

"All the News That's Fit to Print"

# The New York Times

LATE CITY EDITION

Weather: Mostly sunny, cold today; clear, cold tonight. Fair tomorrow. Temp. range: today 32-19; Wed. 54-34. Full U.S. report on Page 78.

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10 CENTS

## JUSTICES EXTEND ONE MAN, ONE VOTE TO LOCAL BOARDS

High Court Holds Districting Edict Applies to Officials in Municipal Elections

## BURGER JOINS DISSENT He and Two Others Contend Ruling May Be Balked by Making Jobs Appointive

By FRED P. GRAHAM Special to The New York Times

WASHINGTON, Feb. 25 — The Supreme Court declared today that the election of school board members and most if not all other local officials must adhere to the principle of one man, one-vote.

In a 5-to-3 decision the Court laid down this general rule: "Whenever a state or local government decides to select persons by popular election to perform government functions, the Equal Protection clause of the Fourteenth Amendment requires that each qualified voter has been given an equal opportunity to participate in that election."

"When members of an elected body are chosen from separate districts," the Court added, "each district must be established on a basis which will insure, as far as is practicable, that equal numbers of voters can vote for proportionally equal numbers of officials."

### '68 Ruling Broadened

By using this broad language the Court let it be known that those governmental officials who are elected from geographical districts, such as many board members of sewer and water districts, administrative and regulatory officials, and perhaps even judges, will apparently have to be elected from districts of nearly equal population.

The Supreme Court ruled in 1968 that its one-man, one-vote doctrine would be applied to elections of some local governmental bodies, but it implied that primarily those units that exercised broad legislative powers — such as county governing bodies and city councils — would be affected.

Today's decision erased that impression and declared that virtually all officials elected from districts within larger jurisdictions would be affected.

The decision grew out of a dispute over the election of the six trustees of the junior college district that operates three junior colleges in the Kansas City, Mo., area. Eight high school districts of varying populations joined together to

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## 4 IN MOTEL TRIAL FREED IN MICHIGAN

Police and a Guard Cleared in '67 Detroit Riot Incident

Special to The New York Times

FLINT, Mich., Feb. 25 — Three white Detroit policemen and a Negro private guard were found not guilty of conspiracy today in the Algiers Motel trial.

The all-white jury of six men and six women returned its verdict shortly after 9 P.M. It began deliberations before 11 A.M.

The three suspended Detroit policemen acquitted were Ronald August, 30 years old, David Senak, 25, and Robert N. Paille, 34. The former private guard freed was Melvin Dismukes, 27.

They had been accused of conspiracy to violate the civil rights of 10 occupants of the motel during the 1967 Detroit riots.

The Government had charged that the four men had used excessive force to obtain information about snipers. Three young Negro men were found dead in the motel annex on the morning of July 26, 1967, after a raid by the Detroit police and National Guardsmen. The three

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SOON, YOU'LL SEE CHEZLY all over town — starting Sunday, in the Times Book Review, on page 41. — Adv.

## Panther Hearings Halted Over Defendants' Conduct

Murtagh Warns 13 He Will Not Resume Proceedings Until They Promise, in Writing, to Behave in Court

By EDITH EVANS ASBURY

Supreme Court Justice John M. Murtagh halted pretrial hearings of 13 Black Panthers yesterday and announced that they would not be resumed until the defendants promised, in writing, to behave in accordance with American courtroom procedure.

The sudden recess came in the midst of a series of loud, contemptuous remarks shouted by the defendants at the justice and a policeman who was testifying.

Justice Murtagh's announcement seemed to come as a surprise to the defense lawyers, one of whom said afterward that they would have to consult "constitutional experts" about what to do. Legal observers could not recall any such ruling in the past, and it was suggested by

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## Two Indicted for Homicide In Girl's Death by Heroin

By EMANUEL PERLMUTTER

A Bronx grand jury indicted two men yesterday for second-degree manslaughter and criminally negligent homicide in having given a 17-year-old Barnard freshman heroin from which she died. District Attorney Burton B. Roberts said it was the first time to his knowledge that these charges had been brought in connection with death by narcotics, even though the victim had sniffed the heroin willingly.

The Bronx prosecutor declared that the use of the manslaughter and homicide statutes in such cases could be "invaluable" in the fight against the narcotics problem and that he planned to use this approach in future similar incidents.

"To give a person heroin is like feeding him rat poison, and should be prosecuted in the same way," he asserted.

### Accused Are Identified

The two accused men were Harold Burnwell, 27 years old, of 1129 Vyse Avenue, the Bronx; and Roy Garner, 30, of 42 Washington Avenue, Tuckahoe, N.Y.

They were indicted in the death of Antonette Dishman, who had been an honor high school student in her home city of Chicago. She was found dead the morning of Jan. 31 on a bed in an apartment at 1205 College Avenue, the Bronx; after having sniffed heroin there and at a party earlier in a midtown motel.

In addition, the two men

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## 198 Teachers Arrested

The voice vote, while predominantly in favor of the contract, also included what observers characterized as a substantial "no" vote.

During the walkout, which virtually halted any regular education for Newark's 78,000 students, 198 teachers were arrested for violating a Superior Court injunction against the illegal stoppage. Proceedings against some of them have started.

Mayor Hugh J. Addonizio said the contract would "end the

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## Held Up 9 Times, He Kills 2 Brothers

By CARTER B. HORSLEY

A Bronx pharmacist who had practised his marksmanship for about a year after having been the victim of nine holdups in six months shot and killed two brothers trying to rob him last night.

The police said that the pharmacist had consulted with them on many occasions and finally obtained a .38-caliber revolver and a gun permit about a year ago. They said he practised shooting at target ranges almost every day.

The brothers' deaths were listed by the police as justifiable homicides pending further investigation.

The pharmacist, Albert Gelb, who is 60 years old and has operated the store for 20

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## H. E. W. PROPOSES TO PLACE CEILINGS ON MEDICARE FEES

Senate Unit Hears Charges of 'Fast Buck' Profits in Hospital Stock Deals

By RICHARD D. LYONS

WASHINGTON, Feb. 25 — The Nixon Administration proposed today to set ceilings on permissible fees to doctors and hospitals under Medicare and Medicaid.

John G. Veneman, Under Secretary of Health, Education and Welfare, told the Senate Finance Committee that the fee structures could be negotiated, as proposed in a Finance Committee study of Medicare and Medicaid costs, made public earlier this month.

Failing that, he said, the ceilings would be imposed, a step sure to stir the wrath of the nation's doctors.

Meanwhile, Congress heard testimony that "fast buck profiteers" were making millions of dollars in hospital stock deals.

### A Doubling of Costs

It was not immediately clear whether the Administration could limit Medicare and Medicaid fees on its own or whether Congressional action would be required. An Administration official said: "It certainly would be preferable to have Congress write it into law."

The present system of financial reimbursement, which pays "reasonable and customary charges," has not "provided opportunity for major cost control efforts," Mr. Veneman said.

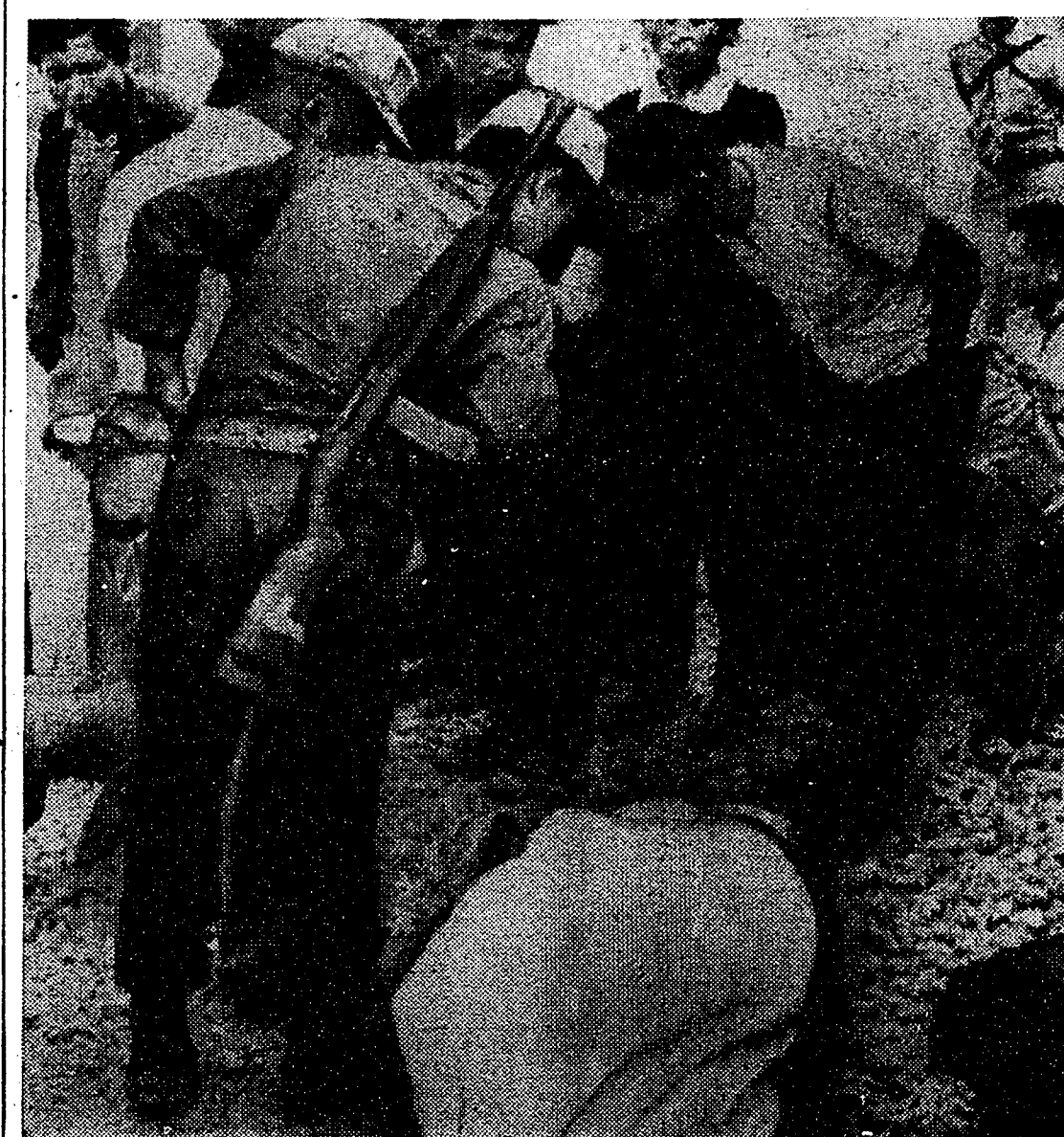
Costs have doubled since the programs went into effect four years ago, with medical care rising at twice the rate of consumer prices and hospital costs rising even more rapidly.

Mr. Veneman said that the Administration supported a fee schedule for doctors that would increase in proportion to the rise in the cost of medical care, as determined by the Bureau of Labor Statistics. One change proposed by the Finance Committee study would have the Secretary of Health, Education and Welfare appoint regional panels that would set doctors' fees for Medicare services.

The Antitrust and Monopoly Subcommittee of the Senate Judiciary Committee, which is investigating hospital costs, heard two hospital administrators assail the activities of hospital chains.

Joe S. Greathouse Jr., director of the Vanderbilt University Hospital in Nashville, charged that the chains did not provide a full range of services. John R. Gadd, executive director

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TRIBESMAN KILLED IN LAOS: Body of a Meo killed by North Vietnamese during patrol in Plaine des Jarres is viewed by comrades. Helicopter took body to Sam Thong area.

## GOVERNORS AVOID THE BUSING ISSUE

Act to Bar School Debate at Parley—Nixon, in Keynote Speech, Pushes Policies

By WARREN WEAVER Jr.

WASHINGTON, Feb. 25 — The nation's Governors moved today to keep the controversial issue of school desegregation off the agenda of their national conference, despite Southern pressure to bring it up.

The conference chairman, Gov. John A. Love of Colorado, backed by other leading Governors, decided to eliminate the resolutions customarily passed at the winter business meeting rather than risk a divisive debate on busing.

"We do not look on this meeting as an appropriate time to adopt a new set of policy statements," Governor Love, a Republican, said tonight at a news conference. "There is not a place on the agenda where we consider this type of thing."

President Nixon, who delivered the keynote address at the conference, discussed his legislative program. He did not mention the school issue, which has embroiled Congress in a series

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## Congress Hails Pompidou; He Urges Israeli Pullout

By TAD SZULC

WASHINGTON, Feb. 25 — Congress courteously welcomed President Pompidou today and applauded him as he addressed a joint meeting. The French leader, here with his wife on an eight-day state visit, touched briefly but pointedly on the problems of Vietnam and the Middle East, the principal points of policy divergence between Paris and Washington.

Although a number of members of Congress critical of French policies in the Middle East had planned to boycott Mr. Pompidou's appearance, the level of attendance, according to officials of the House of Representatives, was considered normal or even higher than usual for a ceremonial reception of a foreign dignitary.

About 285 of the 433 House members and 60 of the 100 Senators were present.

On Vietnam, Mr. Pompidou recommended, in effect, that the United States overcome what France is known to regard as inflexibility in seeking a political settlement with North Vietnam and the Vietcong. On the Middle East, he said

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## SENATORS ASSAIL POLICY OF NIXON ON WAR IN LAOS

Mathias Says the Executive Branch Flouts Congress by U.S. Military Role

By JOHN W. FINNEY

WASHINGTON, Feb. 25 — Criticism of the Administration's Laotian policy broke out in the Senate today as Senator Charles McC. Mathias Jr., a freshman Republican from Maryland, charged that the Executive branch was subverting the will of Congress by the American military involvement in Laos.

Senator Mathias contended in a Senate speech that the Nixon Administration was turning Laos into "an arena for the repetition of the mistakes of our Vietnamese involvement."

His remarks touched off a round of criticism as Senators Mike Mansfield, the majority leader; Albert Gore, Democrat of Tennessee; Stuart Symington, Democrat of Missouri; John Sherman Cooper, Republican of Kentucky, and Charles H. Percy, Republican of Illinois, joined in deploring Administration secrecy about what they generally described as a deepening American military involvement in Laos.

Officially Decline Comment

In response to press inquiries, spokesmen at the White House, State Department and Defense Department continued to refuse to describe the nature of American military activities in Laos or to discuss the United States involvement in the recent military operations around the strategic Plaine des Jarres in Northern Laos.

In Vientiane, Premier Souvanna Phouma of Laos announced that he would soon ask Britain and the Soviet Union, the co-chairmen of the 1962 Geneva conference, to call a meeting of the 14 countries that signed the accords on Laotian neutrality, according to Agence France-Presse. He said he would protest the current North Vietnamese offensive in his country.

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## 2 VAN GOGHS NET \$2.1-MILLION HERE

\$1.3-Million Paid for One Is Peak for the Artist's Work

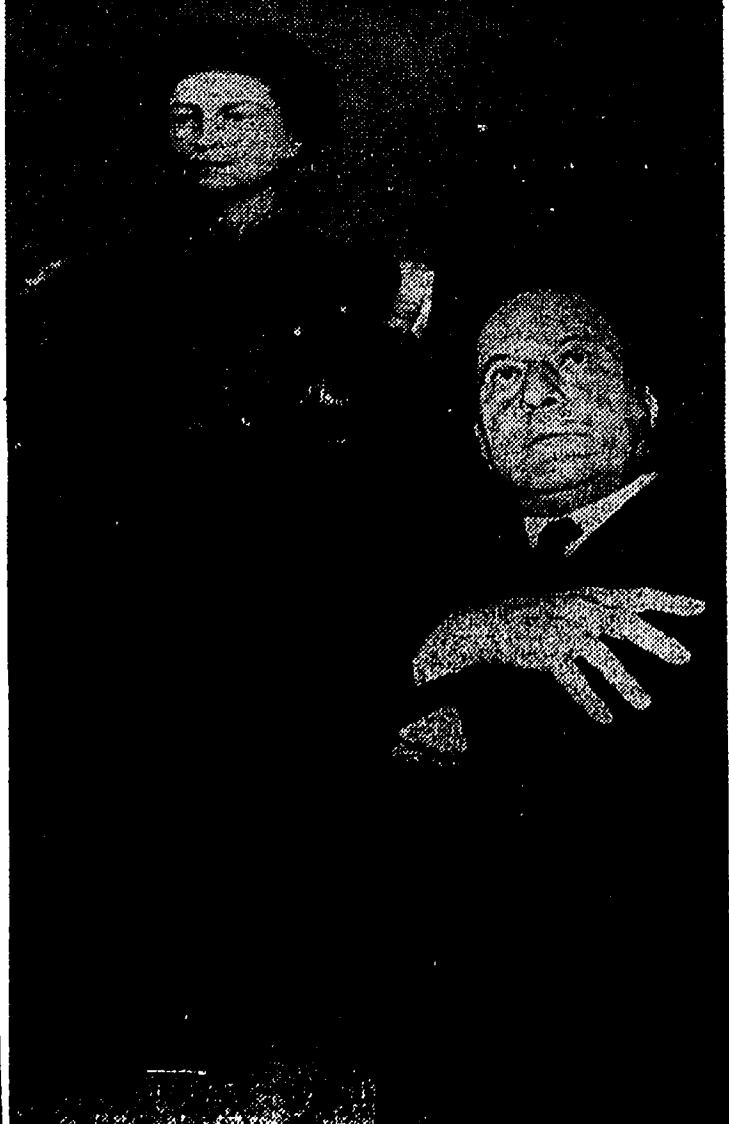
By SANKA KNOX

A painting by Vincent Van Gogh of cypress trees rising from a cornfield into a sky of swirling clouds brought \$1.3-million at auction here last night—the highest price ever paid for a Van Gogh.

The previous auction record for a painting by the artist was \$420,000 for a portrait in 1966. "Le Cyprès et l'Arbre en Fleurs," the big prize of the sale, went to a buyer who asked the galleries not to divulge even his country of residence. Shortly after this painting was knocked down, Van Gogh's "Le Laboureur" was sold for \$875,000 to the Beyeler Gallery of Basle, Switzerland. Last

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## Stern Portrait of Elizabeth Includes Blemishes



Pietro Annigoni and his new portrait of Queen Elizabeth

By ALVIN SHUSTER

LONDON, Feb. 25 — A controversial new portrait of Queen Elizabeth II, showing her unsmiling and with marks under her mouth and on her left ear, was unveiled here today.

The Queen, who gave the artist, Pietro Annigoni, 18 sittings over 10 months, attended ceremonies at the National Portrait Gallery to view the finished product with hundreds of invited guests. The stark painting, which goes on public display tomorrow, drew such comments as "atrocious," "unflattering," "unfair," and, at best, "interesting."

Mr. Annigoni, who painted a rather idealized portrait of the Queen 15 years ago, when she was 28 years old, said he expected a lively debate over the new effort. He explained that "people change over 15 years and the Queen is no exception. She is a more mature person today. My problem was to try to blend the human being and the symbol. Besides, the artist really tries to reflect himself. I do not paint for the public or even the client. I try to satisfy myself."

The Italian artist, whose

Continued on Page 5, Column 1



Mr. Annigoni's 1955 work

## Mark Rothko, Artist, A Suicide Here at 66

By GRACE GLUECK

Mark Rothko, a pioneer of abstract expressionist painting who was widely regarded as one of the greatest artists of his generation, was found dead yesterday, his wrists slashed, in his studio at 157 East 69th Street. He was 66 years old. The Chief Medical Examiner's office listed the death as a suicide.

Mr. Rothko had suffered a heart attack last year, and friends said that he had been despondent in recent months.

Like most American artists of his generation, Mr. Rothko's early career was marked by struggle and was untouched by recognition. His fortunes rose with those of the American brand of painting known as abstract expressionism, in whose

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