issue has been actual conflict of impairment of judgement which is inherent in the relationship of public duties and powers and officer and his outside public position."

The board pointed out that Elkins as a bank director had a legal duty to further the goals and interests of the bank which includes securing and maintaining demand deposits upon which it can earn interest

The university maintains nine such demand deposit accounts with Suburban Trust.

"A potential for conflict arises in that Elkins as president of the university has the power to influence decisions concerning the banks where the university demand deposits are maintained and the cash balances in the accounts."

The board said these sorts of decisions could have a significant effect on the profits of Suburban Trust.

In April, the state legislative auditor questioned the Suburban accounts and Elkins relationship with the bank. The audit said that the bank could have made as much as $70,000 from the university accounts.

The board told Elkins that $10,000 worth of the bank stock which he owns did not constitute a conflict of interest and would therefore not have to be sold as long as the university president disqualified himself in any business between the bank and the university.

The report said it found no evidence of conflict of interest by Elkins in the decision by the Board of Regents to solicit bids for a bank on the College Park campus.

The board said Elkins played no role in the subsequent denial of the successful bidder, the Chevy Bank and Trust Co., by the state Banking Commissioner to establish the branch.

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