

# Anti-Nixon Protesters' Suit Upheld

Richmond, Va.

A federal appeals court has sustained an injunction barring the Secret Service from excluding peaceful protesters from presidential appearances.

The case stems from a suit filed by 14 youths who said they were barred from attending a speech by President Nixon at a Billy Graham Day rally in Charlotte, N.C., on Oct. 15, 1971.

The plaintiffs' \$840,000 damage suit, which names former White House aide H. R. Haldeman as a defendant, is still pending in U.S. District Court in Charlotte.

The Court of Appeals said Tuesday there appeared to be no reasonable justification for excluding persons because of their dress or beliefs. It upheld the injunction against the Secret Service issued by U.S. District Judge James B. McMillan of Charlotte.

It agreed with McMillan that the protesters, though they carried banners critical of the President, were peaceful and there "is no evidence that anyone was a threat to presidential security."

The appeals court also rejected a contention that Secret Service employees are immune from lawsuits arising out of the performance of their duties.

*Associated Press*