

American Civil Liberties Union Fund Of The National Capital Area

SUITE 301 1345 E STREET, N.W.
WASHINGTON, D. C. 20004 TELEPHONE 638-6263

PRESIDENT

EUGENE J. LIPMAN

LEGAL STAFF

RALPH J. TEMPLE
Legal Director

LANI SEN WOLTMANN
Assistant Legal Director

PEARL HOFFMAN
Coordinator

KATHRYN FORTINO
Administrator

BOARD OF DIRECTORS

ALLISON W. BROWN, JR.

ANITA GORDON

DAVID B. ISBELL

BERNICE JUST

JOHN KARR

JENNIE ROSS

ADVISORY COMMITTEE

ALAN BARTH

MICHAEL S. BATTLES

SHELLIE F. BOWERS

NANCY T. BROWN

EARL CALLEN

DAVID CARLINER

MARY COLEMAN

DAVID DRACHSLER

JAMES F. FITZPATRICK

ROBERT FODOR

BRIAN FROSH

MARTY V. GOLDBLATT

SUSAN A. MEYER

MARJORIE PARKER

MARIAN R. PEARLMAN

FLORENCE W. ROISMAN

GARY BURNS SELLERS

MARNA S. TUCKER

JOHN VANDERSTAR

JAMES D. WELCH

HAL WITT

October 22, 1975

Dear Friend:

The records of the American Civil Liberties Union Fund of the National Capital Area show that you were among those arrested Tuesday, May 4, 1971, the second day of the so-called "Mayday" demonstrations. The ACLU Fund records also show that, following your arrest, you signed a statement authorizing suit to be filed on your behalf to redress the invasion of your rights which occurred during that arrest.

On June 20, 1975, a damages suit was filed on behalf of you and some 74 other persons who were also arrested on May 4, 1971. That case is entitled Ream v. Wilson, and I enclose for your information a copy of the complaint.

It was necessary to file that suit immediately without being able to contact the plaintiffs again before filing, because, in the judgment of the volunteer lawyers handling the case, only one day was left in which such a suit could be filed before it became barred forever by the statute of limitations. This 1-day deadline came about because on the preceding day, June 19, 1975, the United States District Court for the District of Columbia denied us the right to maintain Knable v. Wilson, our damages suit for those unlawfully arrested at the Justice Department on May 4, 1971, as a class action on behalf of all persons wrongfully arrested on that day. The Court ruled that Knable could only be maintained on behalf of the 40 plaintiffs specifically named in that complaint. Therefore, to protect the rights of the 75 additional persons who had authorized suit to be filed, it was necessary to file a new complaint in their behalf the following day.

Our purpose in writing is to advise you of the filing of the suit and to send you a copy of the complaint. A second purpose is to secure an updated address and telephone number from you. We therefore ask that you fill out and return the enclosed form.

You will note that the form also contains a place for you to indicate whether or not you wish to remain a plaintiff in the Ream case. Please check one box or the other. We recognize that a considerable amount of time has passed since the 1971 arrests and that some persons may no longer wish to be a party to such a suit. That is entirely up to each plaintiff. We would encourage you to maintain the action, because such gross violations of rights should not escape reparation.

We also want to indicate to you what your participation in the lawsuit is likely to involve, based on our experience with the other "Mayday" damage suits which have been filed. The Government attorneys will almost certainly seek to dismiss the case on legal grounds and therefore win it without a trial. We cannot be sure how those efforts will come out. There is a chance of the District Government escaping liability because it supposedly was not given notice of the claims within 6 months as required by statute. One judge has so ruled in Knable. It is possible to end up with judgments against government officials who cannot afford to pay. But this is not a foregone conclusion; we will appeal the Knable ruling.

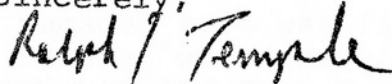
The Government attorneys will also serve two quite lengthy sets of written interrogatories (i.e., written questions) on each plaintiff, and these will have to be answered by you, in writing, under oath. They may additionally seek to question each plaintiff in Washington, D.C., orally for a period of one or two hours, sometime in advance of the trial. Because we have a very limited budget which is already strained, we cannot pay for the costs of the individual plaintiffs to come to Washington for their oral examinations. Therefore, each plaintiff will have to bear that cost, although we will try to seek an alternative solution for any plaintiff who lives a substantial distance from Washington and is simply unable to afford the trip.

If the Government's pretrial efforts to dismiss the complaint fail, we believe the case will go to trial in approximately one year. We also believe there is a good possibility that a jury will award substantial damages to each of the named plaintiffs who remain in the case until trial. While we intend to ask \$20,000 in damages for each plaintiff, that is merely a "safe" figure; the verdicts are more likely to range between \$2,000 and \$10,000.

One last word. These cases have severely strained our volunteer lawyers. We think we can manage them. But if you have a lawyer of your own, we will gladly turn the case over to her/him. Indeed, if we find we cannot manage the huge caseload, we may be forced to refer the cases to private attorneys. But we would only take such a step as a last resort, and if we did, we would refer the cases to good attorneys and would seek an arrangement where the fee was simply a portion (something between 33% and 40% is standard) of any amount recovered.

Please be sure to fill out and return the enclosed form as soon as possible. We must have your current address and telephone number, as well as an indication whether you wish to pursue the case.

Sincerely,

A handwritten signature in cursive script that reads "Ralph J. Temple". The signature is written in dark ink and is positioned above the typed name.

Ralph J. Temple