

PRESIDENTIAL BAR ON DISSENT EASED

Judge Enjoins Secret Service From Curbing Protesters

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CHARLOTTE, N. C., July 31 —A United States District Court judge enjoined the Secret Service Tuesday from barring dissenters at public appearances of the President unless the President's personal safety was at stake.

Judge James B. McMillan issued the order as a result of a suit brought by a group of persons who were excluded from a Billy Graham rally here in 1971 by members of the Secret Service. President Nixon attended the rally.

Judge McMillan ruled that the Secret Service was in charge of security at the rally honoring the evangelist when 14 young plaintiffs and others who had presented tickets were "abused, manhandled and excluded . . . without apparent just cause" in a "wholesale assault upon the civil rights and liberties of numerous citizens."

In issuing a preliminary injunction in the case, Judge McMillan said that there was no evidence that any of those excluded from the rally had posed any danger to the President's safety. Those excluded, he said, ranged from members of an antiwar group called "Red Hornet May Day Tribe" to a radio station employe who had accepted a pamphlet from a dissenter before he presented a ticket at the door.

Judge McMillan said that actions by security officers at the rally "were directed towards the suppression of dissent or prevention of any expression or demonstration of dissent, from reigning points of view."

He ordered that a trial be held on the plaintiffs' charges against officials of the Secret Service and the city and their claims for \$340,000 in damages.

The judge said that the trial —for which no date was set— might shed light on the question of who had ordered the exclusion of some persons from the rally.

Civil liberties lawyers representing the plaintiffs had suggested that the decision might have come from H. R. Halde- man and John D. Ehrlichman, two former White House officials, who, according to the Senate Watergate committee testimony of John W. Dean 3d, the dismissed White House counsel, set up a plan to exclude dissenters from Mr. Nixon's appearances.

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The White House had no immediate comment on the ruling, but a Secret Service spokesman in Washington, Bill Hawthorne, contended that no evidence had been presented "to support statements or assumptions that the Secret Service was a participant, or directed, in any violation of any person's civil rights on Billy Graham Day. What we're enjoined from doing," he said, "is something totally inconsistent with what our instructions to our agents are."