

# OBSCECITY LAW CONSTITUTIONAL

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No. 182

### Supreme Court Verdict Reverses Lane Decision

#### Definition To Be Standard in Oregon

Salem—UPB—The Oregon Supreme Court ruled 4-3 today that the state's obscenity statute is constitutional.

The verdict written by Justice George Rossman reversed former Lane County Circuit Judge Alfred T. Goodwin, now a Supreme Court Justice, in the state versus William Jackson, a book seller in Eugene.

Jackson had been charged with selling a book entitled "The Strange Three," and the indictment described the volume as "indecent and obscene, tending to incite lascivious thoughts and tending to arouse lustful desires."

The high court said it was accepting the American Law Institute's definition of obscenity as a standard for Oregon courts. This definition says "a thing is obscene if, considered as a whole, its predominant appeal is to prurient interest, i.e., a shameful or morbid interest in nudity, sex or excretion and if it goes substantially beyond customary limits of candor in description or representation of such matters."

The court said the obscenity law can be enforced against "only those who knowingly violate its provisions."

Rossman, who was joined in the majority report by Chief Justice William McAllister and Justices William Perry and Orval Millard, pro tem, said the law imposed no prior restraint and was constitutional.

The dissenting opinion was filed by Justice Keith O'Connell, who quoted U.S. Supreme Court Justice William Douglas as saying that the standard of what offends the common conscience of the community is "too loose, too capricious, too destructive of freedom of expression to be squared with the first amendment."

Justices Harold Warner and Gordon Sloan joined with Justice O'Connell in dissenting.

Conviction under the obscenity statute provides a term of six months or a fine of \$500, or both.

Weapon of Censorship  
O'Connell added that "extra legal censorship can come from various sources and the pressure upon the district attorney's office to prosecute is sometimes great, and when prosecution is imminent or threatened, the book dealer frequently, and probably usually, prefers to withdraw the book under attack rather than endure the inconvenience and expense incident to the prosecution."

"Thus the vagueness of the test for obscenity may become a weapon of censorship in the hands of those whose interest in free expression is overridden by an excess zeal for virtue as they understand it," the opinion said.

Siskiyou Deputies  
Check Plane Wreckage

Yreka—Siskiyou county sheriff's deputies are investigating a report of airplane wreckage discovered about 20 miles southeast of Cecilville.

The wreckage has apparently been there some time, deputies reported. It was discovered by a hunting party in the area.

### National Forest Sends Lookouts Back to Positions

#### Drying Conditions Noted by Officials

Rogue River national forest has re-manned six of its 14 lookouts because of current weather conditions.

Doug Finch, assistant fire control officer, said this morning that the forests have "dried out again from east wind conditions and the forests will burn." He added that "we are getting right back to where we were before we had rain."

Lookouts are up now on Pelican butte in the Klamath district, Robinson butte in the Ashland district, Ruster peak in the Ashland district, Hall's point and Bessie rock in the Prospect district and Squaw peak in the Applegate district.

Hampers Lookouts  
Smoke, which has mostly drifted in from "other areas," is hampering lookouts in their work. Visibility was reported at 1 1/2 to two miles this morning. Finch reported that smoke usually clears out some in the afternoon and it is planned to send up a reconnaissance plane this afternoon to assist lookouts in scanning for possible fires.

State department of forestry reported no slash burning in its southwest district. Manning of Tallowbox lookout by the state has proved helpful to the federal forest service in the Applegate district, Finch said.

### Most Wanted Man Has Been in City

The federal bureau of investigation this week added to its "Ten Most Wanted" list of fugitives a man who has been known to have visited relatives or friends in the Medford area.

Wanted for unlawful flight to avoid confinement for burglary is Morley Lyle Gall, 37, a native of North Dakota.

He uses several other names and/or the identification of John Conley, Leroy K. Knudson, William Francis McDermott, Berl J. Penrod, John W. Thomas or Turner and others.

Gall was reported to dress neatly, preferring sports clothes, likes late model cars and travels extensively some times using private and commercial air travel. He has an extensive arrest record dating from 1942, and is known to carry firearms on both his person and in his car.

Persons having information regarding Gall are asked to contact local law enforcement officers or the FBI.

### School Census Starts In Medford District

The 1960 school census in the Medford school district started this morning, district officials said today.

The census, which is required by state law, is used as a basis for school statistical information and the determination of county school funds, which are furnished by counties to individual school districts.

Individuals between 4 and 19 years old are counted in the census. This year, in order to secure population data essential in the planning of school buildings and program needs, the Medford district is also enumerating all children between 1 and 4 years old.

School officials noted that by listing the younger age levels, the district will have data on which to base future enrollment figures.

Children are counted whether or not they are in school. This, officials noted, includes young people in the service, in college or married and living in their own homes.

Although certain information is available from school record cards for those in school, complete data required by the census must be secured from the home residence, school officials noted.

It can be important, they said, to the child that his census record be correct in all details, since he may need to refer to it for work permits, birth certificate or for other purposes. The census report is a permanent record, officials noted.

School officials said that family circumstances often change and that the required procedure dictates the complete census check every other year, even though the children have previously been checked.

Women serving as enumerators will have identification cards which are presented on the initial contact with the home, school officials noted.

# United States Tightens Ban on Exports To Cuba

### Castro Regime Left Without Source for Parts

#### Russian Reliance Expected as Result

Washington—UPB—The United States moved today to cut away the economic foundation of the Fidel Castro government, banning the sale of "most commodities," except food and medicine to Cuba.

A treaty embracing the agreement on the Columbia river was expected to be drafted in time for Eisenhower to submit it to Congress next January before his term expires Jan. 20, the White House said.

The White House said the 10-year Canadian-American program would sharply reduce hazards of floods, greatly increase output of low-cost electric power and help spur the economic growth of the Northwest.

The announcement came shortly after the President began a round of golf at the nearby Eldorado Country Club during a day of rest from his "nonpolitical" cross-country speaking tour.

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Another Grand Coulee  
Power benefits available to this country after Canada builds storage reservoirs on its side of the river will equal to building another Grand Coulee dam, the nation's biggest hydroelectric project, it said.

America's neighbor to the north agreed to construct reservoirs within 10 years to provide 15.5 million acre-feet of storage.

The agreement also opened the way for this country to build the Libby Project on the Kootenai river in Northern Montana, approved by Congress in 1950.

The action, which will not stop exports now in transit, will deny the Castro regime spare parts and chemicals it needs to keep running the oil refineries, sugar mills and other industries it confiscated from American owners.

Seen Push Toward Soviet  
U.S. officials hoped the move would cause trouble for the Cuban economy, which has relied on the United States for 70 to 75 per cent of all its imports.

The action also was expected to push Cuba towards heavier economic reliance on the Soviet bloc.

U.S. exports to Cuba declined sharply—from \$617.5 million in 1957 to \$436.7 million in 1959. In July they amounted to only \$19.3 million.

At the same time, Russia has increased her trade with Cuba, mainly in the fields of oil, tin plate, fertilizers and arms.

### Republicans Plan Dinner Tomorrow

A no-host dinner will be held by Jackson county Republicans at Kim's restaurant, south of Medford, prior to the Candidate's Fair tomorrow night, Joe Walsh, Republican central committee chairman, said today.

Republicans are invited to meet state and local candidates at that time, he said. Dinner will be served from 5:30 p.m. to 7 p.m.

### Castro Expects Invasion of Cuba

United Nations, N.Y.—UPB—Premier Fidel Castro has notified the General Assembly he expects a "large-scale invasion" to be mounted against Cuba from the United States "within the next few days," it was officially disclosed today.

### Which Face And What Opinions Will Dick Put On Next? Tune In Again . . .



### Williams To Visit Here

#### Gov. G. Mennen Williams of Michigan, who is scheduled to speak in Oregon on behalf of John F. Kennedy for President, will arrive in Medford Monday at 10 a.m. by United Airlines.

He will be accompanied by Congresswoman Edith S. Green, according to Henry Padgham, Jackson county chairman of the Citizens for Kennedy committee.

Williams, who will make three appearances in Jackson county, will speak in Portland the same evening. These are his only Oregon commitments.

Accompanied by Mrs. Green, he will be guest speaker at the opening of the Ashland Citizens for Kennedy headquarters at 11 a.m. Monday.

Guests at Coffee  
Williams and Mrs. Green will be honor guests at a reception and coffee hour at the Medford hotel from 1:45 to 3:30 p.m. The event, open to the public, will be sponsored by the Jackson County Democratic Central Committee, assisted by the Eleanor Roosevelt League, Jackson County

entertainment, the League-KMED sponsored straw ballot booth, and refreshments.

The political party with the greatest number of registered voters attending the Fair will receive a prize, according to Mrs. Thomas Rutter, Medford, League voter service chairman.

The Hedrick Junior High school band will provide pre-Fair entertainment starting at 7:30 p.m., Mrs. Rutter said. Massed flags of the United Nations will serve as a background for the speakers.

The straw ballot booth, which has been located throughout the county in recent weeks, will be open during the Fair. It will close when the Fair is over, Mrs. Rutter said, and ballots will be counted during the week end. The straw ballot is an informal poll of Jackson county opinion.

Following the program, coffee will be served by the Medford 20-30 Active club in the Hedrick cafeteria. The county central committees of the two major political parties will decorate the hall with campaign material.

Other political events this week end which will attract attention throughout the state will be a Republican Rally on the Jackson county courthouse lawn Saturday night, and the appearance of G. Mennen Williams, Michigan governor who is campaign in Oregon in behalf of John F. Kennedy, Democratic candidate for president.

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### Candidates' Parade

(Editor's note: These are the third in a series of statements by candidates for congress from the fourth district, state legislature candidates, and candidates for county officials. Statements are either from the candidate personally, or a representative of the candidate with the candidate's approval.)

(Space for the statements has been offered by the Mail Tribune following a long-standing policy of the paper.)

(Today's statements are from John R. Dellenback, Republican candidate for state representative, and the Duncan for Legislature Committee, Ward Spatz, chairman, for Robert B. Duncan, Democrat who is seeking reelection as state representative.)

(There are four candidates for state representative from Jackson county. Two will be elected at the general election Nov. 8.)



JOHN R. DELLENBACK  
The legislature of the state of Oregon consists of a Senate with 30 members and a House of Representatives with 60 members.

We voters of Jackson county have as our delegates to our legislature one senator and two representatives. Our numbers are thus small compared to the total membership in both the Senate and the House, and as a result it is particularly important that we send to the legislature delegates who are aware of the problems facing our people in this county and whose primary concern is to make certain that Jackson county's

(Continued on page 3A)



ROBERT B. DUNCAN  
Robert B. Duncan, Democrat, 39, is seeking a third term to the Oregon House of Representatives from Jackson county. His high qualifications for this office and his abilities are well-known to most of the residents of this area.

In the 1957 session, Duncan distinguished himself as chairman of judiciary committee, a hard-working member of powerful ways and means committee, and on the floor, in debate. He was appointed to three important interim committees: the emergency board, sometimes called "the little legislature," education

(Continued on page 3A)

### Ashland Council Proposes No More Stations in Center

Ashland—A proposed resolution declaring the main business district of Ashland closed to future new service stations and repair garages was sent to the city planning commission by the Ashland City council last night.

The proposal would affect Ashland st. and Siskiyou blvd. from the intersection of East Main st. southeast to the city limits.

The council set a hearing on the question for Nov. 1 at 8 p.m. in the council chamber.

At its regular meeting, the council approved paving and gutter installation on Mary Jane ave.

A request for paving of the alley between Mountain st. and Palm ave. was adjourned until the next council meeting Nov. 1. The council received a petition from land owners along the alley favoring the paving project. However, the petition lacked signatures of owners possessing at least 51 per cent of the alley land.

A request for city water facilities in the Bellview area outside the city limits was sent to the council water committee for consideration.

Action on improvement of Gresham st. from Fairview to Iowa ave., was delayed until early next year. Council members indicated that they felt improvements should be

made. However, some land owners along the street are opposed to the project.

### Bar Group To Consider Problem

The problem of an overburdened sheriff's civil department and a constable's office operating at less than capacity will be referred to the Jackson County Bar association tomorrow.

Edward Branchfield, association president, told the county court yesterday that the problem in serving civil papers will be mentioned at tomorrow's meeting. Lawyers will be asked to consider the problem, but no official action will be taken since it is not a business meeting, he explained.

Sheriff Joe Walsh reported to the county court recently that the department's civil deputies were overburdened with serving civil papers and the constable's office did not have enough work. A subsequent investigation by the county court revealed that the number of civil papers served by the constable had dropped while the sheriff's office load had increased greatly.

### County Court Considering Proposal To Help Hospital in Interim Period

A proposal that Jackson county help Sacred Heart hospital financially while the new Rogue Valley hospital wing is being constructed is under consideration by the county court, County Judge Earl Miller said today.

"I think it is a very worthy project, but we need more information which I have asked the representatives of the two hospitals to provide," Miller said.

The county court wants to know exactly how long the interim period will be, total amount needed from the county to cover Sacred Heart's deficit during the interim period, and how much capital expenditure would be needed during interim period to repair or replace hospital equipment.

Can't Meet Overflow  
Rogue Valley hospital representatives told the county court their hospital does not have enough remaining beds

to meet the overflow if Sacred Heart should close before the new wing is in operation. On the other hand, Sacred Heart officials told the county court more indebtedness would be created if they had to remain in operation for the full period.

The hospital representatives asked the county court to meet any deficits incurred by Sacred Heart if it should stay in operation the estimated 18 months interim period. Certain departments, however, would be closed.

Sister Luke, administrator of Sacred Heart, emphasized she did not know when the sisters would be called away to other duties. The sisters have been asked to stay during the interim period to provide the needed supervision. Forced To Close  
Sister Luke had announced last Wednesday that the hospital would be forced to close its doors within the next year

### U. S., Canada in Basic Agreement On Columbia

#### Eisenhower Lauds Resource Program

Palm Springs, Calif.—UPB—President Eisenhower announced today that the United States and Canada are in basic agreement on a broad, long-range plan to develop the water resources of the Columbia River Basin.

The White House said the 10-year Canadian-American program would sharply reduce hazards of floods, greatly increase output of low-cost electric power and help spur the economic growth of the Northwest.

The announcement came shortly after the President began a round of golf at the nearby Eldorado Country Club during a day of rest from his "nonpolitical" cross-country speaking tour.

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At the same time, Russia has increased her trade with Cuba, mainly in the fields of oil, tin plate, fertilizers and arms.

### North Entrance Road Open Again

The north entrance of Crater Lake National park was reopened to automobile traffic today.

Park Superintendent Otto Browne said it had been blocked by snow drifts and ice from a recent storm, but warm weather the past few days made it possible to open the road with a blade scraper.

The rim road, however, will remain closed for the winter, he said.

Weather at the park has been ideal this week, he declared, except that the view has been dimmed by slash-burning smoke drifting across the lake.

### Dunsmuir Man Dies In Tractor Mishap

Yreka—Richard Pringle Queen, 36, of Dunsmuir, Calif., was killed early today when a tractor he was driving rolled over and crushed him.

The accident occurred about 3 1/2 miles south of the Hearst estate on the McClovey river. Queen was dead on arrival at Mt. Shasta hospital.

Death was caused by a fractured skull, according to Al Cottar, Siskiyou county coroner.

Queen is survived by his wife, Theresa, and five children.

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WEATHER  
FORECAST: Continued fair tonight and Thursday. Smoke in valleys. Variable high clouds. Low tonight 40-45. High Thursday near 70.  
Temp. Highest Yesterday 72. Lowest This Morning 48.  
Our Skies Tonight  
Sunset today 5:23 p.m. Sunrise tomorrow 6:39 a.m. Moonrise tomorrow 4:35 a.m. New Moon tomorrow 4:32 a.m. PROMINENT STARS  
Sirius, rises 12:25 a.m. Betelgeuse, low in north. 2:05 a.m. Altair, 8.7 light years away, is much brighter than these, which is 1600 light years from the Earth.

Mrs. Neuberger To Speak in Ashland  
Ashland—Mrs. Maurine Neuberger, Democratic candidate for U.S. Senator, will speak on the Southern Oregon college campus Oct. 20 at 10 a.m. in the Britt Center ballroom.  
Having been active in politics for more than a decade, Mrs. Neuberger is seeking election to the office held by her late husband, Sen. Richard L. Neuberger. She gained first-hand experience through extensive assistance given her husband while he was in office as well as through her own offices held in the Oregon State House of Representatives.  
The public is invited to hear Mrs. Neuberger.

REVENUES SHARED  
Salem—UPB—Oregon counties received \$3,062,357 in state highway revenues in the three-month period ending Sept. 30, ranging from \$874,593 to Multnomah to \$4,582 to Wheeler.