

The Venezuelan Army, however, was not behind the revolt and this was considered to be the deciding factor. The uprising apparently was engi-

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'WHO SEES IT' HELD TEST OF OBSCENITY

U. S. Drops 7-Year Fight to Bar Kinsey Imports

By ANTHONY LEWIS
Special to The New York Times.

WASHINGTON, Jan. 2—The Government, accepting a new legal standard for obscenity, decided today to let the Kinsey Institute import some conceded-ly pornographic pictures, books and other objects.

The new standard holds that the material is not legally obscene because it is unlikely to arouse the "prurient interest" of those who will see it. Until now the official position had been that a thing is obscene in itself, no matter who is going to read it or see it.

U. S. Will Not Appeal

The material involved had been seized by the Customs Bureau over the last seven years on its way to Indiana University's Institute for Sex Research, Inc. The institute was founded by the late Dr. Alfred C. Kinsey.

Last Nov. 1, in New York, Federal District Judge Edmund L. Palmieri rejected a Government suit to have the material destroyed. He laid down the rule that an object is not legally obscene if the person importing it has a genuine scientific purpose.

Judge Palmieri held that the institute was entitled to have the impounded material. His decision was stayed while the

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revenue expected as a result of the elimination this year of the compulsory state loan and partial elimination of the so-called childless tax.

The childless tax will no longer be levied on couples having only one or two children and on childless single women or widows. The exemption of these groups, which made up almost 85 per cent of the payers of this tax, will represent a loss in state revenue of 6,000,000,000 rubles (\$1,500,000,000 at the official rate and \$600,000,000 at the tourist rate).

The higher prices imposed by the Soviet Ministry of Trade on vodka and wine should help make up that loss. The Communist party newspaper Pravda

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The bare announcements of both shifts and the few facts known to outsiders permit little more than speculation. This is the relevant background:

Marshal Rokossovsky was one of the Soviet heroes of World War II. After the war he became Poland's Defense Minister and a member of the Polish Communist Central Committee.

The marshal quit his job in Poland in October, 1956, shortly after Wladyslaw Gomulka came to power there. [Marshal Rokossovsky was believed to have been recalled to Moscow at the Poles' insistence.] Marshal Zhukov was then Defense Minister and Marshal Rokossovsky became one of his deputies.

One year later, while Marshal Zhukov was away on a trip to

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Navy Proposes Atomic Seaplane As First U. S. Nuclear Aircraft

By JOHN W. FINNEY
Special to The New York Times.

WASHINGTON, Jan. 2—The Navy is proposing that this nation's first nuclear-powered airplane be a seaplane.

The Navy proposal was outlined today at a high level meeting in the office of Donald A. Quarles, Deputy Secretary of Defense.

The meeting was called to discuss plans for nuclear-powered planes and whether to accelerate the development schedule by placing an atomic power plant in an existing airplane.

The participants included high officials of the Navy, the Air Force and the Atomic Energy Commission. No final decision was reached, it was understood.

Officials who attended the meeting said that about the only agreement reached was to hold another meeting soon. On all sides, however, there is hope

that a decision will be reached shortly establishing a firm plan for flying the first nuclear-powered plane.

The Navy proposal complicates the Defense Department's forthcoming decision and introduces a note of interservice competition.

The department now must decide these basic questions:

Should the plane be specifically designed and built for nuclear power or should a nuclear reactor be placed in an existing airplane so as to get an atomic plane flying at an earlier date?

Should it be a land-based plane of the Air Force or a seaplane of the Navy?

The Defense Department is under heavy Congressional pressure from the Joint Committee on Atomic Energy to establish

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It was also the total budg

Continued on

Connecticut



A view of

By RICHARD GREENW

Special to The New York Times. 2—The national highway—Connecticut opened to traffic today. Cars

LEGISLATOR SUES TO CURB SOIL BANK

Representative Reuss Seeks a \$3,000 Payment Ceiling for Individual Farmer

By WILLIAM M. BLAIR

(Special to The New York Times)

WASHINGTON, Jan. 2.—A Wisconsin legislator asked the Federal District Court today to prevent the Agriculture Secretary from paying more than \$3,000 to a farmer from the soil bank.

The suit, long expected by the Department of Agriculture, was filed by Representative Henry S. Reuss, Democrat.

There was no limit on soil bank payments this year. The department recently reported that sixty-seven producers had been paid more than \$50,000 each for leaving land idle. The top payment was \$278,000 to a farm corporation in Kansas.

Mr. Reuss disputed the department's interpretation of the \$3,000 ceiling written into the agriculture appropriation bill last year.

The department, backed by the Controller General, interpreted the provision as having authorized payments up to \$3,000 on each farm owned by a producer. Thus, a producer with three farms, as Mr. Reuss said in his suit, could collect up to \$3,000 on each farm for 1935 crops.

Piecemeal Acts Scored

In another development, Senator Allen J. Ellender announced his opposition to "piecemeal" farm legislation. He called on commodity groups, as he did last year, to present a united front to draft a comprehensive farm bill.

The Louisiana Democrat, who heads the Senate Agriculture Committee, thus appeared to rule out efforts by some farm interests to get early consideration of special legislation. Dairy interests have announced their intention to seek an increase in price supports on their products. Secretary Ezra Taft Benson recently slashed dairy props to the lowest level possible under law.

Senator Ellender said he regarded farm policy as the most important domestic issue "from a political standpoint." He ranked it second only to defense.

Asking an injunction, Mr. Reuss contended that Mr. Benson had exceeded his authority. Unless he is restrained, the legislator warned, Mr. Benson will "frustrate the intention of

ALL OURSHER HEIRS TO SHARE EQUALLY

The two children of the first marriage of Fulton Oursler, the author, are entitled to share equally in the \$300,000 estate of their father with the two children of his second marriage. Supreme Court Justice Arthur Brandeis ruled yesterday.

William Charles Oursler of 435 East Fifty-seventh Street and Helen Oursler Stewart Ballaban of Forest, L. I., sought with their children to share in the estate left by their father's second wife, Grace Oursler, who died Dec. 14, 1935.

They contended that on March 16, 1931, their father and stepmother executed reciprocal wills. These wills, they declared, provided that the survivors would inherit and that after their deaths the estate would be distributed among all of Mr. Oursler's children and grandchildren.

Mr. Oursler died on May 24, 1935. Subsequently Mrs. Oursler executed a second will in which she left both her estate and her husband's to her two children, April D. Armstrong and Charles Fulton Oursler Jr.

Justice Brandeis ruled that "when the mutual wills were executed Grace Oursler promised at least by implication if not by her express commitment that she would deal with the property received by her under the will of her husband so that the children of both marriages would share alike in such property in the event of her demise."

"By the revocation of her reciprocal will and the making of a new will solely in favor of her children she breached her agreement," he added.

TWO THAIS DIE IN CRASH

Officers Were Students at Army Ft. Knox School

CLARKSBURG, W. Va., Jan. 2 (AP)—Two officers from Thailand were killed today when their automobile collided with a trailer truck two miles east of here on U. S. 40.

They were 2d Lieut. Ural Yanotai, 24 years old, and 2d Lieut. Chainatong Sudhiphong, 26, both stationed at Fort Knox, Ky., where they were attending the Army's Armor School. Their homes were in Bangkok, Thailand.

The truck driver, Isaac P. Wilkins, 27, of Winchester, Va., was admitted to a Clarksburg hospital, but his condition was not serious.

'WHO SEES IT' HELD TEST OF OBSCENITY

Continued from Page 1

Government pondered whether to appeal.

Today's formal action was a decision not to appeal from Judge Palmieri's ruling. This decision was not a narrow or technical one. It was based on a determination by the Treasury Department to accept and apply generally the new obscenity standard.

The Treasury, after studying the Palmieri opinion, recommended against appeal. It said the Customs Service could effectively and beneficially apply a standard defining obscenity in terms of the recipient of imported material.

The Criminal Division of the Justice Department endorsed the Treasury recommendation against appeal. The final decision was made today by the Solicitor General, J. Lee Rankin, who determines whether appeals will be taken by the Government.

Seized by Customs

The imports in the Kinsey case include, among other things, photographs, Chinese paintings, statuettes, books and what were identified as "lavatory wall inscriptions."

The items were sent from abroad addressed to the institute at various times beginning in 1930. The Customs Bureau seized them but could not decide for years what legal steps to take.

Finally, in 1935, the United States filed in Federal Court in New York what is called a "libel" action, seeking the right to destroy the material. It said the items were within the statute forbidding importation of any "article which is obscene or immoral."

Court gave Doctrine

Judge Palmieri based his decision in part on a Supreme Court ruling last June that upheld the constitutionality of a Federal statute prohibiting the mailing of obscene material.

The opinion in the case, Roth v. United States, said that the proper standard for determining obscenity was whether, "to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest."

Judge Palmieri assumed in his opinion that the Kinsey

items were within that definition—that they would appeal to the prurient interest of the average person.

But he said that implicit in the Roth case was the idea that obscenity must be judged in terms of the material's effect on those who see it. And if some items are not going to be seen by the "average person," they cannot be judged in those terms.

The judge found that the Kinsey Institute was a reputable scientific organization.

"What is obscenity to one person is not a subject of scientific inquiry to another," he wrote. He concluded that the imports were not likely to appeal to the "prurient interest" of the institute officials and hence were not "obscene" under the statute.

The decision to accept this standard set out by Judge Palmieri does not bind the Post Office. But it may affect the attitude of postal officials in deciding whether material is "obscene" and hence non-mailable.

BENDER IN OHIO RACE

Former Senator Seeks G.O.P. Nomination for Governor

COLUMBUS, Ohio, Jan. 2 (UP)—Former Senator George H. Bender of Cleveland said today he would seek the Republican nomination for Governor of Ohio.

Mr. Bender will oppose Gov. C. William O'Neill in the primaries.

The former Senator is a special assistant to the Secretary of the Interior. Mr. Bender lost his Senate seat in 1936 to Frank J. Lausche, Cleveland Democrat, who had served five terms as Governor of Ohio.

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