

McIntyre's attorney, James Boccardo, claimed Thursday the death was the result of an accident when McIntyre fell on Martinez.

Martinez was jailed Aug. 28 after he was arrested by Sunnyvale Officer Tim Martell and California Highway Patrolman Max Smith. The Sunnyvale man, a Colorado native employed by a carpet cleaning concern in Palo Alto, had a police record involving mostly drunk arrests, but fellow employees described him as "very pleasant and easy to work with."

One employe added, "He was very small and nice mannered."

McIntyre is married and the father of one child. He had served in the sheriff's department for one year and a month with "a clean record."

He was arrested Thursday morning following a six-hour session of the grand jury, which lasted until 2:30 a.m. Thursday. The jury heard 14 witnesses, but not McIntyre.

McIntyre was arraigned before Superior Court Judge Joseph P. Kelly Thursday afternoon and then freed on bail. He will appear for plea at 1:30 p.m. Sept. 23.

The grand jury, in a carefully drawn indictment which eliminated the possibility of a first degree murder trial involving the death penalty, charged McIntyre with "willfully and unlawfully and with malice aforethought" murdering Martinez.

The true bill indictment also said the deputy assaulted Martinez "with force likely to produce great bodily injury" . . . without lawful necessity under color of authority, and at a time when the said defendant



BERNABEL MARTINEZ . . . His last arrest

was public officer, to wit, a deputy sheriff."

Boccardo, who recently defended California Highway Patrolman William Brennan, charged with but acquitted of the Salinas murder of Roland Strange in a hotel parking lot,

VOWS RIGHTS AID

Reasons for Riot, Dixie Mayor Says

From Los Angeles Times, UPI

ATLANTA—Mayor Ivan Allen Jr. said Thursday, although members of the Student Nonviolent Coordinating Committee provoked Tuesday's riot here, living conditions in the Negro area where the violence occurred could have been exploited by other agitators.

After returning from a tour of the riot area, the mayor also strongly endorsed the 1966 civil rights bill.

And he indicated he opposes the amendment which exempts all privately owned one-to-four-family units—about 60 per cent of the nation's housing—from the housing section.

"The intent of this type of legislation is always warped by the opposition," Allen said. "They say it is to deny man the right to sell his house to whomever he wants. Actually, it asserts the right of any man to buy a piece of property that is available for sale. It is to eliminate segregation."

He reiterated his charge SNCC members, including chairman Stokely Carmichael, provoked Tuesday's riot here, living conditions in the Negro area where the violence occurred could have been exploited by other agitators.

Swanton Richard B. Lissen had better have a look at this I agree this is wrong, along with Rev. King and others

The two officers who picked up Martinez said he was arrested after he ran his car off the road in a non-injury accident. Martinez was booked as a public drunk.

McIntyre was one of six deputies on duty in the main jail in San Jose for the graveyard shift on Aug. 28. He was assigned to the drunk tank.

A witness before the Grand Jury said McIntyre "kneaded" Martinez.

Boccardo, however, said McIntyre did not even remember the incident.

"He was merely trying to get a drunk prisoner to cooperate and go into the tank . . ." the attorney said. "It was entirely accidental."

Sheriff Charles Prelisnik, who suspended the deputy last week because of the incident, and the district attorney's office refused comment because of recent Supreme Court decisions. They would shed no light on the incident.

The list of witnesses before the grand jury included:

Prelisnik, Medical Examiner-

(Concluded on Page 2, Col. 1)

Call Admits Fund Theft

SAN FRANCISCO (UPI)—Sacramento painting contractor Norman Call Thursday admitted having stolen union funds but denied that he conspired to murder union official Dow Wilson to hide the theft.

Appearing on the witness stand for the first time in his murder trial, Call explained the method by which he and the administrator of a Painter's Union welfare fund used forged claims to withdraw approximately \$6,000 from the fund.

He asked a similar rollback of authority for businessmen to accelerate their tax write-off for the lifelong depreciation.

(Concluded on Page 27, Col. 1)

action" to "lower gear."

Johnson proposed:

• The suspension from Sept. 1, 1966 to Jan. 1, 1968 of the 7 per cent credit on taxes for business spending on new machinery and equipment. The suspension, he said, should apply to all investing industries on all orders placed during the 16-month period.

• Suspension of the accelerated depreciation on all buildings and structures started or transferred from one owner to another during the same 16-month period beginning Sept. 1.

(Commercial and industrial construction was 27 per cent higher during the past 12 months than during the previous year, Johnson told Congress, and has been contributing "unnecessarily" to an inflation of building costs.)

• That the Federal Reserve Board and major commercial banks "cooperate with the President and the Congress" to lower interest rates and to "ease the inequitable burden of tight money."

• That Treasury Secretary Henry Fowler survey all federal agencies authorized to sell securities "to eliminate from the market as much of the federal demand as possible."

• A \$3 billion reduction in federal non-defense spending for the current 1967 fiscal year which ends next June 30. All agencies have been asked to "defer, stretch out and otherwise reduce" spending, he said.

Foremost in the special message to Congress was the proposed 16-month suspension of two tax incentives for business investment in new plant and equipment spending which now is getting much of the blame among economists for the present inflationary squeeze.

Although the President did not ask for higher taxes on corporate profits, the effect would be to hit businessmen in the pocketbook.

Johnson proposed suspension of the 7 per cent tax credit for business investment spending, effective Sept. 1 until Jan. 1, 1968. It would apply to all orders taken between those dates, regardless of delivery, and to all industries without exception.

He asked a similar rollback of authority for businessmen to accelerate their tax write-off for the lifelong depreciation.

(Concluded on Page 27, Col. 1)

TV Blast Falls Flat

NEW YORK (AP)—A blast against television by comedian Jerry Lewis plopped into the sea of video Thursday with the impact of a falling pebble on an asphalt pit.

The general reaction among television top folk who admitted having any was, "Ah, you know old Jerry, always clowning around."

Hollywood's prince of the pratfall lowered the boom on the cathode medium at a news conference Wednesday in Boston. He said he was all through with television as it stands—"It's dull, it's canned, it's tasteless."

The outburst came as a surprise to show biz peers in view of Jerry's Olympian calm when his brand-new yacht sank under him recently at Monterey, Calif.

"I think something must have been bugging him," said Ed Sullivan, of the Ed Sullivan Show.

A television subexecutive in New York suggested that Lewis was still aching from an experience a few years ago when his own televised show was the subject of a mercy killing in mid-season.

"He comes out with an anti-TV tirade like this about once a year," the man said.

Upper-echelon people at NBC, ABC and CBS loftily ignored the steaming comic.

In Hollywood, comedian Phil Silvers, television's Sgt. Bilko, shrugged it off.

"We all have mornings like that," he said.

Early Morn Gemini Shot

CAPE KENNEDY (UPI)—All was reported ticking along smoothly toward the 7:25 a.m. PDT blastoff today of Gemini II on a precision mission that ranks as America's best rehearsal yet for manned trips to the moon.

Astronauts Charles (Pete) Conrad and Richard F. Gordon, old Navy buddies, will be out to bring home a batch of space firsts, including flying nearly twice as high as man ever has before.

about farmers' problems.

VIET BOMBSHELL

Ky Eyes Draft For President

SAIGON (UPI)—Prime Minister Nguyen Cao Ky said Thursday he would accept a draft to run as president of South Viet Nam.

Ky's bombshell announcement caught the American diplomatic mission here by surprise and was expected to have widespread repercussions throughout the country.

It came as national police today uncovered a plot by terror squads to booby trap anti-government election posters and kill anyone trying to tear them down.

The plot was the latest incident in the stepped-up Communist campaign to keep people away from the polls in Sunday's national election for a constituent assembly.

Reports of other terror activities filtered into Saigon from widely scattered sections of the country. Terrorists assassinated a village chief, machinegunned to death the wife and three children of a security official, bombed civilians and soldiers and shot children in an attack on a hamlet.

At least four terrorist blasts injured a dozen persons Thursday, and mineographed death threats were distributed through the mails to virtually all candidates warning them to withdraw before it is too late.

Ky made his announcement at a party marking his 36th birthday. At the same time he indicated he has changed his mind about the need for dissolving the constitutional assembly once it has done its job of writing a constitution and holding another election next year for a legislative assembly.

He said the constitutional as-

Today's Chuckle

Small boy's prayer: Give us this day our day in bed.

—AP Wirephoto

Quake Hits Asian Area

PASADENA (UPI)—A major earthquake was recorded Thursday about 7,200 miles west or northwest of here.

It showed a magnitude of 6.8 on the Richter scale and would have been potentially destructive in a populated area, according to Dr. Charles Richter of California Institute of Technology.

The famed seismologist said instruments began recording the temblor at 2:29 p.m.

In Rockville, Md., the National Earthquake Information Center said it located a quake in the Halmahera Island region north of Indonesia.

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De Gaulle aide linked to Ben Barka . . . Page 18

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The governor spent most of the press conference on welfare, briefly answered a few questions about the Rumford Act and then abruptly ended the meeting when reporters sought to question him on other subjects.

Brown said his "learn-and-work" program would be financed by \$34 million from the federal government and \$26 million from the state. He conceded under questioning that the state's share of the retaining might require new taxes.

However, \$5 million that counties now invest in retraining programs would be paid by the state, Brown said.

Holcomb, frequently called upon by the governor to answer questions about the retraining plan, said the 20,000 employable welfare recipients have dependent families totaling between 90,000 and 100,000 persons.

The state has a total welfare caseload of about 1 million persons. But Holcomb said that all but 240,000 of these are blind, aged or disabled persons who are not employable.

Under the Brown-Holcomb plan a welfare recipient would be identified as employable, then trained for an available job. The governor said use of computers to find out what jobs are available would insure that recipients would be trained for available work.

"This combined attack means that from the day a welfare recipient is found employable, the end of his dependence is in sight," Brown said.

California's booming economy

(Concluded on Page 2, Col. 1)

Swanton Richard B. Lissen had better have a look at this I agree this is wrong, along with Rev. King and others should be jailed and the key thrown away. Transparencies Southern.

Governor Promises Welfare Roll Slash

(Continued from Page 1)

makes it possible to find jobs for welfare recipients where no jobs existed before, said the governor. Despite the boom, he said, "there is a hard core of inadequately educated, untrained men and women who cling to the ragged edge of employment."

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Brown conceded that a "new revenue program" would be needed by the state if the Heller plan failed to gain federal approval. Under questioning he said this meant new taxes.

In discussing the Rumford fair housing act, the governor said he expected to appoint a commission to study the controversial law within three weeks. He indicated he had been having difficulty in finding a chairman.

Asked whether the commission would include any "Reagan Republicans," Brown replied:

"I'm sure there will be some on it, but you know they're hard to find."

The governor said he opposed as a "delusion" the proposal by Los Angeles Assessor Phil Watson for a mandatory ceiling on taxes.

"Ceilings on taxes never have worked—they never will work," Brown said.

The governor was asked about a recent statement by former Southern California Democratic

S.C. County Sheriff Aide Accused

(Continued from Page 1)

Coroner Dr. John E. Hauser, Det. Sgt. Ray Pantiga, Sunnyvale Officer Martell, Highway Patrolman Smith, Dep. Sheriff Dave Gifford, jail nurse Lou Lyons, jail doctor Paul Jackson and two trustees and two technicians.

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Martinez had come to this area from his native Colorado about two years ago. He had

chairman Carmen Warschaw indicating that she might not support Brown's bid for a third term. He said he would answer this soon in a statement and also make a statement on Supt. of Public Instruction Max Rafferty's policy questions to

Brown and Reagan about education.

But he declined to go into either subject and ended the press conference when reporters tried to go into the subject.

"I think we've had it," Brown said.

BLASTS CARMICHAEL

Mayor of Atlanta Admits Riot Cause

(Continued from Page 1)

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Carmichael and two of his aides, William Ware and Bobby Vance Walton, have been charged with inciting to riot, a misdemeanor. A hearing is set today for Carmichael.

Julian Bond, the Negro representative-elect the Georgia House refused to seat because of his statements against U.S. policy in Viet Nam, resigned Thursday from SNCC.

Bond, who was SNCC communications director, said he was quitting the controversial organization for "personal reasons."

The 26-year-old Bond said he hopes to become active in the National Association for the Advancement of Colored People (NAACP), in which he already holds membership.

In Washington, Rep. Wayne Hays (D-Ohio) took the floor in the House of Representatives and called for a federal crackdown on Carmichael, whom he accused of "inciting riots" in Atlanta and Cleveland.

"Carmichael and his anarchist group belong behind bars and the quicker we get him there the better off this

country is going to be," Hays said.

A round of applause went up from the 50 members present following Hays' brief talk.

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"The racist mayor and white racist papers said we started a riot and ran," Carmichael said. "We did not start it and we will not run away."

... Rudi Does It Again

By JEAN SPRAIN WILSON
AP Fashion Editor

NEW YORK (AP)—The designer who gained world fame two years ago by lopping the tops off women's swim suits eliminated the suit Thursday.

He replaces it with a handful of black plastic pasties strategically arranged, presumably by means of adhesive backing.

"It's perfectly decent," Rudi Gernreich assured his gasping audience. "You will notice the navel has been covered."

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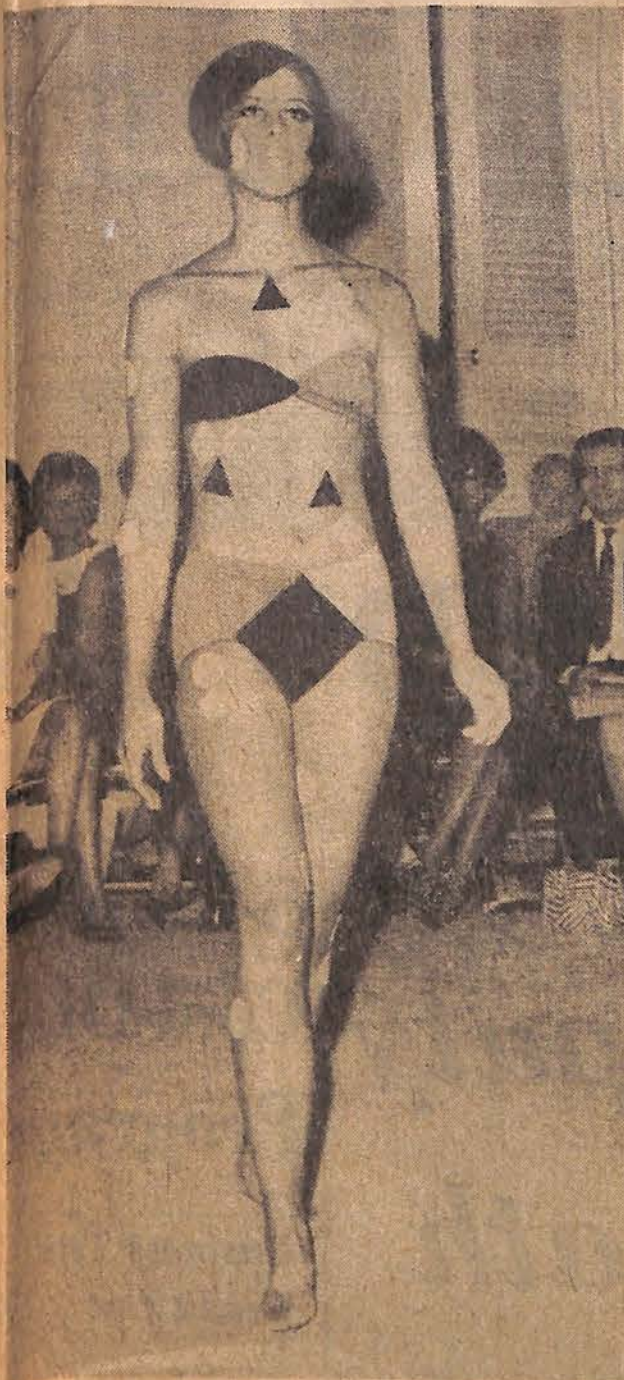
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Admission Day

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SPOTS SWIM BEFORE HER THIGHS
... After the one piece, the 21 piece
—AP Wirephoto

GOVERNOR RACE

N.Y. Liberals Pick FDR Jr.

NEW YORK (UPI)—The Liberal Party of New York State Thursday night chose Franklin D. Roosevelt Jr. as its gubernatorial candidate.

In Rochester, meanwhile, the Republican Party chose Gov. Nelson A. Rockefeller as its standard-bearer. In November's election, then Rockefeller in his bid for a third term will oppose the son of the late President Franklin D. Roosevelt and Frank D. O'Connor, who was named the Democratic candidate Wednesday night.

In still another state convention, at Saratoga Springs, the Conservative Party Wednesday nominated college professor Paul L. Adams as its candidate for governor.

Neither of Thursday night's political choices came as a surprise but confirmed that the Empire State will have at least a four-corner race for the governor's mansion.

The Liberal Party usually endorses the Democratic candi-

date, but this year it is pursuing an independent course.

When Roosevelt, a Democrat, let it be known Wednesday that he would accept Liberal nomination, it was considered all but certain that he would be the candidate.

Thursday night the Liberal convention didn't let him down. He was chosen by a vote of 209 to 33.

Roosevelt had been rebuffed by the Democrats, who chose his father as their gubernatorial candidate in what turned out to be the stepping stone to 12 years in the White House.

Political observers believed the man who would be most hurt by Roosevelt's decision to run as a liberal candidate is his fellow Democrat, O'Connor.

These observers believe that the political drawing power of his family name might draw as many as 600,000 votes the great majority of which would have probably fallen to O'Connor.

Various polls had indicated that O'Connor would have a considerable lead over Rockefeller, but with Roosevelt now in the race things may change decisively.

Even before he decided to run as a Liberal Party candidate independently from the Democrats, Roosevelt, the third son of FDR, had not endeared himself to the Democratic leaders.

Boy Suffocates

WINDSOR (UPI)—The body of a 9-year-old boy was found Thursday inside a refrigerator. The child, Juan J. Medina Jr., apparently had crawled in, the doors closed behind him and he suffocated. The refrigerator was lying on its back in a shop on a prune ranch where his parents live and work.

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(Continued from Page 1)

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