

The New York Times

LATE CITY EDITION
Weather: Partly sunny, warm today; clear tonight. Sunny tomorrow. Temp ranges today 67-84; Monday 71-78. Temp. Hum. Index yesterday 74. Full U.S. report on Page 74.

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15 CENTS

Colombo Shot, Gunman Slain At Columbus Circle Rally Site

Killing of Assailant Not Done by Police, Official Says

By WILLIAM E. FARRELL

The vast majority of Americans, both white and black, remain ignorant of the contributions that black men have made to the national culture. Now a Los Angeles group called Progressive Black Associates has prepared an informal black-studies course of instruction. It is in the form of a calendar that chronicles day by day "the untold history of the black man in America." From Jan. 1, the 107th Anniversary of the Emancipation Proclamation, to Dec. 31, Odetta's 40th birthday, the calendar measures 1970 in terms of black men's achievements.

The calendar includes portraits of famous black men, ranging from Frederick Douglass, Malcolm X and Martin Luther King Jr., to Saxophonist John Coltrane. There are also some fascinating but sometimes disputed footnotes, such as the story that a black adventurer called "El Negro" piloted one of Columbus' ships to the New World. Or that black men and women have held patents on the gas mask, the ironing board, the lawn mower, the golf tee, the folding chair and the automatic traffic light.

It was early Saturday morning, and people were already arriving to protest President Nixon's barbaric and terrifying invasion of Cambodia, and the subsequent slaughter of four Kent State students. The rally and street-fighting would begin later that afternoon.

But now it was 4 A.M., a warm night, and many of the demonstrators didn't feel like sleeping. They were out wandering around the vicinity of the



Two men who had gone to the aid of Joseph A. Colombo Sr. turn at the sound of gunfire as the attacker is shot.

ellipse, where the rally would be held, meeting old friends and making new ones, discussing the events of the last ten days, or just checking out sights like the Washington Monument and Lincoln Memorial.

Among them were three students from Syracuse University—Joan Pelletier, Ronnie Kemper, and Lynne Shatzkin. They'd made the drive down to D.C.

Friday, and were now walking past the reflecting pond towards the Lincoln Memorial.

As they got to the Lincoln Memorial, Secret Service men at the foot of the stairs told them to go up either side, but to leave a passageway down the center. They complied, and were walking up the stairs when they saw a

Continued on Page 24, Column 4

Rally Day Crowd Reacts With Sorrow and Anger

By FRED FERRETTI

The Italian-American Civil Rights League's second annual Unity Day rally in Columbus Circle began at noon yesterday with a prayer for the life of Joseph A. Colombo Sr. and ended at 3 P.M.

It was Dick Nixon in the flesh. He had come to the Lincoln Memorial, he said, because he'd been unable to sleep, and because he wanted some fresh air and because he frequently came there "for inspiration."

What made the conversation at the Lincoln Memorial so extraordinary was that for the first time in ages, the President of the United States was standing around talking to common, everyday people. It wasn't like a press conference, where he answered questions put to him by White House reporters that he chose to recognize, usually his own friends.

It wasn't like speaking from a campaign platform, thought it did have some propaganda value to him. It wasn't an address to the nation, with everybody sitting in the living room watching television and unable to ask him to clarify one of his typically vacuous statements.

Five days later at Syracuse, Ronnie and Joan tried to explain what it felt like. They were still freaked out by their Presidential encounter session, and by all that had come down in the last two weeks. Syracuse, Continued on Page 21, Column 1

But he was just going on and on, leading to nowhere, talking about Prague and Warsaw and all the places he'd been. And it wasn't leading anywhere, nothing he was saying was coherent, or even in complete sentences. Nothing led in to the next thing he said.

It was like he was somewhere else the whole time he was talking, Ronnie added. "Somebody would ask him to speak up, and he was mumbling at his feet. And that would jolt him out of where ever he was, and he'd kind of look up and shake his head around, but then he'd go back to looking at his feet and he was gone again. He had makeup on all over, it was in his eyelashes."

Much of the discussion seemed to center on Nixon's world tour. He later told reporters he was trying to stress how important it was to get out and meet different people from different cultures. But the people at the Lincoln Memorial felt there to talk about.

"Somebody asked him about the Black Panthers and Bobby Seale," Joan said. "And this guy was very articulate, very informed, and he went down the list of all the constitutional rights Bobby Seale had been denied. When he finished, Nixon asked, 'Do you know the Black Panthers; have you met any of them?' The guy said no, but that he'd read a lot of their

Continued on Page 32, Column 1

HOUSE REJECTS VIETNAM PULLOUT VOTED BY SENATE

Amendment for Withdrawal
Based on P.O.W. Release
Is Defeated; 219-176

By JOHN W. FINNEY
Special to The New York Times

WASHINGTON, June 28 — The House refused today to accept a Senate amendment calling for withdrawal of troops from Vietnam in nine months if American prisoners of war were released by North Vietnam.

By a 219-to-176 vote, the House defeated a motion calling for acceptance of the Senate troop withdrawal amendment to the Selective Service bill. The amendment, sponsored by Senator Mike Mansfield of Montana, the majority leader, was adopted by the Senate last week by a 57-to-42 vote.

For the critics in the House of the Vietnam war, the vote was their best showing in nearly two years of trying to press the issue. They gathered 20 more votes than on a similar but more binding troop withdrawal amendment that was rejected by the House two weeks ago. They contended that if it had not been for absentees their total would have been around 190, just 14 short of a majority.

White House Victory

But the vote was still a clear victory for the White House, which worked actively to defeat the Mansfield amendment in the House. President Nixon, for example, called Speaker Carl Albert this morning, asking him to intervene in the debate against the amendment.

Mr. Albert then split with the Democratic leadership in the Senate as well as with the Democratic whip in the House, Representative Thomas P. O'Neill Jr. of Massachusetts, by taking to the floor to argue that the establishment of a withdrawal deadline would "interfere" with the Paris peace negotiations and "could jeopardize American lives."

Mr. Albert found himself voting with a minority of Democrats and 33 Republicans voted for what was, in effect the Mansfield amendment while 83 Democrats and 136 Republicans voted against it.

To Conference Next
The issue now goes to a Senate-House conference committee to reconcile differences between the Senate and House versions of the bill both of which extend the draft authority for two more years.

House managers of the bill, such as Representative F. Edward Hébert of Louisiana, chairman of the Armed Services Committee, hinted at the possibility of a compromise on the language of the Mansfield amendment. But if the amendment is weakened significantly in conference, the bill faces a probable filibuster when it returns to the Senate floor.

As a result, there was a

Continued on Page 33, Column 4

HIGH COURT, 8 TO 1, FORBIDS STATES TO REIMBURSE PAROCHIAL SCHOOLS; BACKS COLLEGE-LEVEL HELP, 5 TO 4

Ali Wins in Draft Case Appeal

Calling Up of Boxer Ruled Improper

By DAVID E. ROSENBAUM
Special to The New York Times

WASHINGTON, June 28 — Muhammad Ali was cleared by the Supreme Court today of the charge of refusing induction into the Army.

Four years after he was convicted by a jury in Houston, sentenced to five years in prison and then tripped of his heavyweight championship by boxing commissions, the Court declared that Ali was improperly drafted in the first place. The vote was 8-0, with Justice Thurgood Marshall abstaining.

In an unsigned opinion, the Court said that the Justice Department had misled Selective Service authorities by advising



Muhammad Ali after he heard of court's ruling.

ing them that Ali's claim as a conscientious objector was neither sincere nor based on religious tenets.

Ali, who is now 29 years old and used to be called Cassius Clay, remained free on \$5,000

Court Upholds Him on Religion, 8-0

bail after his 1967 conviction. It was not until last October, however, that he was permitted to fight professionally again.

Justice Marshall, the only black member of the court, abstained after sending an unusual note to the press room saying that he could not take part in the case because he had been solicitor General—the government's chief prosecutor—during the time Ali was being prosecuted.

The opinion overturning Ali's conviction was unsigned because no precedent was being set. Justices John Marshall Harlan and William O. Douglas filed concurring opinions.

In 1964, Ali was exempted

Continued on Page 24, Column 4

U.S. PLAN UPHELD

Fund for Constructing
Campus Buildings
Wins Approval

Excerpts from school opinions
appear on Page 18.

By FRED P. GRAHAM
Special to The New York Times

WASHINGTON, June 28 — The Supreme Court declared unconstitutional today state programs that reimburse Roman Catholic and other church-related schools for instruction in nonreligious subjects.

With only one Justice — Byron R. White — dissenting, the Court's eight other Justices ruled that direct financial aid of this type involved "excessive entanglement between Government and religion."

However, at the same time the court upheld by a 5-to-4 vote the Federal Higher Education Facilities Act of 1963, under which \$240-million in Federal funds has been paid for the construction of academic buildings on the campuses of private colleges — including church-related colleges.

Provision is Voided

The Court struck down only one minor feature of the United States law—a provision that after 20 years the colleges could use the buildings for any purposes, including religious ones.

If such buildings were to be converted into chapels or other religious structures, "the original Federal grant will in part have the effect of advancing religion," the Court held.

It therefore declared that feature of the law unconstitutional under the First Amendment's prohibition against any official "establishment of religion."

Chief Justice Warren E. Burger wrote the majority opinion in the state-aid case and the prevailing opinion in the Federal-aid decision.

Division in Voting

The latter opinion was joined by Justices John M. Harlan, Potter Stewart and Harry A. Blackmun, but Justice White, who provided the fifth vote in favor of the law, filed a separate concurring opinion. The dissenters in the United States case were Justices Hugo L. Black, William O. Douglas, William J. Brennan, Jr., and Thurgood Marshall.

The decision on direct state aid to parochial schools, which invalidated state laws in Rhode Island and Pennsylvania, marked the first time that the Supreme Court had struck down a law on aid to church schools.

In a series of decisions that began in 1947, the Court upheld such indirect forms of aid as the use of Government-owned buses to transport students to parochial schools and

Continued on Page 18, Column 3

CONNECTICUT PACT SETS 6% SALES TAX

10% Levy on Dividends, 20c
on Cigarettes and 10c on
Gasoline Are Also Due

By DAVID E. ROSENBAUM
Special to The New York Times

HARTFORD, June 28 — The Republican Governor of Connecticut told reporters he was trying to relate to the protesters, and the Syracuse women agreed he was. "He was trying to grasp on to anything he thought we could relate to, but he couldn't. When we told him we were from Syracuse, he said, 'Oh yes, the Orangemen. Great football team you've got.'"

At another point, Nixon asked one of the protesters how old she was. Then when she said she was 24, he responded, "Tricia's 24, too, you're very young."

As he was talking, several in the crowd, which had grown to more than 20, started walking away from him. "I've lost my appetite for a year," one said as he left. "Of all the Presidents I could meet, it had to be Nixon," another moaned.

At no time, however, were the rude to him. The addressed his as "Mr. President" or "Mr. Nixon," and nobody tried to interrupt him even when he was making sense. "In fact," Joan suggested, "Maybe what he

Continued on Page 32, Column 4

Delaware Bars Heavy Industry From Coasts to Curb Pollution

By DONALD JANSON
Special to The New York Times

DOVER, Del., June 28 — Senate Armed Services Committee, Secretary of Defense Melvin Laird said, "From first hand accounts of the nine men release by Hanoi we know that our men have been tortured, kept in isolation, denied adequate medical care, and kept on diets that have caused weight losses of as much as 60 pounds in just a few months of captivity."

Since his inauguration, the President has been actively concerned over the plight of our POWs. To dramatize their condition, he reversed the previous policy of discouraging public discussion of POWs by their wives and mothers. Instead, the Nixon Administration, with the strong support of Congress, began a nationwide campaign to focus attention on the prisoner issue. At the direction of Secretary Laird, Pentagon officials began traveling to all sections of the United States meet with the wives, mothers and fathers of POWs. The families themselves have traveled abroad and contacted the enemy's representatives in hopes of breaking the impasse.

Then, in August, President Nixon asked former astronaut Frank Borman to undertake a special mission to enlist the aid of foreign governments including the Soviet Union, in securing the release of American POWs.

George Putnam, the baritone newscaster from the Dr. Ross school of political theory, interviewed Los Angeles police chief Edward Davis on the day of the disturbances at UCLA following the shooting of four Kent State students.

It was just two old friends rapping, and Davis, who is called "Crazy Man Ed" by cops on the beat and "Crusader Pig" by critics outside the department real-

Continued on Page 21, Column 1



SAYS HE RELEASED PENTAGON PAPERS: Dr. Daniel Ellsberg at news conference outside Federal building in Boston with his wife after he surrendered himself yesterday.

George Putnam, the baritone newscaster from the Dr. Ross school of political theory, interviewed Los Angeles police chief Edward Davis on the day of the disturbances at UCLA following the shooting of four Kent State students.

It was just two old friends rapping, and Davis, who is called "Crazy Man Ed" by cops on the beat and "Crusader Pig" by critics outside the department real-

ly relaxed and gave Orange County what it wanted to hear. Putnam, who conducts his entire local newscast standing in front of an American flag, started at the top. "Would you say," he asked Davis, "that this is the second day of the planned revolution to take over the United States of America?" The chief averred that "it certainly is" and went on to say that Jerry Rubin and Simon and Schuster, which published Rubin's book Do It, were "trying to burn your city, but they are not going to burn this city down."

"Of course this is happening all over America," said Putnam, leading the witness. "You don't believe that this is just a spontaneous outburst. It has to have a plan, does it not, Chief?"

The chief picked up the ball. "Well, I think there's certainly a common purpose and design behind the Marxists and the revolutionaries. The interesting thing, George, about these revolutionaries—the original American revolutionaries knew, when they revolted, that they were very much, very likely to be hung by the neck until they were dead if they failed. These revolutionaries know that they can go into court and in many cases get amnesty and get all the protection of the American laws, all the protection of the country the are trying to tear down."

They rapped for a bit about how it might be a good idea to shut down all state colleges and universities permanently and divert the money into primary education. Then they showed some news film of the troubles, which prompted Putnam to ask: "Chief, what is the hard core here? How many are identifiable as hard core troublemakers in this situation?"

"Well, I think there's certainly a common purpose and design behind the Marxists and the revolutionaries. The interesting thing, George, about these revolutionaries—the original American revolutionaries knew, when they revolted, that they were very much, very likely to be hung by the neck until they were dead if they failed. These revolutionaries know that they can go into court and in many cases get amnesty and get all the protection of the American laws, all the protection of the country the are trying to tear down."

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Ellsberg Yields, Is Indicted; Says He Gave Data to Press

By ROBERT REINHOLD
Special to The New York Times

BOSTON, June 28 — Dr. Daniel Ellsberg, declared today that he had given the Pentagon study of the Vietnam war to the press. Moments later he surrendered to the United States Attorney here for arraignment on charges of unauthorized possession of secret documents.

Later in the day a Federal grand jury in Los Angeles returned a two-count indictment accusing Dr. Ellsberg of the theft of Government property and the unauthorized possession of "documents and writings related to the national defense."

The 40-year-old scholar and former Defense Department official had been described as the source of the Pentagon documents that The New York Times drew upon for its Vietnam series, the publication of which began on June 13 and was stopped on June 15 by Federal Court order.

The Times refused again today to discuss the source of its documents. After a one-hour hearing before United States Magistrate Peter W. Princi, Dr. Ellsberg was released on \$50,000 bail. The Government had asked that bail be set at \$100,000.

At almost exactly 10 o'clock this morning, as the lawyers promised Saturday, Dr. Ellsberg drove in a taxi to the Post Office building, which houses the Federal courts.

Looking calm and confident and clutching his wife, Patricia, around the shoulders, he told

Supreme Court Aides Say
Ruling Probably Will Be
Issued by Friday

Special to The New York Times

WASHINGTON, June 28 — The Supreme Court put off today a decision on the Government's efforts to block The New York Times and The Washington Post from publishing material from the Pentagon papers on Vietnam.

Two sets of the Pentagon papers were delivered to Congress today in cardboard boxes marked "Top Secret" and were quickly placed in locked vaults. [The Christian Science Monitor on Tuesday published what it said were excerpts from the Pentagon papers, the Associated Press reported. The Monitor said the United States had plans in 1962, later abandoned, to pull out almost all troops from Vietnam. Page 9.]

No indication was given as to the day when the Supreme Court decision would be announced. Court officials said that it could be issued at any time. They said it probably

Continued on Page 9, Column 1

STATES UNCERTAIN ON FUTURE OF AID

High Court's Decisions Put
New York Law In Doubt
—Reactions Are Mixed

By LINDA CHARLTON

The Supreme Court decisions on aid to parochial schools yesterday threw doubt on the future of New York State's newly enacted parochial school law—and of similar programs under way or planned in other states.

A spokesman for Governor Rockefeller, who signed the New York bill into law last Friday, said that, because the Court's decision involved "an extremely complex area of the law and since we have not yet had an opportunity to study the opinion of the court, we are not in a position to comment on" its impact.

But comment from other sources in the state ranged from describing the decisions as a "disaster" for parochial schools to discounting the decisions' relevance on New York's aid program. Much the same range of opinion came from other states, especially those 14 in which more than 10 per cent of the enrolled students are in parochial schools.

Reaction Varies

Organizations and persons who have aligned themselves on opposing sides of the long and bitter dispute about the constitutionality of public aid to parochial schools called the decisions "a landmark victory" or expressed "keen disappointment" with the rulings.

Pennsylvania was one of the two states whose laws were directly invalidated by the rulings. David H. Kurtzman, the state's Secretary of Education, said: "We will try to see whether there is some other

Continued on Page 19, Column 1

Court to Rule on Death Penalty; Spares 39 Awaiting Execution

By JOHN HERBERS
Special to The New York Times

WASHINGTON, June 28 — The vast majority of Americans, both white and black, remain ignorant of the contributions that black men have made to the national culture. Now a Los Angeles group called Progressive Black Associates has prepared an informal black-studies course of instruction. It is in the form of a calendar that chronicles day by day "the untold history of the black man in America." From Jan. 1, the 107th Anniversary of the Emancipation Proclamation, to Dec. 31, Odetta's 40th birthday, the calendar measures 1970 in terms of black men's achievements.

The calendar includes portraits of famous black men, ranging from Frederick Douglass, Malcolm X and Martin Luther King Jr., to Saxophonist John Coltrane. There are also some fascinating but sometimes disputed footnotes, such as the story that a black adventurer called "El Negro" piloted one of Columbus' ships to the New World. Or that black men and women have held patents on the gas mask, the ironing board, the lawn mower, the golf tee, the folding chair and the automatic traffic light.

On the subject of crime, the President declared: "The issue of crime is freedom. When individual citizens are the direct victims of violence, or the indirect victims when they are forced to restrict their own movements, out of fear of violence, fundamental liberties are abridged. A government that fails to protect those liberties is not worthy of the name." He called on Congress to pass his most important crime proposals which have been before the Congress for more than a year the Controlled Dangerous Substances Act (drugs), Organized Crime Control Act, Wagering Tax Amendments, Bail Reform Act Amendments, Protection of Minors from Obscenity Act and Prohibition of Transportation of Salacious Advertising Act, Criminal

Justice Act Amendments, Omnibus Crime Control and Safe Streets Amendments and Explosives Regulation Control Act.

"It is the responsibility of the President to take the initiative in such matters," President Nixon noted, "and I have done so. A legislative program that will mark this era in history has been presented, and is ready for enactment.... What is at stake is the good repute of American government at a time when the charge that our system cannot work is hurled with fury and anger by men whose greatest fear is that it will."

For six years Hanoi's treatment of American prisoners of war has violated every standard of civilized behavior. Silence and brutality has been and is now their policy toward the over 1600 American POWs.

Hanoi refuses to release the names of those being held captive unless it suits communist propaganda motives. Hanoi forbids a free flow of mail between prisoners and their families. Hanoi bars inspection of prison camps by neutral observers.

Despite North Vietnam's total refusal to cooperate, some facts can be pieced together about the 1674 Americans officially listed as prisoners of war or missing in action and believed to be prisoners. Three have been in captivity for six years. Seventy-five have been prisoners for over five years. All are being mistreated, abused and tortured.

In recent testimony before the Senate Armed Services Committee, Secretary of Defense Melvin Laird said, "From first hand accounts of the nine men release by Hanoi we know that our men have been tortured, kept in isolation, denied adequate medical care, and kept on diets that have caused weight losses of as much as 60 pounds in

Continued on Page 21, Column 1

NEWS INDEX	
Page	
Art	23
Obituaries	40
Op-Ed	37
Books	25
Society	43
Bridge	34
Business	47, 58
Sports	23, 27
Crossword	45
Features	28, 33
Editorials	36
Financial	45, 61
Letters	36
Man in the News	24
Movies	28, 33
National	5
Women's Notes	42