

Defendants Seek to Shift Blame in Trial on '71 Rally

By WAYNE KING

Special to The New York Times

CHARLOTTE, N. C., April 21

—Lawyers for defendants who included H. R. Haldeman, former White House chief of staff, agents of the Secret Service, White House advance men, local policemen and members of the Veterans of Foreign Wars sought in Federal court today to shift the blame from their own clients for any illegalities committed in roughing up and barring political demonstrators from a 1971 rally attended by President Nixon.

The 15 attorneys represented defendants in a civil suit pressed by 19 young plaintiffs against Mr. Haldeman and the others. The suit, which seeks \$1-million in damages, resulted from the systematic and allegedly unconstitutional exclusion of anyone wearing bluejeans or long hair or displaying antiwar or anti-Nixon signs from a Billy Graham Day rally in Charlotte on Oct. 15, 1971.

The jury was selected and the first testimony taken as the trial opened today before Federal District Judge John B. McMillan in the Federal Court House here.

Excluded From Rally

Each of the plaintiffs, 12 of whom are or were members of a flamboyant radical political group that calls itself the "Red Hornet May Day Tribe," is asking \$60,000 in damages as a result of their exclusion from the event. Some were kept out on the false ground that tickets they held were "counterfeit" — a ruse that some defense lawyers conceded today had been used by the White House to exclude "undesirables" from public events.

The defendants contend that their exclusion had resulted from a policy authorized by Mr. Haldeman and carried out through White House advance men, the Secret Service, the Charlotte police and members of the Veterans of Foreign Wars, who were used as ushers and security personnel at the event at the Charlotte Coliseum.

The suit was originally filed in November, 1971, with 14 plaintiffs and only the Charlotte police and the Secret Service as defendants.

Later, however, as more de-

tails became known, other defendants and plaintiffs were added.

Mr. Haldeman was added on the basis of a memo sent to him by Ronald Walker, who acted as chief advance man for President Nixon's appearance at the rally.

Indicates Approval

The memo, which came to light in the Senate Watergate hearings, indicated Mr. Haldeman's approval of the "security plans" at Charlotte.

Next to the section of the memo reporting that demonstrators might be violent and carry obscene signs, Mr. Haldeman wrote "good." He made the same notation beside a paragraph saying "the Charlotte police force is very tough and will probably use force."

Beside the information that the possible violence and obscenity would be directed against Mr. Graham as well as Mr. Nixon, Mr. Haldeman scrawled "great!" and ended by approving the plan to bar demonstrators "as long as it is local police and local volunteers doing it—not our people."

In addition to Mr. Haldeman and Mr. Walker, two other Nixon advance men who worked the Charlotte rally were included in the suit.

Among others named were

the director of the Secret Service and 10 agents; four members of the V.F.W., including a local leader, Ernie Helms, described in allegations as the "chief bouncer;" the chief of the Charlotte police, J. C. Goodman, and eight officers.

In opening remarks to the jury, the battery of 15 attorneys representing the defendants made tacit or open admission of many of the allegations but took pains to place the blame elsewhere.

The attorney for the policemen, Frank Acock, for example, noted that he had entered a counter suit, essentially seeking to place any blame for what happened on the Secret Service.

"Charlotte police," he said, "were not involved in the counterfeit ticket thing and otherwise acted entirely at Secret Service direction."

The attorney for the Secret Service defendants, James Walker, on the other hand, contended that the agency was only doing its job of "protecting the President" and said intelligence about possible disruptions by the Red Hornet group came from the Charlotte police.

Wayne Huuckey, the attorney for Mr. Helms, conceded that his client had ejected people whose looks he did not like

HELMS

by telling them their tickets were counterfeit. But the lawyer maintained he had done so at the behest "the various government agencies, primarily the White House advance men."

For Questionables

The burly Mr. Helms was told, the lawyer said, "if you tell them their ticket is counterfeit and throw them out."

The attorney has also filed cross-claims against the White House and against the national V.F.W., which made the contact with the local group for help in policing the rally.

Charles Myers, attorney for the national V.F.W., told the jury, "There is no reasonable reason for you to find the national organization responsible for the action of local members."

The first witness, Lawrence Reichard, who was a long-haired 13-year-old at the time of the rally, testified that Mr. Helms had ejected him, saying his ticket was counterfeit. He also said Mr. Helms had damaged the camera of a friend who took a picture of the incident when Mr. Helms grabbed it and tore the film out.

The trial is expected to take about two weeks.