

White House Disguised Role

By John Saar

Washington Post Staff Writer

John W. Dean III and H. R. Haldeman covered up White House involvement in a scheme in 1971 where potential demonstrators were barred from President Nixon's appearance in Charlotte, N.C., according to informed sources.

A federal judge has since ruled the policing was a violation of the constitutional rights of those who were excluded.

The cover-up occurred when one of the volunteer marshals at Mr. Nixon's speech for "Billy Graham Day" was identified from photographs and imminent questioning seemed likely to reveal a connection to a White House advance man. Dean, the former presidential counsel, has told government lawyers that White House chief of staff Haldeman told him to catch a flight flight to Charlotte and settle the matter. Dean advised the witness to remain silent under the provisions of the Fifth Amendment, which he did.

Demonstrators were barred by a screening process disguised as a search for counterfeit tickets. And according to Sen. Sam Ervin (D-N.C.), who recalled attending the rally in the Charlotte Coliseum, it was "one of the most orderly meetings I ever attended." President Nixon's was an exhortatory appeal for the leadership, "spiritual and moral strengths" that enable a nation to survive.

For weeks after the event Charlotte lawyers and newspapers sought unsuccessfully to identify the marshal force and to find who authorized them. Neither the White House nor the Secret Service were responsive to requests for information.

The volunteer marshal was Ernie Lee Helms, a 43-year-old traveling salesman and member of the Charlotte Chapter of the Veterans of Foreign Wars. He subsequently refused to answer all questions on whom he was working for or with at the "Billy Graham Day";

in Graham Rally

meeting on grounds of possible self-incrimination.

Dean's intervention was triggered by an \$840,000 civil damage suit brought by 14 young people over their ejection and exclusion from the coliseum. In sending the case to trial last week, U.S. District Court Judge James B. MacMillan called the discriminatory policing "a wholesale assault upon the civil rights and liberties of numerous citizens."

In directing Helms to remain silent, Dean enabled the White House to disassociate itself from the improper marshaling procedures. Although the director of the Secret Service and the Charlotte police chief were named as co-defendants in the action with Helms, neither organization admitted to any connection with him.

Documents in the possession of The Washington Post show Helms was officially requested to lead a corps of marshals and was later complimented on his work in a personal letter of thanks from President Nixon.

Although Helms said he has paid no legal fees for his defense, a Charlotte lawyer has represented him and reported on progress of the case to John Dean by letter and phone. On Feb. 28, 1972, the lawyer, Hugh Lobdell, wrote to Dean about the probable testimony of another witness, "we are very hopeful that nothing damaging is going to be obtained from him."

Reports and letters written for "White House eyes only" provide insight into the concealed employment of Helms and other covert techniques used to ensure an orderly audience at presidential appearances. They also provided a "cut-off" for the Secret Service whose duties are limited by statute to providing protection from actual physical threat for the President.

The President's visit to the rally in honor of the Rev. Billy Graham, his close friend and confidant, was ar-

ranged by William Henkel, since promoted to chief White House advance man. Though arrangements were theoretically handled by a steering committee, Henkel supervised everything from behind the scenes, particularly security. In internal White House memorandums Henkel proposed and reported on the measures used to 'sanitize' the audience. Among them:

- "The fake ticket routine would be the primary method," Henkel wrote a week before the event. He later reported that, overruling the wishes of the organizing committee, he had distributed 32,600 tickets for 12,000 seats. People judged likely to demonstrate or be disruptive were told their tickets were counterfeit, and were ejected.

- "We set up a screening operation which utilized VFW types under the direction of Ernie Helms. They proved to be very effective ..."

Recommending his plan for future use, Henkel succinctly reported, "the key to



H. R. HALDEMAN
... approved plan

"The success of this operation was the aggressiveness of the VFW."

Henkel suggested that, as

at Charlotte, the marshals should operate unobtrusively and in front of Secret Servicemen so the agents could keep their distance from the screening operation. He added that ushers recruited by the organizing committee were unaware of what was going on.

• For future guidance, Henkel offered one self-criticism of the Charlotte plan, "We didn't have our own legal observers. This should be standard practice to give the operation the appearance of fairness, to further confuse the demonstrators and to make subsequent investigations of what happened more difficult."

At that time in late 1971, treatment of demonstrators was receiving growing and critical attention by the media. Henkel's solution after his experiences at Charlotte:

"The area in which the screening went on was enclosed and the press could not observe . . . Future set-ups should always include this feature."

The Charlotte 'trip report' was accompanied by a hand-drawn diagram on White House stationery showing the incoming crowd depicted by black arrows flowing past five rows of VFW marshals. A separate channel was marked "demo exit chute" and led to "demo-exit."

Henkel's report dated Oct. 21 was designated for the attention of Ron Walker, his predecessor as chief advance man and now director of the National Parks Service. A handwritten notation on the first page read "good report."

Taylor was reported vacationing with his family yesterday and unavailable for comment and Henkel did not return several telephone calls.

Although Henkel's plan for excluding demonstrators from the Coliseum was eventually approved by Haldeman, another suggestion for infiltrating antiwar dissenters on the motorcade route with potentially violent counter demonstrators was apparently turned down.

"I contemplate recruiting mobile groups," Henkel wrote, "of reserve rally teams to pull down particularly obnoxious signs and in-

filtrate by physical presence demonstration groups."

The handwritten sign-off read "Lay off, let Graham's people handle, Note H.R.R."

Soon after the President arrived at the Douglas Airport, Henkel predicted in a preliminary report, he would see about 25 sign carriers of the Concerned Parents Association who "will peacefully picket."

"The leader of the group," Henkel advised, "is a publicity seeker who would cause real media problems if we attempted to blitz them."

The Charlotte demonstration causing more concern at the White House was the subject of a terse Oct. 12 memo from press aide Mike Schrauth to Ron Walker. A group called the Red Hornet May Day Tribe planned demonstrations he reported. The group was recruiting from the nearby campuses of North Carolina, North Carolina State and Duke universities.

In testimony to the Senate Watergate committee, Haldeman said concern with demonstrations was a major preoccupation for him and Schrauth's memo carries an unsigned action note, "Michael Report to H.R.H. today—early—want details, where—number—how—"

A teletyped Secret Service intelligence report noted that there were no threats to the President, but demonstrators were planning to infiltrate the meeting with banners around their bodies.

It also said they were constructing a 15-foot penis covered with obscenities. The Secret Service characterized the theme of the likely protests as "anti-Vietnam," and "disruptive rather than peaceful."

The Red Hornet May Day Tribe was meanwhile drumming up support with mimeographed flyers, "Join with your brothers and sisters from all over the state in making Dick and Billy's day in Charlotte real."

The Secret Service declared plans to monitor the demonstrators' planning sessions and copies of the flyers duly reached the White House. They promised pageantry and theater "To demonstrate to those who flock friendly to pay homage to the death machine that the real Amerika

is not in the Coliseum, but in the streets."

Henkel was having problems, as he made plain later in a final report to his superior: "The Billy Graham Day was a successful advance; however the final product was frankly the result of some hard decisions and delicate negotiations."

Far from bashful about his own role, Henkel was candidly critical of the organizers. "The sponsors of the Billy Graham Day had no concept of the input required to successfully conduct an event like B.G. Day. While their initial proposals were grandiose, they were totally impractical in terms of benefit to us . . ."

From a Sept. 9 reconnaissance trip Henkel came to four conclusions, all critical of the organizers:

"1. The advance man would have to make all the decisions.

"2. The steering committee . . . structure consisted of socially prominent appointees. The individuals were not prepared to work.

"3. Friction had developed between the committee and Billy Graham's representative.

"4. The local Republicans were unhappy."

On the positive side, Henkel reported that Charles Crutchfield, president of the Chamber of Commerce, was "induced" to call executives of the 50 top employers in the state with the suggestion they give their people time off for the President's visit.

Also Henkel later wrote, when the local school board found the agreed half-day off would not give the children time to reach the motorcade route, they changed it to a full day's vacation.

The White House prepared a standard briefing letter for volunteer marshals that concluded "the demonstrators do have a right to attend this function if they have a valid ticket." The evidence indicates that the verbal briefing at Charlotte took a tougher line.

Crutchfield of the Chamber of Commerce later told the Charlotte Observer, "The Secret Service instructed the police to examine very carefully all people with long hair and beads."

Contemporary news accounts indicate several dozen ticket-holders were



REV. BILLY GRAHAM
... saw few protesters

summarily barred, the majority of them identifiable as demonstrators by buttons, signs and banners. Also excluded were a judge's daughter, a theology professor, three radio newsmen, a 35-year-old woman who casually talked to two long-haired youths and a group of 12-year-olds from a Quaker Sunday School.

Billy Graham, the guest of honor, was among those not quite sure what was happening. On the eve of his departure for the Middle East last week, he told a reporter, "I'd been informed there would be demonstrators. I don't yet know what all went on. I only know a smattering of it."

He remembers few demonstrators, but, on the contrary, many friendly hands reaching out for him and the President as they passed by a car. "The President told me how to hold your hand the other way round so you don't get it hurt," he commented.

There was sharp debate in the Charlotte newspapers over the incident. A Vietnam combat veteran who said he wore a beard to hide wound scars, wrote that he and his family were told their tickets were counterfeit and they were excluded. He went because he wanted to see "Dr. Billy Graham, who has been a constant source of inspiration to me and President Nixon whom I voted for . . ."

His letter ended, "Perhaps in my short life of 23 years I have seen America's hopes for tomorrow hit twice—once in Vietnam, and once

in our fair city of Charlotte."

Out of the controversy sprang a lawsuit by Marvin Ray Sparrow et al, vs. Good-4-man et al.

Marvin Ray Sparrow, one of the 14 plaintiffs, is described by his lawyer as "a delightful guy, Charlotte's Abbie Hoffman." J. C. Goodman is the city's police chief. Also called to give a deposition was the Secret Service's senior man in Charlotte, 17-year veteran John H. Grimes, who once ran the security for a visit to Korea by President Johnson.

Civil rights lawyer George S. Daly, presented his case, for the plaintiffs in a mix of legalese and slang. Of plaintiff McMahan, he wrote, "Thereafter the crowd started singing the Star

Spangled Banner, to the accompaniment of a kazoo band and as they came to the line 'The land of the brave,' defendants Stroud and Nesbit grabbed him by his belt from behind and spreadeagled him against a nearby police car . . ."

Of plaintiff Wilson, a student, Daly claimed, "The SS (Secret Service) agents then frisked him, to which he submitted, including a search of the interior of his cigarette packet."

Wilson waited outside and the President, while leaving smiled at him and said, "Hello, glad you're here," he said.

Another client mentioned in Daly's complaint was plaintiff Ferguson: "After watching the SS (Secret Service) agents take a young girl out of the ladies' restroom and demand her identification of her, (Ferguson) was seized with a fit of laughter, whereupon SS (Secret Service) agents who also came and demanded her identification and after some argument threw the both of them out."

Plaintiff Jenkins, a photographer, was arrested for disorderly conduct and while at the magistrate's office his camera film was seized from him by defendant Leonard who attempted to destroy it with his slapjack, and being unable to do so

look it to the "crime lab" where it yet remains."

In a letter to Helms dated Oct. 27, the President said how much he and Mrs. Nixon had enjoyed their recent trip to Charlotte: "Much of the credit is of course due to the outstanding efforts of you and the men you recruited and this note brings with it my deep appreciation for the excellent co-operation the members of my staff received."

In his 62-page order on the Charlotte controversy, Judge McMillan called Helms "the chief bouncer . . . and a mystery." Noting that Helms was a large and muscular man the judge added, "none of the other defendants claim him as their own, although in carrying out his bouncer's activities he took instructions from the Secret Service and gave instructions to the Charlotte police."

In a phone interview last week, Mr. Helms said "I have complete trust in my lawyer, my President and my government that they will look after me." He said he did not understand why his agreement to act as leader of the marshals was not disclosed.

Helms said he was not aware that his lawyer had been corresponding with Dean. Lawyers say there may be serious ethical and conflict of interest questions

Helms was indeed unaware of the communication between Lobdell and Dean. Lobdell refused to comment. Helms said he did not know why he had been advised to invoke the Fifth Amendment. The transcript of his deposition indicates he was not absolutely sure he wanted a high number amendment

Daly: "Do you work here in Charlotte?"



JOHN W. DEAN III
... flew to Charlotte

Helms: "I respectfully refuse to answer the question on the Eighth, on the 15th ..."

Lobdell: "The FIFTH AMENDMENT."

And later in the deposition:

Daly: "Do you refuse to tell me who employed you out at the Coliseum that day?"

Helms: "I respectfully refuse to answer the question on the basis of the 15th Amendment."

Mr. Lobdell: "Fifth."

Helms: "Fifth, I keep saying 15th, the Fifth Amendment."

All parties then agreed that in the interest of brevity, where Helms was claiming the Fifth, he would simply say, "ditto."