

WAR PROTEST SUIT LOST IN CAROLINA

MAY 6 1975

Haldeman and 8 Others Not
Guilty in Exclusion Policy
at Graham Day Rally

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Special to The New York Times

CHARLOTTE, N. C., May 5—

A jury took just under two hours today to conclude that no constitutional rights had been violated by any of nine defendants accused in a \$1-million civil suit of systematically and illegally barring antiwar demonstrators from a Billy Graham Day rally attended by President Nixon in 1971.

In its relatively brief deliberation on complex issues, the jury found that none of the 18 plaintiffs had been subjected to any deprivation of constitutional rights.

Defendants were H.R. Haldeman, former White House chief of staff, who approved the plan to exclude demonstrators from the rally; three White House advance men who helped set up the mechanics of the "screening," three Charlotte policemen who arrested or assisted ushers in excluding demonstrators, and two members of the Veterans of Foreign Wars who were among those recruited by the White House to act as ushers and exclude anyone who appeared undesirable.

Several Charlotte policemen and members of the United States Secret Service were dropped from the suit by the plaintiffs primarily because they could not individually identify them.

The swiftness of the deliberation exonerating the defendants from any constitutional wrongdoing came as an obvious surprise to the 18 plaintiffs, more than half of whom were members of a radical group calling itself the May Day Red Hornet Tribe.

One of them, who asked not to be quoted by name, said, flushing with anger, "If you can't get justice in the courts, you get it in the streets."

The jury had been asked to consider the allegations of each of the 18 plaintiffs separately, first making a decision on whether any of his or her constitutional rights had been violated.

If so, the jurors were to then affix responsibility on one or more of the defendants and determine how much money was to be awarded the plaintiff. Each had asked \$10,000 in actual damages and \$50,000 in punitive damages.

The jury, however, held that question and others moot by deciding that none of the plaintiffs, mostly young, long-haired and blue-jeaned, had been subjected to unconstitutional treatment.

Demonstration Excluded

In the 10 days of testimony leading up to final arguments today, the plaintiffs tried to show that their exclusion had resulted from a conspiracy emanating from the White House to stifle dissent.

The defendants, in general, took the tack that actions at the Charlotte Coliseum on Oct. 15, 1971, were justified on the ground that intelligence gathered by the Charlotte police and others indicated disruptions were planned by the Red Hornets.

There was little major difference between the opposing sides on actual occurrences at the rally.

The defendants agreed, for example, that a plan had been put into effect to exclude demonstrators—including the use of the so-called "counterfeit ticket technique."

House for sensitive rallies, this calls for ushers or others—in this case Ernie Helms of the V.F.M.—telling people who appeared "undesirable" that their tickets were counterfeit and throwing them out.

The plaintiffs argued this was simply a device to stifle political dissent, particularly antiwar protest. The defendants argued that it was required to protect against disruption, violence and possible harm to the President.

In closing argument today, for example, a defense attorney said, "If they can't do what they did here, what are they going to do—send out engraved invitations and have background checks?"

Instead, "You just say, 'it's counterfeit, get out,'" the attorney said.

The defense also leaned heavily on some obscene antiwar chants used by some of the demonstrators.

"Is it proper," one of the battery of 15 defense lawyers said, "for the plaintiffs to be awarded money on the basis of their conduct on Billy Graham Day?"

Dean Hamrick, representing Mr. Haldeman and two of the White House advance men named in the suit, also attacked the character of the plaintiffs, saying at one point that one of them had "begun to quote Marvin Sparrow's philosophy of government like he was Chairman Mao."

Mr. Sparrow, one of the plaintiffs, has often acted as a spokesman for the Red Hornets.

George Daley, an American Civil Liberties Union attorney representing the plaintiffs, argued that the exclusion of the demonstrators constituted prior restraint of free speech.

"We simply don't know what Marvin was going to do," he said, but he was excluded anyway. "You could have any right you wanted in that coliseum as long as Richard Nixon approved of it."