

NIXON RALLY TRIAL DROPS 2 FROM SUIT

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Haldeman and 23 Others

Remain as Defendants in
1971 Charlotte Case

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CHARLOTTE, N. C., April 29—The director of the Secret Service, H. Stuart Knight, and a local police officer were dropped today from a \$1.08-million civil damage suit by order of the judge hearing the case. The action was by mutual agreement of both sides.

Federal District Judge James McMillan ruled that 10 Secret Service agents, six other Charlotte police officers, four past and present White House officials, including H. R. Haldeman, and four other persons must remain parties to the case. The suit asks for damages on behalf of individuals allegedly excluded or evicted from hearing a speech given here by President Nixon on Oct. 15, 1971, honoring the Rev. Billy Graham.

The ruling came after more than a week of testimony presented by the plaintiffs, many of whom are members of a local leftist organization, the Red Hornet May Day Tribe. Each of the 18 plaintiffs is asking for \$60,000 in damages for their exclusion or removal from the Charlotte Coliseum where the Honor Billy Graham Day festivities were held.

Setting Responsibility

At issue thus far in the complex civil action is less what happened at the coliseum or why as much as whose responsibility it was. On July 31, 1973, Judge McMillan characterized the events that day as "a wholesale assault upon the civil rights and liberties of numerous citizens, in violation of the First, Fourth, Fifth and 14th Amendments."

In that ruling, he enjoined the Secret Service and the Charlotte police department from excluding nonviolent dissidents from Presidential speeches and gave those who asked for the injunction permission to sue those involved for damages.

(Similar suits, for both injunctive relief and damages, have been filed against the Secret Service and local policemen on behalf of antiwar or anti-Nixon demonstrators following Presidential appearances in Philadelphia, Cleveland and Dayton, Ohio, Pekin, Ill., and Knoxville, Tenn., between 1970 and 1972.)

the ruling, which the judge called "the (not so funny) things that happened to the plaintiffs on the way to the coliseum," observed that the plaintiffs had been "abused, manhandled and excluded . . . without apparent cause," and specifically noted that the plaintiffs "did not constitute a threat to Presidential security."

Kept Out by Marshals

Testimony last week restated the evidence presented before Judge McMillan two years ago, with a stream of young people recounting how they had been kept out of the coliseum by marshals recruited by the White House from a local post of the Veterans of Foreign Wars, assisted by Charlotte policemen.

Cross-examination of the plaintiffs by the 15 defense attorneys was by and large perfunctory.

Increasingly throughout the trial, attention has been focused on the so-called "fake ticket routine." Under this procedure, three times the number of tickets for which there were seats at a Presidential appearance were routinely distributed. In the case of the Charlotte appearance, 30,000 tickets were distributed for 12,500 seats.

Marshals Recruited

Later, local V.F.W. members, Republican clubs and high school football teams were recruited through the White House advance staff to act as marshals at the speech, according to a deposition by the defendants. Judge McMillan found in his ruling that anyone attempting to enter with an anti-Nixon or antiwar sign, button, arm band, blue jeans, hair below the collar, beard, rimless glasses or "granny dress" were ruled to have a counterfeit ticket and evicted, sometimes roughly. In cases where the ticket holder protested, it was found, the individual was arrested by a local policeman, although charges in most cases were later dropped.

In his opening statement to the jury, Frank Aycock 3d, an attorney for the Charlotte police were not involved in the countersuit against the Secret Service, the White House advance men and V.F.W. members for recovery of any damages found against the police in the trial.

Yesterday a Secret Service agent, Charles McCaffrey, who is a defendant, testified that there had been repeated conflicts between the White House advance staff and the Secret Service over the use of this procedure.

"Our job is security. We don't take tickets," said Mr. McCaffrey, who was "site supervisor" for the Charlotte appearance.

The trial is expected to last another week.