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Grand Jury Riot Report Reviewed

By ELINOR HAYES
Tribune Staff Writer

Lawrence L. Riche's secret testimony to a federal grand jury about the events of May 15, 1969, during the Berkeley People's Park riots was read in federal court yesterday as he sat silent at the counsel table.

The former Alameda County deputy sheriff told that grand jury, which indicted him on charges of shooting and violating the civil rights of young William D. Rundle Jr. and others:

"I am sure that was not the man I shot.

"My objective all day was to protect life and property.

"I fired a little bit above . . . up high above the level of the cars . . . just to try to clear the area."

The prosecution team read the questions and answers that made up Riche's voluntary statement to the grand jury on Jan. 29.

This was after Riche's attorney, James Crew, lost a long and continuing argument with Federal Judge Stanley A. Weigel that the statement not be excerpted but that it be given in its entirety to the current trial jury of seven men and five women.

The reading had an Alice in Wonderland quality.

Arthur Chotin of the U.S. Justice Department in Washington, D.C., read Riche's answers from the witness stand. Asst. U.S. Atty. Jerry Cimmet read the questions that Chotin put to Riche before the federal grand jury.

While his words came out of Chotin's mouth, Riche — tall, broad-shouldered with a handsome, boyish face — followed the text as impassively as he has listened to all the testimony this week.

The story was the now familiar one of the shooting that day on Berkeley's Parker Street near Chilton Way and Telegraph Avenue.

Riche said he was ordered out at 3 a.m. that morning and given full riot gear: helmet with face shields, coveralls, side arms, riot stick, combat boots, flak jacket, tear gas and leather gloves.

"Our objective was to take People's Park."

They drew 12 gauge shotguns and two rounds of birdshot and two rounds of buckshot.

"Our instructions were to use the birdshot first and the buckshot only if we needed it as a last resort," he testified.

"We were hoping not to kill anyone but only to suppress a riot. We were not to fire until after Capt. Dyer and Sgt. (Louis) Santucci had fired. We were to fire one warning shot and fire only if necessary to protect ourselves and the people around us.

The first shots were fired at Haste and Telegraph, he said.

Then his group of eight moved on to Parker and Telegraph.

"I was like a sentry to keep the street clear," was his testimony.

Of the crucial few minutes around 3:30 p.m. he said:

"I was ordered to stay with

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Refrigerator Buyer Finds TNT

Fred Simmons got slightly more than he bargained for in purchasing a used refrigerator — a half a pound of TNT.

Simmons found the explosive in the appliance obtained from a house wrecker. Gingerly, Simmons took the small package labeled "Army Corps of Engineers" to the firehouse at 1270 63rd Ave. last evening.

Firemen equally cautiously took the parcel outside to a cleared area of the parking lot and called police.

Officers carefully examined the four-inch long, inch-and-a-half thick block and took it to the disposal area of the city's corporation yard.

Simmons, 23, of 1228 81st Ave., an employee of the Alameda Naval Air Station, says he has no idea how the TNT got into the refrigerator.

Mexico President Diaz Ordaz and President Nixon chat with aid of an interpreter—(AP)

Glittering Nixon-Diaz Dinner

Former President Johnson regales Nancy Reagan—(AP)

CORONADO (AP) — Speaking at a gala state dinner tendered by President Nixon, President Gustavo Diaz Ordaz of Mexico Last sounded a warning that U.S. restrictions on international trade may imperil the economy of Latin America.

It was the one somber note at a gathering of 600 VIP guests from both sides of the border last night devoted mainly to lavish expressions of Mexican - American friendship.

Nixon capped a day-long salute to the visiting chief of state by describing Mexico as "the country we have a special place for in our hearts."

Nixon staged the glittering show for Diaz Ordaz at the 82-year-old, Victorian-style Hotel del Coronado just two weeks after reaching a border boundary agreement with the Mexican president in the below-the-

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Israel Assails U.S. Position

By RAYMOND LAWRENCE
Foreign News Analyst

Israel has declared inadequate the United States' demand that Egypt and the Soviet Union stop violating the cease-fire at the Suez Canal.

Premier Golda Meir insists the Egyptians withdraw the ground - to - air missiles from the standstill zone where they have been installed since the cease-fire went into effect Aug. 7.

Immediately a State Department spokesman in Washington strongly indicated that the United States has requested withdrawal of the Soviet missiles put in the prohibited zone in violation of the agreement.

Departmental press officer Robert McCloskey told newsmen:

"We are seeking rectification of the situation arisen out of our confirmed evidence of the violation of the standstill in the prohibited zone on the west (Egyptian) side of the Suez Canal."

But he refused to define rectification.

The UPI carried a report Israel is prepared to take military action against Egypt if the United States does not force the withdrawal, although Defense Minister Moshe Dayan announced his approval of a cabinet plan to allow Washington time to effect the removal through diplomatic means.

Mrs. Meir was reported moving up a planned visit to the United States so she can confer with President Nixon on the situation.

Following a highly secret Cabinet meeting yesterday, Gen. Dayan commented:

"Movement of missiles was tantamount to firing, and the Egyptians were thus violating both the cease-fire and the military standstill agreement. Israel must be a party to agreements only on a reciprocal basis."

In reference to the missile buildup, he declared "the Israeli defense forces can take care of it."

American officials in Washington expressed the hope that now the United States has acceded to Israel's demand for a public avowal of American confirmation of the violations, Israel would return its representative to New York for the peace talks which were broken off after only one session.

But so far Israel stands by its position that removal must come before the diplomatic

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Cambodia Slowly Yielding to Reds

Cong Launches New Assaults

PHNOM PENH (UPI) — Viet Cong forces counterattacked in waves last night in a series of assaults south of Phnom Penh near a key town recaptured a few hours earlier by Cambodian troops, military spokesmen said today.

Communiques from Saigon said fighting in Vietnam was light and order had been restored in the capital where angry disabled South Vietnamese veterans battled U.S. troops and police for nearly 24 hours.

The U. S. command in Saigon said no Americans were killed in action in the 24-hour period from midnight yesterday. It was the first such no-fatality report since June 11.

South Vietnamese spokesmen said 1,000 government troops had swept across the border into Cambodia on a new campaign called "Mekong River 44-22" and had killed 11 Viet Cong and North Vietnamese in yesterday's first day of the drive in the Parrots Beak section, 53 miles east of Saigon. Government losses were one dead and four wounded. It brought to 17,000 the total South Vietnamese troops in Cambodia.

Cambodian spokesmen said the Viet Cong launched three waves of assaults against Cambodian defenders of the devastated town of Saang, 20 miles south of Pinom Penh and, brought up 82mm mortars and 75mm recoilless rifles in the attack against Trum Kinaar, less than two miles from Srang, recaptured by Cambodian forces yesterday. Srang is 26 miles south of the capital.

Cambodian spokesmen said it was part of a stepped-up Communist pressure in the

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U.S. Aid Fails To Stem Tide

By JOHN T. WHEELER

PHNOM PENH (AP) — In the two months since U.S troops pulled out of Cambodia, Gen. Lon Nol's government has steadily lost ground in its war against the Communists.

Washington has granted Phnom Penh $40 million in military aid and has committed limited U.S. air power to back up government troops in the field. But this has not halted, much less reversed, the deteriorating military and political situation.

The overriding impression is that the government's strategy of abandoning more than half the country to Communist control to insure the defense of the capital and the nation's heartland is not working well. The plan called for abandoning the entire northeast, most of the extreme north, and some areas that were once held by South Vietnamese and American troops.

The heartland starts southeast of Phnom Penh and runs in a wide belt to the northwest, taking in the rich rice- and fish - producing areas on both sides of Cambodia's huge lake, to Tonle Sap. Most of the country's population is centered in this area.

But nearly all of the north shore of the lake is controlled by the Communists. The government strongpoints at Siem Reap 155 miles northwest of Phnom Penh, and Kompong Thom, 80 miles north of the capital, are not doing well. Reads to Seim Reap are cut periodically and Kompong Thom, a provincial capital, has been surrounded for months.

Government casualties have been heavy at Kompong

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U.S. Jobless Rate Nears 6-Year High

WASHINGTON (AP) — The nation's unemployment last month inched up to a near six-year high of 5.1 per cent of the work force, while total employment dropped nearly 400,000, the Labor Department said today.

Asst. Commissioner Harold Goldstein of the Bureau of Labor Statistics said the August rise of one - tenth of one per cent in the national jobless rate was not significant, but the reports indicated the nation's continuing economic slowdown including a shorter work week and less overtime.

The report said the actual number of jobless workers declined 308,000 to a total of 4.3 million last month, but that seasonal factors and a decline of 700,000 in the labor force caused the bureau to compute the one - tenth of one per cent increase in the unemployment rate.

In the past year, Goldstein said, unemployment has soared 85 per cent among men and 30 per cent each among women and teen-agers.

The August jobless rate of 5.1 per cent equalled the high-

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Judge Attacked by Berserk Defendant

By HAVELOCK HUNTER
Tribune Staff Writer

A youth convicted of assaulting police in Berkeley today set upon Alameda County Superior Court Judge Redmond C. Staats with his fists as Staats was sentencing him.

The judge was knocked from his seat at the bench, but got up and grappled with defendant Christian B. Winther Jr., 19, and helped bailiffs subdue him.

Judge Staats, 57, and Winther were wrestling on the courtroom floor when finally separated. The judge had a lump on the back of his head, and his glasses were knocked off.

The fight occurred as Staats finished the customary language to commit Winther to Vacaville Medical Center for 90 days for diagnostic study. Winther was convicted by a jury August 14 of two counts of assaulting a police officer in Berkeley and two other counts of simple assault. He faces a prison term of 1-15 years.

The judge had denied a motion for a new trial today, from Winther's attorney Dave Perelson. Perelson also sought probation, and reduction of the charges to misdemeanors, but was refused.

Deputy District Atty. Thomas Ross asked for a state prison term for Winther. Judge Staats said he was accepting the probation office's recommendation of diagnostic study of the defendant.

The judge was pronouncing the formal commitment when Winther, barefoot, bearded and shaggy-haired said aloud:

"Have I been sentenced yet?"

Judge Staats replied, "No, I have not sentenced you yet."

Winther stood beside his attorney's table, weaving from side to side like a pugilist, then dashed toward the door to the judge's chambers — but at that point he veered sharply in his course and ran up the steps to the bench and hit Staats on the head.

Winther had yanked a typewriter and its portable table into his wake to block pursuit by bailiff Hollice Turner who fell over the typing table.

Winther rained blows on the judge, knocking him from his chair to the floor back of the bench but Staats pulled Winther down atop him and they were wrestling and punching on the floor until separated by Turner, Bailiff De Wayne Chartier, Ross, Thomas Minder, a deputy district atto-

Tribune photos by Chris Kisbeth
THE JUDGE SMILES AND FEELS HIS LUMP
'. . . We all felt sorry for this fellow'

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3 Accused Of Poverty Thefts

Alameda County Dist. Atty. Lowell Jensen today filed grand theft charges against three persons now or once connected with the Oakland anti - poverty council, including a board member just reappointed by Oakland Mayor John H. Reading.

Acting after an investigation by the State Office of Economic Opportunity and the Oakland Police Department, Jensen filed the charges this morning in Oakland - Piedmont Municipal Court.

Accused were Albert Martin, 42, of 1600 27th Ave., and Miss Shirley Crosby, 24, of 234 Mitchell St., both past Fruitvale area outreach workers for the Oakland Economic Development Council Inc.; and Harry Avington, 51, 5225 Holly St., Oakland, an OEDCI board member and formerly personnel director for the anti - poverty council.

Martin and Miss Crosby are accused of diverting to their own personal use monies earmarked for needy recipients in the OEDCI emergency aid program.

Avington, former personnel director of the OEDCI, is accused of cashing in July 1969 for his own personal use $290 in retroactive pay checks made out to four past OEDCI employes.

Martin, an outreach worker from Nov. 10, 1969, to Feb. 11, 1970, is accused of diverting $1,520 in 13 cases. Jensen said that in some instances Martin made up fictitious requests for emergency services and in other cases took money which was to pay for a urgent need of a poor person.

Miss Crosby, the complaint alleges, similarly diverted $380 in four separate cases in

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State Supreme Court Voids '$30 or 30 Days' Fine Policy

The classical "$30 or 30 days" court sentence is unconstitutional when the defendant is too poor to pay the fine right away, the California Supreme Court ruled yesterday in a 6-1 decision.

The high court, in an opinion written by Justice Raymond L. Sullivan, said that requiring a person convicted of a crime to work out his fine by imprisonment is a violation of the equal protection clause of the 14th Amendment of the U.S. Constitution.

Sullivan wrote:

"Although a direction for confinement for default in payment of a fine may appear to apply equally to both the rich offender and the poor one, actually, the former has the opportunity to escape his confinement while the right of the latter to pay what he cannot is a hollow one.

"We cannot countenance such difference in treatment . . . We will not permit this petitioner to be given such a Hobson's choice."

The court ruled that an indigent must be given some option comparable in effect to the option possessed by a solvent offender. However, when an indigent has the ability to pay by such a method, but refuses to do so, he may be forced to "work out" his fine by subsequent imprisonment.

The court noted that although the practice of ordering imprisonment for nonpayment of a fine — "$30 or 30 days" — was well established in law, "an abiding concern for equality in all areas of today's society" dictated the court's ruling.

Justice Marshall F. McComb dissented.

The ruling was made in the case of Simeon Antazo, who along with another man was convicted of burning a San Jose shop in 1968 to collect fire insurance.

The judge granted each defendant probation on the condition that each pay a $2,500 fine plus a 25 per cent penalty assessment.

The other man paid and was released the following morning. But Antazo was unable to pay and was sent to the county jail to work out his fine at $10 a day. Antazo filed a writ of habeas corpus in the supreme court.

The high court ordered Antazo's release from custody and said he must be credited with time served and given the opportunity to pay the rest of his fine.

The court said the test was whether imprisonment of a convicted indigent for failure to pay the fine is "necessary to promote a compelling governmental interest." It ruled that Antazo's imprisonment did not promote such an interest.

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