

# U.S. Orbits 3 Satellites, 4th Fails

## It's Unconstitutional

## Newsstand Operator Wins In Obscenity Law Case

David King, newsstand operator, yesterday won an apparent major victory in his long running battle with obscene literature laws.

Judge Frank M. Gusweiler, in a rare Common Pleas Court decision, held to be unconstitutional the section of the state law under which the 53-year-old owner of a shop at 214 E. Fifth St., was charged with possession of obscene literature. Accordingly, the charge was dismissed.

However, the dismissal did not free him entirely of the tolls of the law because C. Watson Hoyer, county prosecutor, immediately said he would appeal the decision.

Mr. King faces grand jury action on an identical charge stemming from the latest raid on his place of business October 10.

In his lengthy decision, Judge Gusweiler explained that he based it upon the fact that a majority of the Ohio Supreme Court judges, two U. S. Supreme Court justices, and Municipal Judge John W. Keefe, have expressed the opinion that this particular section of the Ohio anti-smut law is unconstitutional.

He pointed out that only because of a "quirk" in the law the Ohio Supreme Court did not toss out the section. He noted that a 4-3 majority of the high state court is on record holding the law to be unconstitutional. This came in the Mapp case, of Cleveland, but the "quirk" under the constitution was that since it was on an appeal of an affirmative verdict from a Court of Appeals, a six out of seven vote of the high court would have been required to overthrow the law.

Therefore, until Judge Gusweiler's ruling, the status of possession of obscene literature law was that it officially is constitutional in Ohio.

Judge Gusweiler also noted that Judge Keefe is on record in holding the state law to be unconstitutional.

Judge Gusweiler's decision came in an action filed on Mr. King's behalf by Allan Brown and John A. Lloyd Jr., attorneys who have pursued every legal recourse for their client.

In concluding his state-

### Decision Hailed

Judge Gusweiler's decision was hailed as a victory for anti-smut forces. Charles Keating, president of the Citizens for Decent Literature, said the ruling in effect makes a newly-passed city ordinance the only valid obscene literature on the books now. Mr. Keating said many of his supporters had misinterpreted yesterday's decision. "Actually," he said, "the court's reasoning paralleled the arguments advanced to urge Council to adopt the new ordinance." No arrests have been made yet to test the new ordinance.

ment explaining the ruling, Judge Gusweiler said:

"As you gentlemen know, I would be the last one in the world to approve the dissemination of obscene literature. The matter properly is one for legislation. But I have to determine not whether obscene literature is a good or bad thing—which I think anyone in their right mind would definitely determine is improper—but I am called upon to determine whether or not the statute as it now exists is one which is constitutional. I feel that this court should properly align itself with the opinions expressed unequivocally by Judges (Kingsley) Taft, (James F.) Bell, (Thomas J.) Herbert and (John W.) Peck of the Ohio Supreme Court."

The charge of which Mr. King was cleared was the result of a raid March 15, 1960, in which police seized 140 books they deemed objectionable and pinned the charge specifically a book entitled "The Bohemian Set."

The case bobbed in and out of courts like a ping-pong ball. It required three attempts before an indictment was perfected, one being invalid because the word "knowingly" was omitted and the second because the word book was misspelled "brook."

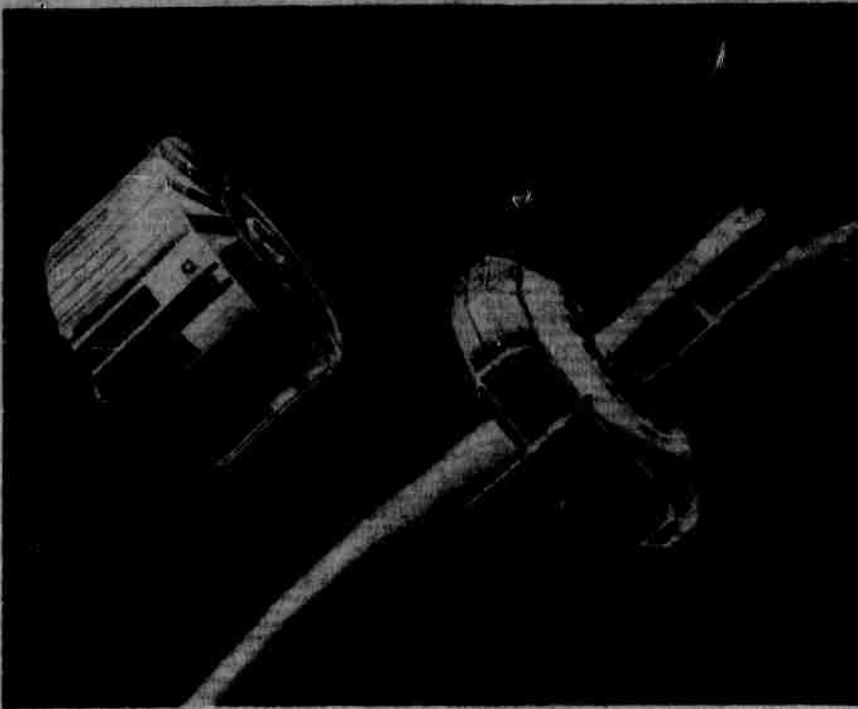
Then motions flowed before Judge Charles S. Bell. He refused to return the confiscated books; overruled a number of defense motions, as well as the original demurrer.

Then Mr. King stood mute on arraignment and the court ordered a plea of

not guilty entered for him. Next his attorneys sought a change of venue but this brought no decision because Judge Bell ruled he would not hear the case or any like it, pending outcome of similar cases in higher courts.

There the case stood—with Mr. King being re-arrested in the interim—until Tuesday, when his attorneys asked Judge Gusweiler for a rehearing on the demurrer. They cited the outcome of the newest high court decisions as favoring their client. Judge Gusweiler agreed.

Mr. King's record, dating to 1934, shows numerous arrests and at least seven convictions involving obscene literature.



Defense Department Drawing Of Twin Satellites  
... one like a drum, the other like a doorknob

## DiSalle, Committeemen Clash At House Finance Meeting

BY MICHAEL MALONEY  
Of The Enquirer Staff

COLUMBUS, Ohio, Nov. 15—An extraordinary appearance by Governor DiSalle before the House Finance Committee here tonight and a flare of tempers between him and two Republican committee members underscored the strained feelings over state finances.

Governor DiSalle appeared at a session of the committee to hear Dr. Robert A. Haines, director of Mental Hygiene and Correction, concerning legislative appropriations for his department.

AFTER LISTENING to Dr. Haines' presentation in more than an hour of questioning by committee members, Mr. DiSalle moved from the audience to the committee table and

asked Chairman Ralph Fisher, (R-Wooster), if he could ask Dr. Haines a few questions.

Obviously, the governor's line of questioning intended to show that the legislative appropriations for 1961-62 are about the same as those for 1960-61, despite the fact that Dr. Haines' department is operating 16 new facilities.

In addition, he said, the Republicans wrote into the proposed appropriations bill for 1962-63, a provision that would allow the last payroll in one biennium to be met with funds from the next biennium. This, the governor said, constitutes "borrowing" and unwisely permits one legislature to bind another.

"This is an admission you want to restore \$2 million in this biennium. The thing to do is meet it hon-

estly and appropriate the money," Mr. DiSalle said.

MR. FISHER disagreed that the language is tantamount to borrowing.

As Mr. DiSalle walked away from the table, Rep. Charles Kurfess (R., Perryburg), prefaced a question to Dr. Haines by saying, "Let's not be confused by the conversation of the last few minutes—"

That's as far as he got. The governor charged back to the table, pointed a finger at Mr. Kurfess and said:

"Let's not talk about confusion, Chuck. I heard about the going over you gave the university presidents this afternoon. I don't think it's the responsibility of a legislative committee to intimidate professional people to the point that

they will not testify to what they believe."

Mr. Fisher interjected, "That did not happen. Don't accuse me of conducting a committee meeting in anything but an honest, proper and courteous manner."

"Power can be used in many ways," Mr. DiSalle said, adding that questions can be so phrased as to discourage objective responses from persons who might fear reprisal.

The reference was to Mr. Kurfess' criticism earlier in the day of certain pay increases at Bowling Green State University.

THE HOUSE finance committee was completing two days of hearings on an appropriations bill for fiscal 1962-63; the second half of the current biennium.

The legislature is here this week expressly to try to write an appropriations bill for that period. The governor vetoed the 1962-63 portion of the original bill. Rather than try to override the veto, the Republican majority decided to put together a new bill.

While the House held hearings on this matter, the Senate finance committee held hearings on a proposed \$39.7 million bill for capital improvements projects throughout the state.

Whether the bill passed seemed to be unimportant, however, because James Malone, state finance director, said there would not be enough money to implement the legislation.

This is the second time the legislature has returned to work on the state's financial snarl. It met in July on the capital improvements bill. It was defeated and it was decided to postpone action on the appropriations measure until now. The capital improvements bill also was defeated at a special session in September.

## Two-In-One Shot Succeeds; Atom Generator Aloft

By Associated Press

American missilemen yesterday put three satellites into orbit and lost a fourth in a fiery plunge.

One rocket launched from Cape Canaveral, Fla., sent twin satellites into orbit while the other success was registered above Vandenberg Air Force Base, Calif.

A 62-foot rocket carrying bits of living matter toward the earth's dangerous radiation belt came apart in the air after launching from Point Arguello, Calif. One section crashed on land and the balance into the sea.

AT CANAVERAL the complex 50-ton rocket with space twins in its nose was sent aloft by the Navy at 5:26 p. m., and later reported in orbit.

The twin satellites, each weighing about 200 pounds, were intended to orbit more than 600 miles above the earth.

The major passenger in the Navy rocket was a Transit 4-B, part of the Navy's program to develop an accurate, all-weather space navigation system for ships, planes and submarines. The drum-shaped package carried a small nuclear generator.

This was the second such test aimed at harnessing atomic power for space exploration. The first Transit 4-B was launched last June and the Atomic Energy Commission has been extremely pleased with its performance.

Earlier Transit satellites have enabled experts to sharpen navigational accuracies from within a half-mile to within about 200 yards. Next fall the Navy plans to orbit four operational 100-pound Transits to pinpoint navigating abilities to within 100 yards.

This system will be vital to America's fleet of Polaris missile-firing submarines, which must know their exact position at all times if their nuclear-tipped rockets are to be fired accurately.

Riding piggyback today

with the Transit 4-B was a doorknob-shaped satellite officially named Traac—for Transit Research and Attitude Control. It was intended to check the feasibility of using the earth's gravitational field to stabilize a satellite with its face pointed permanently at the earth.

IN ABOUT 10 days, if all goes well, Traac will stabilize in a face down position above the earth. Thus all its antennae and power will be concentrated in one direction, resulting in increased signal strength, less demand on batteries and longer operating life.

Meanwhile, from Vandenberg AFB in California, a 35-ton rocket in the Discoverer satellite series shot aloft for another try at perfecting a way to recover packages from space.

THE ROCKET roared skyward at 1:23 p. m. Once in orbit, its second stage is designed to eject a capsule within the next few days.

## Sam Rayburn Is Weakening

BONHAM, Texas, Nov. 15 (AP)—Sam Rayburn, critically ill with cancer, slipped tonight into low levels of consciousness. For the second successive night his closest relatives assembled near his hospital bedside.

Mr. Rayburn also was having periodic difficulty in breathing.

Earlier in the day, the 79-year-old Speaker's alertness decreased.

Mr. Rayburn's doctor, Joe A. Riser, had reported in late afternoon, however, that there was "no apparent increase of weakness" during the day.

## Suspect Held In Attack-Robbery

An unidentified Cincinnati book salesman in his late 20s was being held yesterday by Detroit police as a prime suspect in the rape-robbbery of a 54-year-old Boone County, Ky., housewife, November 8.

The man, until a few days ago an employee of a Cincinnati publishing firm, was arrested at the request of Kentucky State police.

Alvin Roberts, state police detective, Melvin Collins, Boone County deputy sheriff, and a Cincinnati detective are scheduled to go to Detroit today to question the man, it was reported.

Mr. Roberts said the man is also suspected of being involved in a series of recent Boone County burglaries.

Detroit police reported that they have recovered a television set and a clock

radio believed taken from the home of Edward Gadd, Hopeful Road, Florence, on November 1. The suspect told fellow workers that he had purchased the appliances at an auction sale.

Mr. Roberts told reporters that an automobile, believed driven by the suspect, yesterday was tentatively identified as one seen in a lane next to the farm home of the rape victim on the day of her assault.

A photograph of the suspect also was identified by several persons at whose homes he called on the day of the assault, Mr. Roberts said.

The rape victim was not able to identify the suspect because he had a blanket draped over his head when he assaulted her, police said. The woman was choked by her assailant when she tried to resist. The man took \$30 from her.

## 15 Injured

## Airliners Collide On Port Runway

BOSTON, Nov. 15 (AP)—Two airliners collided at an intersection of runways while taxiing at Logan International Airport tonight.

A National Airlines plane smashed into the passenger cabin of a Northeast Airlines Viscount, shearing off the tail section and the lounge and rear-most seats—none of which were occupied.

There were 40 passengers on the heavily damaged Northeast turbo-prop Viscount. The National liner had 20 aboard.

About 15 of the passengers were injured, most of them with cuts and other minor injuries suffered when they climbed over jagged metal in getting out of the North-

east plane through the open tail end.

The National airliner lost its right outboard engine, and sheared off blades from the propeller of another engine when it nosed over in a field at the side of the runway.

Some of the passengers on the four-engine, piston-driven National plane, slid to the ground through an emergency canvas chute.

Others were taken down on a ladder from an airport crash truck.

High octane gasoline poured from the smashed wing of the National plane, creating a hazard. A fire truck stood by.

Civil Aeronautics Board inspectors moved in immediately and took members of the crew of the two planes to an airport office for questioning.

Two of the injured were identified as:

Richard Gulezian, 21, of Dracut, laceration on right hand and Charles Gure, 36, of Westboro, laceration on hip and possible foot injury.

The Northeast plane had just arrived from New York and Washington, and was taxiing to the terminal when the crash came. The National was about to take off.

Both planes spun off the runways into clear spaces between the runways and taxiways.

(Related Photos On Page 25)

## Big Four Ministers Plan Meeting On Berlin Crisis

WASHINGTON, Nov. 15 (UPI)—The Western Big Four—the United States, Britain, France and West Germany—agreed today to hold a foreign ministers meeting on the Berlin situation, probably in Paris next month.

State Department announcement of the meeting came after Secretary of State Dean Rusk conferred here with French Ambassador Herve Alphand and British Embassy Minister Viscount Hood, on the Communist threat to Berlin, the Far East and other areas.

The department also announced that Gen. Lucius D. Clay, President Kennedy's special representative in Berlin, was returning here for consultations this weekend. He will be accompanied by Walter C. Dowling, U. S. ambassador to West Berlin.

State Department press officer Lincoln White said they were called home to help prepare for the visit of West German Chancellor Konrad Adenauer, who arrives Sunday night.

CHANCELLOR ADENAUER will meet with President Kennedy and other U. S. officials in a move to map Allied policy toward Communist-encircled Berlin—a problem that will be further explored at the forthcoming foreign ministers meeting.

An exact date for the foreign ministers conference has not yet been set, but a State Department spokesman said it probably would be held about the time of the NATO ministerial meeting in Paris December 13-15.

The French ambassador indicated after today's con-

ference with Secretary Rusk that the conference might be held just before December 13.

Ministers of state, defense and finance for the 15 NATO countries will be in Paris for the NATO meeting.

The State Department had indicated that Secretary Rusk's mid-afternoon meeting with the French ambassador and the British embassy representative was concerned primarily with Southeast Asia.

PRESIDENT KENNEDY and Mr. Rusk now are considering recommendations submitted by Gen. Maxwell D. Taylor for strengthening South Vietnam against mounting attacks by Communist-led guerrillas.

With the Berlin crisis easing off somewhat in recent weeks, South Vietnam now is regarded as the chief East-West trouble spot.

## UAW Rejects Offer

## 1300 On Strike At Trailmobile

About 1300 United Auto Workers members struck yesterday at the Trailmobile Co., 31st and Robertson Ave., Oakley.

The employees walked off their jobs at noon when union and company officials failed to agree on a new contract.

Negotiations were recessed about 6 p. m. yesterday. They will be resumed at 1 p. m. today at the Hotel Marlborough. James Bentley, Federal mediator, will continue to assist the bargainers.

Wages, working conditions, seniority, supplemental unemployment benefits plans remained unaltered last night, officials said.

IN LETTERS to Trailmobile employees, R. H. Heber-

ling, company vice president, outlined the features of a three-year contract offered yesterday morning by company representatives. It was the third complete contract offered by the company since negotiations began more than a month ago, he said.

Wages would be increased 16 cents hourly, four cents now, six cents next year and six cents in 1963.

Other economic benefits, Mr. Heberling said, would include 3½ cents hourly in pension plan improvements; 4½ cents hourly in insurance program improvements; 11 cents hourly in improved cost-of-living protection, and three to five cents hourly in supplementary unemployment benefits programs.

Trailmobile employees now make \$245 hourly in base pay, plus 18 cents in cost-of-living increases.

"This offer is conservatively estimated to cost Trailmobile during the next three years \$2,187,000 more than the present contract would cost during the same period," Mr. Heberling said.

THE PLAN was presented to UAW representatives 90 minutes before the strike began, Mr. Heberling said. He added that the employees walked out without knowing of the new proposal.

William LeMaster, UAW representative here, said the company representatives did not complete the presentation of their new proposal until 11:50 a. m.

"This was too late to

stop the strike, although we tried to obtain a 12-hour extension to study the proposal," the UAW representative said.

Mr. LeMaster, Kenneth Wigglesworth, UAW Local 392 president, and Arthur Gray, negotiator, chairman called the offer substandard to the contracts worked out in the automobile industry this year.

They said the employees would have to forego part of their cost-of-living and improvement factor increases during the next three years to win the other company proposals.

When negotiators work out a new contract, employees will vote upon the features before they are asked to return to work, Mr. LeMaster said.

### Today's Weather

Cloudy, windy and rainy, with a thundershower possible. Cooler in afternoon; low 55, high 60. Much colder tonight, chance of snow flurries, low 30.

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