

# The President in Public

When H. R. Haldeman told the Senate Watergate committee the other day about his role in controlling the crowds before a Presidential appearance in Charlotte, N. C., he was perhaps not yet aware that a Federal district court had just the day before handed down its finding on what had actually happened at that 1971 rally held in honor of the Rev. Billy Graham.

Judge James B. McMillan of the Western District of North Carolina held that Charlotte residents "were abused, manhandled and excluded from a public gathering without apparent just cause or excuse." Local authorities and the United States Secret Service, he ruled, had "systematically, arbitrarily and discriminatorily and without pretense of due process of law, committed wholesale assaults, exclusions, embarrassments, slanders and deprivations of free speech, of right to freedom of assembly and right to petition . . . without legal or other cause or excuse, in violation of the First, Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States."

Mr. Haldeman acknowledged before the Senate investigators his own responsibility for ordering the "security" arrangements that day, Oct. 15, 1971, called "Billy Graham Day" in Charlotte. A memorandum introduced at the Senate hearings—with the marginal notes "good" and "great" in Mr. Haldeman's own handwriting—even suggested that he relished the prospect of "violent" or "obscene" demonstrators.

The decision by Judge McMillan stated: "No evidence suggests that any plaintiff or anyone else was a threat to the safety of the President on "Billy Graham Day." According to the judge, ticketholders were barred from the hall, or in some cases were thrown out after they had been seated, because they were "people advocating peace in Vietnam; long-haired people, mostly young; people distributing pamphlets; people holding pamphlets that had been handed them by others; people opposing close affiliation of church and state; people who asked questions; people suspected of fitting any of the above descriptions." The essential purpose of these exclusions was "suppression of dissent in any form," Judge McMillan held.

Though Mr. Haldeman is no longer orchestrating President Nixon's public appearances, whoever is making the plans now will have to be mindful of this Federal Court ruling that persons may not be "arbitrarily excluded from the general presence of the President of the United States at public gatherings because they dress or wear their hair differently from other people, or because they exercise their constitutional rights." That is a guarantee of the Bill of Rights which no distorted interpretation of executive privilege can set aside.