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SPECIAL REPORT

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Kansas Judicial Council Bulletin



Proposed Kansas Criminal Code

(The proposed Criminal Code is the product of a study undertaken by the Kansas Judicial Council pursuant to a Request of the 1963 Session of the Kansas Legislature.)

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Foreword

In 1963, the Judicial Council established an Advisory Committee on Criminal Law Revision. The Committee was given responsibility for studying and evaluating the substantive and procedural criminal law of the state and for recommending appropriate revisions of Chapters 21 and 62, Kansas Statutes Annotated. The Advisory Committee began its work on September 1, 1963, and has been continuously active since that date. The proposals contained in this publication constitute the preliminary recommendations of the Committee and the Council concerning Chapter 21—the substantive provisions. The procedural recommendations will appear in a later publication.

The Advisory Committee appointed by the Council represents a broad spectrum of experience and interest in the criminal law. Judge Doyle E. White of Arkansas City, a member of the Judicial Council, is Chairman of the Committee. Other appointed members are E. Lael Alkire of Wichita, William M. Ferguson of Wellington, Charles F. Forsyth of Erie, Lee Hornbaker of Junction City, Selby S. Soward of Goodland and George T. Van Bebber of Troy. J. Richard Foth, Assistant Attorney General, is the Attorney General's representative on the Committee and Professor Paul E. Wilson of the University of Kansas School of Law serves the Advisory Committee as its Reporter. Others who have served on the Advisory Committee are Howard T. Payne of Olathe, the late A. K. Stavely of Lyndon and the late Lester M. Goodell of Topeka. The Committee has met at monthly intervals during the past four and one-half years and has frequently met in joint session with the Judicial Council. All members of the Committee have had active roles in the preparation of the proposed revision.

The Advisory Committee has had the benefit of the experience of similar agencies in other states where recent programs of criminal law revision have been undertaken. It has drawn upon the work of recent drafting committees in Illinois, Minnesota, New Mexico, New York, Wisconsin and other states. Also, the Committee has had before it the work of the American Law Institute which published the Model Penal Code in 1962 after a ten year period of study and preparation. While the guidelines that have emerged from these efforts of other states have been most helpful, the Committee's principal concern has been that it produce a code that is suited to

the needs of the State of Kansas. The proposals of other drafting agencies have been adopted only to the extent that they, in the Committee's best judgment, can contribute to the improved administration of justice in Kansas.

THE DRAFTING PROCESS

The Judicial Council's experience with other drafting projects has demonstrated a necessity for research and the preparation of preliminary drafts of proposed revisions and the need for centering this responsibility upon a single individual or group. Accordingly, the Council appointed Professor Paul E. Wilson of the University of Kansas School of Law as Reporter for the Advisory Committee. He has worked with the Committee on a part-time basis since its creation.

The drafting process originates with the Reporter, who examines each section of the existing law together with relevant judicial opinions. Also, similar statutes in other states are reviewed, particularly those of states which have recently revised their criminal codes. With this material before him, the Reporter drafts a suggested revision of each section, which he supports by comments and materials from cases, statutes and other authorities. These suggestions are submitted to the Advisory Committee which undertakes an intensive scrutiny of each proposal. Usually each section is then re-drafted by the Reporter, the new draft reflecting the views of the Advisory Committee, to which it is again submitted. This process may be repeated several times. Indeed, it is a safe estimate that few sections in the proposal have undergone fewer than three drafts and in some instances, sections have been drafted as many as six times before final approval.

The recommendations of the Advisory Committee are then reported to the Judicial Council for its study and approval. Again the sections are exposed to careful examination. Often one or more additional re-drafts are required before Council approval is given.

Thus, each recommended section that is here published has been considered by the Reporter, the Advisory Committee, and finally the Judicial Council. This process necessarily has involved compromise. No section is the product of the thinking of any single individual.

THE OBJECTIVES OF REVISION

At the outset, the Advisory Committee faced questions concerning the scope of the project. A possible approach to revision was to leave the language of present sections substantially unaffected and

to focus attention on the deletion of obsolete provisions, removal of ambiguities and inconsistencies, and reclassification and rearrangement. The Judicial Council advised the Committee that this approach would not accomplish the intended objective and instructed the Committee to study, evaluate and re-write the present law section by section, having due regard for the current problems of maintaining order and protecting life and property in Kansas, at the same time, recognizing the limitations imposed by due process of law.

The present criminal law of Kansas consists basically of statutes enacted by the first Kansas territorial legislature, which convened in 1855. The penal laws passed at that time were adaptations of the then existing criminal statutes of Missouri. Since then, many additions and amendments have been made, but often without regard for the relationship to or consistency with prior provisions. Until the present effort, a comprehensive or systematic revision has never been undertaken.

Certain considerations relevant to crimes and punishments are matters of state policy which lie outside the task of the technical re-drafting of the criminal code. For example, the Committee and Council have not felt it appropriate to make any recommendation concerning changes in use of the death penalty. It is their view that capital punishment is a matter of policy which transcends the ordinary considerations relevant to the substantive criminal law. In general, the substance of the recommendation here proposed does not depart widely from present standards. Most conduct that is prohibited by the present law is unlawful under the proposed code. A few new crimes have been created, but they are responses to recognized social problems for which the present law does not provide a satisfactory solution.

More specifically, the objectives of the proposed revision may be summarized as follows:

First, to remove duplications, inconsistencies, invalid provisions and obsolete materials;

Second, to state in clear, simple and understandable terms the elements of the prohibited acts. An attempt has been made to define each crime in language sufficiently specific that the individual who reads the statute can readily understand the conduct that is prohibited and, at the same time, to avoid the enumeration of specific acts which might exclude other conduct equally harmful

but not thought of at the time the enumeration was made. By defining each crime in forthright, simple terms it is hoped that undue technicality in the administration of criminal justice may be avoided;

Third, to conform the law to the accepted standards and concepts of modern penal legislation;

Fourth, to confine the provisions of the criminal code to those matters of substantive law which properly belong there. The present Chapter 21 includes many procedural and administrative provisions which are not properly parts of a substantive criminal code. It is recommended that these sections be transferred to more appropriate chapters. Other sections in Chapter 21 are regulatory measures, consisting of provisions intended to control and regulate particular activities. These sections do not define conduct that is truly criminal, but are designated as penal only because misdemeanor penalties are provided for violation. It is the policy of this revision to recommend removal of these measures from the criminal code and to transfer them to chapters dealing with the subject matter to which they relate. Whether a particular section belongs in the criminal code or should be classified as regulatory and removed from it often involves the exercise of judgment in borderline cases. Hence, the relocation of sections often involves difficult decisions.

Many statutes which provide penal sanctions are found outside of the crimes act. A search has revealed at least fifteen hundred separate penalty provisions outside of Chapters 21 and 62. These cannot be incorporated into the code; to do so would unduly burden the task of redrafting; also most of the conduct prohibited by these statutes is not essentially criminal. Their objective is to regulate. They deal with such matters as traffic control, the manufacture, sale and distribution of intoxicating liquors, the practice of various professions and callings, the production, sale, and distribution of food products, drugs and other similar matters. The Committee has recognized the existence of such statutes and has sought to avoid conflicts with the proposed code. In a few cases it has incorporated their content into its proposal for revision of Chapter 21. However, it has not been able to evaluate all of these provisions fully nor to examine the subject matter with which they deal. To do this would have extended this work unduly. But, it should be noted that there remains the possibility of some overlapping among penal provisions outside the criminal code and those in the recommended revision.

PENALTIES AND SENTENCING

In its effort to establish a more rational system of penalties, the proposal departs from the existing pattern which prescribes the penalty for each crime in or near the section which defines or prohibits the offense. The Committee has attempted to set up a few simple classifications of crimes for the purpose of fixing penalties, to assign crimes of like gravity to the same class and to provide uniform penalty limitations applicable to all crimes within the same class. Except for the most serious crimes, penalties are indeterminate. In the case of each, the maximum limit is fixed in the statute. For most offenses, the minimum limit will be fixed by the court within a range prescribed by the statute. Thus, in the case of Class B felonies, the statutory maximum is life imprisonment and the minimum may be fixed by the Court at any term not less than five nor more than fifteen years. The court has discretion to vary the minimum penalty in accordance with the circumstances of the offense, the personality of the defendant, his previous criminal record, and other relevant considerations. In view of the increased discretion given to the court to fix minimum penalties, the Committee has not recommended the continuation of the present Habitual Criminal Law. It is the view of the Committee and the Council that the fixing of the sentence is a judicial function over which the court should have ultimate control, within the limits fixed by the Legislature. Under the proposal, evidence of prior convictions is relevant to the sentence imposed, but the court may determine the effect to be given it. In general, terms of imprisonment authorized by the proposal are comparable to the terms presently provided. However, the increased use of fines is contemplated.

CONCLUSION

The Proposal is being published and distributed in the hope that it will give all lawyers, judges and others interested in the revision or parts of it an opportunity to examine its provisions and to offer any comments, suggestions or criticisms which they may care to make.

Communications with respect to the report should be directed to Judge Doyle E. White, Chairman of the Advisory Committee, Court House, Winfield, Kansas, or to Professor Paul E. Wilson, Reporter, The University of Kansas School of Law, Lawrence, Kansas. It is the intention of the Judicial Council to forward the recommendation in final form to the 1969 session of the Legislature.

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COMMENT

The offense of unlawful restraint is not covered by present Kansas statutes. Subsection 1 is adapted from the Model Penal Code, 212.3.

The exception for merchants is a relocation of the substance of K. S. A. 21-535b. K. S. A. 21-535a appears to be covered by the proposed section on theft, 21-701.

Section to be repealed. K. S. A. 21-535b.

21-424. *Mistreatment of a Confined Person.* Mistreatment of a confined person is the intentional abuse, neglect or ill-treatment of any person who is physically disabled or mentally ill or whose detention or confinement is involuntary, by any law enforcement officer or by any person in charge of or employed by the owner or operator of any correctional institution or any public or private hospital or nursing home.

Mistreatment of a confined person is a Class A misdemeanor.

COMMENT

The section is self-explanatory. The proposal would fill a void in the present law. Situations of this kind presently arising must be prosecuted under the laws relating to assault and battery.

Minnesota Criminal Code 609.23 and Wisconsin Criminal Code have been drawn upon in drafting the proposal.

21-425. *Robbery.* Robbery is the taking of property from the person or presence of another by threat of bodily harm to his person or the person of another or by force.

Robbery is a Class C felony.

21-426. *Aggravated Robbery.* Aggravated robbery is the taking of property from the person or presence of another by a person who is armed with a dangerous weapon or who inflicts bodily harm upon such other.

Aggravated robbery is a Class B felony.

COMMENT

The present Kansas statutes (K. S. A. 21-527 to 21-532) define three degrees of robbery and two crimes that are essentially attempts. Third degree robbery under the present statutes is extortion or blackmail and should be so designated. The substance of 21-531 and 21-532 is covered by the general prohibition against criminal attempts. Hence, no reason for retention of those sections appears.

Proposed section 21-425, by a more general statement, intends to include the substance of the presently defined crimes of first and second degree robbery (21-527 and 21-528) with two principal exceptions: (1) It does not apply to those situations where the actor's threat is directed against property only; and (2) where bodily harm is actually inflicted the crime is the more serious one of aggravated robbery.

Proposed section 21-526 suggests a distinction not found in the present law. However, the statutes of many states distinguish between armed or aggravated robbery and those robberies committed by less violent means. (See New Mexico Criminal Code, 16-2; Illinois Criminal Code, 18-1 and 18-2; and Minnesota Criminal Code, 609-24 and 609-245.)

Some of the language is derived from K. S. A. 21-527 and 21-528. Also, Minnesota Criminal Code 609.245 has been drawn from.

Sections to be repealed. K. S. A. 21-527, 21-528, 21-530.

21-427. *Blackmail.* Blackmail is verbally or by written or printed communication and with intent to extort or gain any thing of value from another or to compel another to do an act against his will:

(a) Accusing or threatening to accuse any person of a crime or conduct which would tend to degrade and disgrace the person accused; or

(b) Exposing or threatening to expose any fact, report or information concerning any person which would in any way subject such person to the ridicule or contempt of society, coupled with the threat that such accusation or exposure will be communicated to a third person or persons unless the person threatened or some other person pays or delivers to the accuser or some other person some thing of value or does some act against his will.

Blackmail is a Class E felony.

COMMENT

The proposal restates K. S. A. 21-2412.

Section to be repealed. K. S. A. 21-2412.

Article V. *Sex Offenses*

21-501. *Definitions.* The following definitions apply in this Article unless a different meaning is plainly required:

(1) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ;

(2) "Unlawful sexual act" means any rape, indecent liberties with a child, sodomy, aggravated sodomy, or lewd and lascivious behavior, as defined in this article.

21-502. *Rape.* (1) Rape is the act of sexual intercourse committed by a man with a woman not his wife, and without her consent when committed under any of the following circumstances:

(a) When a woman's resistance is overcome by force or fear; or

(b) When the woman is unconscious or physically powerless to resist; or

(c) When the woman is incapable of giving her consent because of mental deficiency or disease, which condition was known by the man or was reasonably apparent to him; or

(d) When the woman's resistance is prevented by the effect of any alcoholic liquor, narcotic, drug or other substance administered to the woman by the man or another for the purpose of preventing the woman's resistance, unless the woman voluntarily consumes or allows the administration of the substance with knowledge of its nature.

(2) Rape is a Class C felony.

COMMENT

Rape is not defined in the present statutes of Kansas. The crime is described as "carnally and unlawfully knowing" and as "forcibly ravishing" any female. While these terms have accepted common law meanings, it seems desirable that the crime should be more specifically defined. Also, the term "sexual intercourse" is specifically defined for the sake of clarity. The proposal does not change the present law relating to forcible rape. It simply seeks to clarify.

The proposal contains elements of New Mexico Criminal Code, 9-1 and 9-2. Sections to be repealed. K. S. A. 21-424, 21-425.

21-503. *Indecent Liberties with a Child.* (1) Indecent liberties with a child is engaging in either of the following acts with a child under the age of 16 years who is not the spouse of the offender:

(a) The act of sexual intercourse;

(b) Any lewd fondling or touching of the sex organs of either the child or the offender done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender or both.

(2) It shall be a defense to indecent liberties with a child that the defendant had reasonable grounds to believe the child was of the age of 16 or upwards at the time of the act giving rise to the charge.

(3) Indecent liberties with a child is a Class D felony.

COMMENT

This section is in lieu of the former provision relating to statutory rape. The name of the crime has been changed. The prohibited conduct includes not only sexual intercourse, but other indecent sexual conduct. Moreover, the proposed section applies to the one who submits to as well as performs indecent acts with a child. Thus, the female participant in a sexual relationship with a child might be prosecuted under this section.

The proposal adopts part of the Illinois Criminal Code, 11-4.

Section to be repealed. See 21-424 under preceding section.

21-504. *Indecent Liberties with a Ward.* Indecent liberties with a ward is either of the following acts when committed with a child under the age of 16 years by any guardian, proprietor or employee of any foster home, orphanage, or other public or private institution for the care and custody of minor children, to whose charge such child has been committed or entrusted by any court, probation officer, department of social welfare or other agency acting under color of law:

(a) The act of sexual intercourse;

(b) Any lewd fondling or touching of the sex organs of either the child or the offender done or submitted to with the intent to arouse or satisfy the sexual desires of either the child or the offender or both.

Indecent liberties with a ward is a Class C felony.

COMMENT

The advisory committee was of the view that the crime of indecent liberties with a child is more reprehensible when committed by a person in whose charge the child has been placed by a court or other agency acting pursuant to law. Hence, the crime of indecent liberties with a ward is defined and a more severe penalty is provided.

Section to be repealed. K. S. A. 21-909.

21-205. *Sodomy.* Sodomy is oral or anal copulation between persons or between a person and an animal, or coitus with an animal. Any penetration, however slight, is sufficient to complete the crime of sodomy.

Sodomy is a Class B misdemeanor.

21-506. *Aggravated Sodomy.* Aggravated sodomy is sodomy committed:

(a) With force or threat of force, or where bodily harm is inflicted on the victim during the commission of the crime; or

(b) With a child under the age of 16 years.

Aggravated sodomy is a Class C felony.

COMMENT

K. S. A. 21-907 prohibits the "detestable and abominable crime against nature, committed with mankind and with beast." The elements of the crime are not specified. Proposed section 21-505 identifies the conduct ordinarily included in the crime of sodomy or crime against nature. It probably does not materially change the present law. It only seeks to clarify. Some of the new codes have abandoned the term "sodomy" and instead employ the terms "deviate sexual conduct" or "sexual perversion." See Illinois Criminal Code, 11-2 and Wisconsin Criminal Code, 344.17.

Sexual crimes involving violence and those against children are usually regarded as more serious. Hence, proposed section 21-506 defines a distinct crime of aggravated sodomy and permits a more severe penalty.

The language is similar to New Mexico Criminal Code, 9-6.

Section to be repealed. K. S. A. 21-907.

21-507. *Adultery.* (1) Adultery is sexual intercourse by a person with another who is not his spouse if

(a) Such person is married; or

(b) Such person is not married and knows that the other person involved in such intercourse is married.

(2) Adultery is a Class B misdemeanor. -

COMMENT

Adultery is not presently defined in the laws of Kansas, although it is made criminal (K. S. A. 21-908). Hence the courts adhere to the common law concept and hold that adultery cannot be committed by an unmarried person (*State v. Chafin*, 80 Kan. 653). The proposed section is applicable to extra-marital sexual intercourse committed both by a married person and by a single person who has knowledge that his partner in the amorous frolic is married.

The committee does not recommend that sexual intercourse between consenting adults, neither of whom is married, should be made criminal.

Section to be repealed. K. S. A. 21-908.

21-508. *Lewd and Lascivious Behavior.* (1) Lewd and lascivious behavior is:

(a) The commission of an act of sexual intercourse or sodomy with any person or animal with knowledge or reasonable anticipation that the participants are being viewed by others; or

(b) The exposure of a sex organ in the presence of a person who is not the spouse of the offender, with intent to arouse or gratify the sexual desires of the offender or another.

(c) Any other lewd act which the offender knows is likely to be observed by others who would be affronted or alarmed thereby.

(2) Lewd and lascivious behavior is a Class B misdemeanor.

COMMENT

This proposal and the preceding one restate the substance of K. S. A. 21-908. The present statute uses such epithets as "lewdness," "lascivious behavior," "indecent," "grossly scandalous," etc., without defining the terms. The proposal attempts to identify the conduct to which the epithets apply.

The proposal is adapted from the Wisconsin Criminal Code, 344.20.

Section to be repealed. See K. S. A. 21-908, under preceding section.

21-509. *Enticement of a Child.* Enticement of a child is inviting, persuading or attempting to persuade a child under the age of 16

years to enter any vehicle, building, room or secluded place with intent to commit an unlawful sexual act upon or with the person of said child.

Enticement of a child is a Class D felony.

21-510. *Indecent Solicitation of a Child.* Indecent solicitation of a child is the accosting, enticing or soliciting of a child under the age of 16 years to commit or to submit to an unlawful sexual act.

Indecent solicitation of a child is a Class A misdemeanor.

21-511. *Aggravated Indecent Solicitation of a Child.* Aggravated indecent solicitation of a child is the accosting, enticing or soliciting of a child under the age of 12 years to commit or to submit to an unlawful sexual act.

Aggravated indecent solicitation of a child is a Class E felony.

COMMENT

Sexual crimes against children are often committed in vehicles, buildings or secluded places. Proposed section 21-509 is intended to protect the child from exposure to the danger of being induced to enter such a place by a person who intends to abuse the child sexually. Under this section, the gist of the crime is the invitation to enter, coupled with the unlawful intent.

Proposed sections 21-510 and 21-511 prohibit the solicitation or invitation to the child to participate in the unlawful act. The solicitation may be in a public as well as in a private place. It involves no effort to obtain control over the child's person in a secluded location.

New Mexico Criminal Code, 9-10, and Wisconsin Criminal Code, 344-12, have been used as guides in drafting. Also, note that 21-510 and 21-511 cover substantially the same conduct as K. S. A. 38-711.

21-512. *Prostitution.* Prostitution is performing an act of sexual intercourse for hire, or offering or agreeing to perform an act of sexual intercourse or any unlawful sexual act for hire.

Prostitution is a Class B misdemeanor.

21-513. *Promoting Prostitution.* (1) Promoting prostitution is:
(a) Establishing, owning, maintaining or managing a house of prostitution, or participating in the establishment, ownership, maintenance, or management thereof; or

(b) Permitting any place partially or wholly owned or controlled by the defendant to be used as a house of prostitution; or

(c) Procuring a prostitute for a house of prostitution; or

(d) Inducing another to become a prostitute; or

(e) Soliciting a patron for a prostitute or for a house of prostitution; or

(f) Procuring a prostitute for a patron; or

(g) Procuring transportation for, paying for the transportation of, or transporting a person within this state with the intention of assisting or promoting that person's engaging in prostitution; or

(h) Being employed to perform any act which is prohibited by this section.

(2) Promoting prostitution is a Class A misdemeanor.

21-514. *Habitually Promoting Prostitution.* Habitually promoting prostitution is the commission of any act constituting promoting prostitution, as defined in section 21-513, by a person who has, prior to the commission of such act, been convicted of a prior violation of said section 21-513.

Habitually promoting prostitution is a Class E felony.

21-515. *Patronizing a Prostitute.* (1) Patronizing a prostitute is either:

(a) Knowingly entering or remaining in a house of prostitution with intent to engage in sexual intercourse or any unlawful sexual act with a prostitute; or

(b) Knowingly hiring a prostitute to engage in sexual intercourse or any unlawful sexual act.

(2) Patronizing a prostitute is a Class C misdemeanor.

COMMENT

Prostitution, *per se*, is not now prohibited by the laws of Kansas. Penalties are provided for keeping a place of prostitution, soliciting, taking a woman for purposes of prostitution, etc. However, there are both gaps and overlaps to be encountered. The proposed sections attempt to cover the ground more completely and, at the same time, to collect and systematize material now scattered through several sections and articles.

Proposed section 21-515 creates a new crime. The view of the committee is simply that both parties to a prohibited transaction share in the culpability and both should be dealt with accordingly.

Note that the persistent violation of proposed section 21-513 is to be treated as a felony under 21-514. Proof of a crime under 21-514 would include proof of a prior conviction under 21-513.

The draft draws upon Illinois Criminal Code, 11-14, and New Mexico Criminal Code, 9-12 and 9-13.

Sections to be repealed. K. S. A., 21-426, 21-427, 21-428, 38-705, 21-937, 21-938, 21-939, 21-940, 21-941, 21-942.

Sections to be amended. 21-933, 21-934, 21-935, 21-936.

Article VI. *Crimes Affecting Family Relationships and Children*

21-601. *Bigamy.* (1) Bigamy is any of the following:

(a) Marriage within this state by any person who shall have another spouse living at the time of such marriage;

(b) Marriage within this state by an unmarried person to a person known to such unmarried person to be the spouse of some other person;

(c) Cohabitation within this state after marriage in another state or country under circumstances described in subsection (1) (a) or subsection (1) (b) of this section.

(2) It shall be a defense to a charge of bigamy that the accused reasonably believed the prior marriage had been dissolved by death, divorce or annulment.

(3) Bigamy is a Class E felony.

COMMENT

The proposal substantially restates the present law of Kansas. Note, however, that fewer defenses are stated in the statute. Also, the definition of bigamy includes the crime of cohabiting within the state after a bigamous marriage without, now prohibited by a separate section.

The proposal follows K. S. A. 21-901 and 21-905 and Illinois Criminal Code 11-12.

Sections to be repealed. K. S. A. 21-901, 21-902, 21-903, 21-904, 21-905.

21-602. *Incest.* Incest is marriage to or engaging in sexual intercourse with a person known to the defendant to be related to him as brother or sister of the one-half as well as the whole blood, uncle, aunt, nephew or niece.

Incest is a Class E felony.

21-603. *Aggravated Incest.* (1) Aggravated incest is sexual intercourse or any unlawful sexual act by a parent with a person he knows is his child.

(2) Parent for the purposes of this section means a natural father or mother, an adoptive father or mother, a stepfather or stepmother or a grandfather or grandmother of any degree.

(3) Child for the purposes of this section means a son, daughter, grandson or granddaughter, regardless of legitimacy or age; and also means a stepson or stepdaughter or adopted son or adopted daughter under the age of 18.

(4) Aggravated incest is a Class D felony.

COMMENT

Two grades of incest are proposed. It is the view of the committee that sexual intercourse between parent and child is more reprehensible than similar acts between others within the prohibited degrees of relationship. The definition of the term "child" does not include an adopted child or stepchild who is 18 years of age or older. It is the committee's thought that when the child has reached the age of consent and discretion and is not related by blood to the other partner in the enterprise, the matter should be treated as any other sexual conduct between consenting, non-related adults.

In drafting, the committee has relied upon K. S. A. 21-906 and 23-102 and Illinois Criminal Code, 11-11.

Section to be repealed. K. S. A. 21-906.

21-604. *Abandonment of a Child.* Abandonment of a child is the leaving of a child under the age of sixteen years, in a place where such child may suffer because of neglect, by the parent, guardian or other person to whom the care and custody of such child shall have been entrusted, when done with intent to abandon such child.

Abandonment of a child is a Class E felony.

COMMENT

The proposal is similar in content to present K. S. A. 21-441, but it has been broadened. Also, the maximum age of protected children is stated in the statute.

The idea is found in many statutes, including Kan. G. S. 1949, 21-441. The language "in a place where he may suffer because of neglect," comes from Wisconsin Criminal Code, 340.23.

Section to be repealed. K. S. A. 21-441.

21-605. *Non-support of a Child.* (1) Non-support of a child is a parent's failure, neglect or refusal to provide for the support and maintenance of his child in necessitous circumstances.

(2) As used in this section, "child" means a child under the age of 16 years, and includes an adopted child or a child born out of wedlock whose parentage has been judicially determined or has been acknowledged in writing by the person to be charged with the support of such child.

(3) At any time before the trial, upon petition and notice, the court, or a judge thereof, may enter such temporary order as may seem just providing for support of such child, and may punish for violation of such order as for contempt.

(4) At any stage of the proceeding, instead of imposing the penalty hereinafter provided, or in addition thereto, the court, in its discretion, having regard to the circumstances and to the finan-

cial ability or earning capacity of the defendant, shall have the power to make an order which shall be subject to change by the court from time to time, as circumstances may require, directing the defendant to pay a certain sum periodically, for a term not exceeding the period during which the obligation to support shall continue, to the guardian or custodian of said child or to an organization or individual approved by the court as trustee; and shall also have the power to release the defendant from custody on probation for the period so fixed, upon his entering into a recognizance, with or without surety in such sum as the court or a judge thereof may order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so, and shall further comply with the terms of such order of support, or of any subsequent modification thereof, then such recognizance shall be void, otherwise of full force and effect.

(5) If the court be satisfied by due proof that at any time during the period while the obligation to support continues the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence as the case may be.

(6) A preponderance of the evidence shall be sufficient to prove that the defendant is the father or mother of such child. In no prosecution under this act shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent witnesses to testify against each other to any and all relevant matters, including the parentage of such child. Proof of the non-support of such child in necessitous circumstances or neglect or refusal to provide for the support and maintenance of such child shall be prima facie evidence that such neglect or refusal is willful.

(7) Non-support of a child is a Class E felony.

COMMENT

The present law of Kansas protects both the wife and children. It is based upon the Uniform Desertion and Non-Support Act which was drafted in 1910. The increased economic independence of women and the civil remedies available to wives make it seem feasible to withdraw this special protection from the wife. Otherwise, the proposal substantially follows the present law.

Subsection (2) makes the act specifically applicable to adopted children and illegitimate children whose paternity has been judicially established or

acknowledged in writing. Note, under the present statutes of Kansas, paternity is regularly and normally an issue only in a bastardy proceeding. It may be proper to provide for a special proceeding in which a preliminary determination of paternity may be made. Such a section probably should be located in the chapter on procedure.

The proposal is based largely on K.S.A. 21-442 through 21-447, as modified.

Sections to be repealed. K.S.A. 21-442, 21-443, 21-444, 21-445, 21-446.

21-606. *Criminal Desertion.* Criminal desertion is a husband's or wife's abandonment or willful failure without just cause to provide for the care, protection or support of a spouse who is in ill health or necessitous circumstances.

Criminal desertion is a Class E felony.

COMMENT

This proposal supplements proposed 21-605 which applies only to failure to support children. Penalties are imposed for desertion of either spouse who is ill or in necessitous circumstances.

21-607. *Encouraging Juvenile Misconduct.* Encouraging juvenile misconduct is knowingly:

(a) Encouraging any person subject to the Kansas Juvenile Code to violate any law of the state; or

(b) Causing or permitting any person subject to the Kansas Juvenile Code to be or remain in any house of prostitution or any room or place where intoxicating liquor is unlawfully kept, possessed, sold or bartered or any gambling place.

Encouraging juvenile misconduct is a Class B misdemeanor.

COMMENT

Part of the substance of the proposed section is presently found in the Juvenile Code, K.S.A. 38-712. However, one who actually causes a child to commit a crime would be liable under 21-205. "Gambling place" is defined in 21-1304 (4).

Section to be repealed. K.S.A. 38-712.

21-608. *Endangering a Child.* Endangering a child is willfully:
(1) Causing or permitting a child under the age of 16 years to suffer unjustifiable physical pain or mental distress; or

(b) Causing or permitting a child under the age of 16 years to be placed in a situation in which its life, body or health may be injured or endangered.

(2) Endangering a child is a Class A misdemeanor.

COMMENT

This proposal is restated and removed from the Juvenile Code.

Section to be repealed. K.S.A. 38-713.

21-609. *Abuse of a Child.* Abuse of a child is willfully torturing, cruelly beating or inflicting cruel and inhuman corporal punishment upon any child under the age of 16 years.

Abuse of a child is a Class E felony.

COMMENT

Transferred from the Juvenile Code.

Section to be repealed. K.S.A. 38-714.

21-610. *Furnishing Intoxicants to a Minor.* (1) Furnishing intoxicants to a minor is directly or indirectly, selling to, buying for, giving or furnishing any intoxicating liquor to any person under the age of 21 years.

(2) It shall be a defense to furnishing intoxicants to a minor that the defendant had reasonable cause to believe the child was of the age of 21 years or upwards at the time of the act giving rise to the charge.

(3) Furnishing intoxicants to a minor is a Class C misdemeanor.

COMMENT

This section restates K.S.A. 38-715, passed by the legislature in 1965. Presumably it reflects the current thinking of the legislature. However, the defense in subsection (2) is new.

Section to be repealed. K.S.A. 38-715.

21-611. *Aggravated Juvenile Delinquency.* (1) Aggravated juvenile delinquency is any of the following acts committed by any person confined in the state industrial school for boys or in the state industrial school for girls:

(a) Willfully burning or attempting to burn any building of either of such institutions, or setting fire to any combustible material for the purpose of burning such buildings;

(b) Willfully burning or otherwise destroying property of the value of more than one hundred dollars belonging to the state of Kansas;

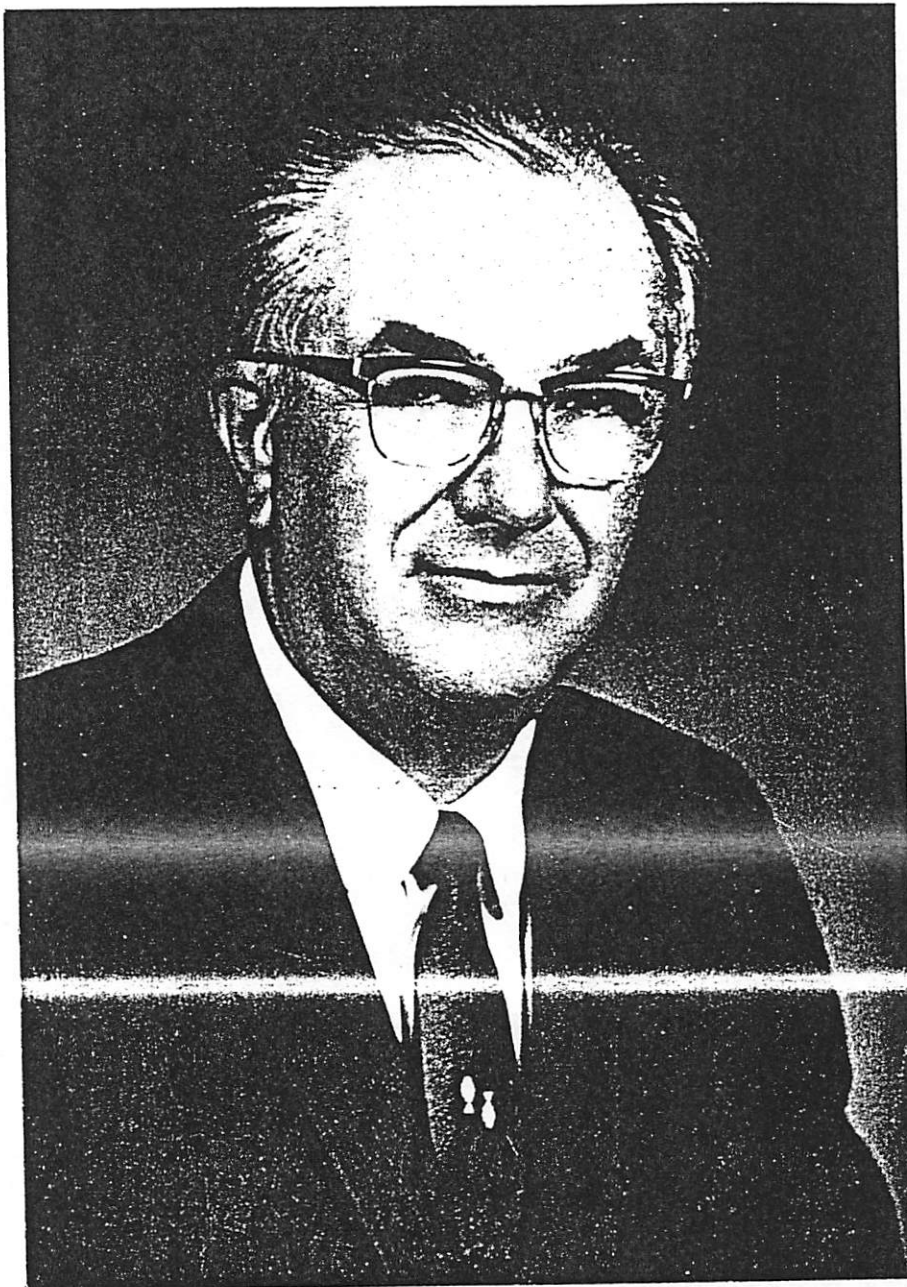
(c) Willfully and forcibly resisting the lawful authority of any officer of either of such institutions;

(d) Committing an aggravated assault or aggravated battery upon any officer, attendant, employee or inmate of either of such institutions;

Kansas Judicial Council Bulletin

OCTOBER, 1969

PARTS 1, 2 AND 3—FORTY-THIRD ANNUAL REPORT



MAURICE A. WILDGEN

President
The Kansas Bar Association

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JAMES ALBERT MOORE

nt concerning the proposed Code of Criminal Procedure prepared by Paul
lson, reporter for the Council's advisory committee working on the code,
codes the publication of the code.

Does Kansas Need Minimum Standards of Criminal Justice?

An observation was made recently by a well known Federal Judge that
ny members of the Kansas Bar will soon become criminal lawyers whether
ey like it or not. In any event we know that in the future our Kansas lawyers
o going to be appointed in both the Federal and State Courts to defend
ersons accused of crime, and in that sense, those lawyers become criminal
ywers. As all lawyers know, their oath makes refusal to serve when appointed
ceedingly difficult.

Unfortunately "there are members of the bar who either never see the
side of a courtroom, or who practice in the rarified atmosphere of the civil
ourtroom and who peer down their noses at the criminal lawyers with that
eprecating look that a parent usually reserves for the errant child." (Samuel
ebowitz, Supreme Court in New York City.) This statement has a sad ring
f truth to it; but the members of our bar that presently peer down their noses
with contempt for the criminal lawyer may soon find themselves looking in a
irror at themselves. Whether this is good or bad for the profession is subject
o debate. How a particular lawyer feels about it personally is not important.
What is important is that we are presently in the midst of a situation which
cannot be changed, and it is our duty as professional men to meet it head on,
npleasant though it may be.

The epoch-making decisions of our U. S. Supreme Court starting even earlier
than Mapp v. Ohio, and followed by Gideon, Escobedo and Miranda have
rewritten the rules of evidence in criminal trials. While these decisions not
only affect the life and liberty of our citizens and redefine the rights of an
accused person, they also demand and require a new procedural outlook in
the handling of criminal cases and an updating of law enforcement techniques,
including the use of the science of criminology and the broader spectrum of
social sciences, including psychiatry. Instead of methods based on tradition and
precedent, it is suggested that we should strive to use more modern scientific
methods. Too much emphasis has been placed in tradition and precedent, if
you believe what Dr. Karl Menninger has said in his recent book "The Crime
of Punishment." Today, when probably every member of the bar is soon to
become directly involved in criminal defense work, it is apparent that new
skills and techniques will have to be learned and developed. A lawyer defend-
ing an accused does not want to be charged in a post-conviction motion with
incompetency or inadequacy. Therefore, he will not only have to be skilled
as an expert trial advocate; but he must, of necessity, develop an expertise in
motion drafting and discovery techniques. In this connection an interesting
technique is being explored in San Antonio in the Federal Courts known as an
"Omnibus Hearing." It is simply a hearing where the issues in a criminal case
which normally would be raised at the trial are fully explored beforehand in a
formal conference in open court in a manner similar to that contemplated by
the Federal Rules of Civil Procedure. The Court and the attorneys for both

the prosecution and the defense who have used omnibus have concluded that
it expedites the trial of the cases; that it provides defense counsel with Gov-
ernment proof upon which he may better advise his client whether to plead
guilty or not guilty; that it is economically advantageous to the lawyers on both
sides; and it speeds up trial and eliminates delays. Most Kansas prosecutors do
not believe in discovery and pre-trial in criminal cases. They would do well
to study what has happened in San Antonio before closing the door to the
suggestion.

The Section on Criminal Law of the American Bar has anticipated many
of the problems that are presently confronting the profession in criminal law
and its administration. Minimum standards for the administration of criminal
justice have been prepared. These standards deserve our serious study and
consideration. They are carefully spelled out, and lawyers are neglecting their
professional education if they do not examine and thoughtfully consider them.
A Special Committee to implement the minimum standards was directed by
Hon. Tom C. Clark, and the over-all Chairman of the Special Committee on
the Minimum Standards for the Administration of Criminal Justice was Warren
E. Burger, now Chief Justice of the U. S. Supreme Court. Recently Chief
Justice Burger commented that he knew that sometime in the future there
would be occasions when what he had written or approved as the head of
the special committee would be called to his attention, perhaps because of a
change of point of view. He said he had a ready answer to such criticism.
He only had to remind his critics that he had approved the standards before
he became inflexible.

Nine reports have been drafted so far. All of them have been approved by
the ABA House of Delegates. The subjects covered by the drafts are (1) Pre-
trial Release; (2) Providing Defense Services; (3) Joinder and Severance;
(4) Pleas of Guilty; (5) Speedy Trial; (6) Trial by Jury; (7) Sentencing
Alternatives and procedures; (8) Appellate Review of Sentences; and (9)
Post-Conviction Remedies. It would be impossible to review each Standard
in this article. It is probably best to merely state that the standards seek to
improve both the Federal and State systems presently used to administer
criminal justice. The decisions of the Supreme Court of the United States
have been carefully considered and followed, as well as appropriate State court
decisions. The drafts are fully annotated and contain comments and examples
to aid lawyers in their study of the standards.

No doubt the Standards will be made the subject of State-wide seminars and
institutes, sponsored by the Kansas Bar Association, along with institutes to
study the new criminal code and the anticipated new code of criminal pro-
cedure. The Judicial Council established an Advisory Committee on Criminal
Law Revision in 1963. Its work has been substantially adopted by our legis-
lature. What it produced has much merit. With the help of the Advisory
Committee any seminar or institute on the subject of criminal law and its fair
and efficient administration will be worthwhile and merit strong attendance
by the members of the Bar.

One step which Kansas has taken recently is to be certain that an attorney
is available to an accused for advice and counsel at an early stage in the pros-
ecution. House Bill No. 1098, passed this year, makes it possible for an accused
to have the advice of an attorney shortly after arrest and at all subsequent

of the prosecution. It also provides for adequate compensation to the person on whom this responsibility falls. No longer can an attorney excuse himself for any neglect on his part merely because he is not being paid. There are many attorneys involved as there may have been 25 years ago when counsel was often recommended as a plea of guilty by the accused because the attorney was working for nothing, and felt it was a waste of his time to defend his client. Dr. Karl Menninger in his recent book "The Crime of Punishment" in a book entitled "Crimes Against Criminals" describes a hypothetical interest in a court-appointed attorney and an accused which illustrates just what has been done in the past. Dr. Menninger's book is recommended reading for all Kansas lawyers because he is a Kansan and sees the problem of administering criminal justice from the viewpoint of a Kansan. He writes in a way that is bound to shock us into immediately accepting and acting now on our responsibilities towards the accused, many of whom are poor, often negro, uneducated and without friends. Another book recommended to Kansas lawyers is "Written by a Kansan by adoption but not by birth or choice." Bill Larson recently wrote an inmate in the Kansas Penitentiary. Following his recent release from prison he wrote "Hear Me Barabbas." It forcefully and rather convincingly verifies much of what Dr. Menninger says. Both books are a harsh indictment of our system of criminal justice, and they should alert us to do a better job of administering criminal justice in the future.

It would be wrong not to recognize the planned activity of Governor Dock-
Committee on Criminal Administration. Ernest J. Rice, Chairman of the
Committee on Criminal Law is also Chairman of the Governor's Commit-
 tee. The Bar expects to cooperate fully with the Governor's Committee in its
 work in this field. The Governor's Committee has made concrete beginnings
 in holding a training seminar for prosecutors to be given in various judicial districts
 throughout the State. The seminars are funded by a grant made under the
 State's Crime Control and Safe Streets Act of 1968. The first seminar will
 be presented starting in late October this year, and later on the Committee
 plans to conduct seminars emphasizing the defense of an accused; and it is
 presently considering seminars to teach magistrate, juvenile, county and
 city judges concerning their duties and responsibilities in the administration
 of a more efficient criminal justice. In the western portion of our State many
 county judges and magistrates are laymen and not trained in law. They
 need this kind of training.

As lawyers and the judges of its courts are diligently trying to keep up
 with the times. Great social changes are upon us. The Bar of Kansas is trying
 to look about tomorrow, in spite of the fact that in law the emphasis has been
 on yesterday. The past, which we call precedent, has been a persistent and
 overriding concern of the law. While past experience is good, there are
 many signs which indicate that the solutions of the past may not be appro-
 priate to solve the problems of the present.

We need only recall that while the Sixth Amendment provided for the
 right of counsel for an accused in criminal cases it was not until Gideon
 (U. S. 335) was decided in 1963 that it became mandatory on State courts
 to provide an accused with counsel. And when we reflect that today we have
 not even dreamed of a few short years ago, we can understand why
 precedent cannot be our sole guide. Where can we find precedent to properly

guide courts and lawyers when we consider criminal violations of school segre-
 gation laws, or civil rights laws, or fair housing? Does precedent adequately
 teach us how to deal with a multitude of violations by large numbers of peo-
 ple? How do we deal with ghetto riots, or with college student riots? Do we
 use the cases that were an outgrowth of the Haymarket Riots in Chicago, or
 of the Bonus March in Washington as precedent? Or do we use the cases that
 arose as a result of the sit-down, or sit-in, strikes of the 1930's? We are
 obviously ill prepared if we merely let precedent alone guide us.

It has been said that lawyers are disinclined to innovate if left to their own
 choice. The lawyers of Kansas have disproved that statement many times.
 Our new Criminal Code is but one good example.

Lawyers believe in law and order. Law enforcement is presently in a state
 of crisis. The reasons are debatable; but the crisis is obvious. The minimum
 standards developed by the ABA Special Committee deserves serious study by
 the Kansas Bar. The standards are not full of innovations, though there are
 obviously some. A study of the standards, in conjunction with a study of our
 new codes of criminal law and procedure, is appropriate. Serious study of
 these items should bring about better law enforcement, and doubtlessly will
 promote the fair and efficient administration of justice in the criminal field.

Topeka State Journal 2-17-69 pg. 1 Solon Pay Hike Sought

ROGER MYERS
Statehouse Writer

A bill that would increase the salary of Kansas legislators by \$5 per day was included in the list of proposed new laws introduced today in the House of Representatives.

The measure, if enacted, would boost total salaries for the state's two-house, 165-member

legislature by \$223,000 for a regular, 90-day general session.

The bill is sponsored by 30 state representatives and would increase legislators' salaries from the present \$10 a day, to a new rate of \$25 per day.

The bill would not change the current \$25 per day expense allowance that Kansas

lawmakers receive while they are in session.

The measure also would double the amount of monthly expense money the Legislators receive during the non-session months.

At present, legislators receive \$100 per month for the time when they are not in session to pay for expenses they incur as

legislators during the interim period: The bill introduced today would hike that non-session allowance to a maximum of \$200 per month.

The Legislative raise bill was among 45 bills introduced today in the House.

Originally, today was to have been the deadline for introduction.

(Continued on Page 2, Col. 8)

Teacher Negotiations Bill Will Be Entered

By JUDY CORCORAN
Education Writer

A bill that would provide procedures for professional contract negotiations between teachers and school boards was introduced today in the Kansas Senate.

Entitled the Education Professional Negotiation Act, the bill was authored by the Kansas Teachers Assn.

Its sponsors are Sen. George H. D-Kansas City; and Sen. Tom West, R-Topeka.

The act would allow professional teaching employees to join or assist professional employees' organizations, to participate in professional negotiations with boards of

education with representatives of their choosing and to engage in other activities for the purpose of establishing, maintaining, protecting or improving terms and conditions of professional service.

The bill defines professional negotiations as "meeting, conferring, consulting, discussing and negotiating in a good faith effort to reach agreement with respect to the terms and conditions of professional service and other matters of mutual concern."

It would make professional

negotiations mandatory for Kansas school districts.

The KSTA sees the bill as a means of providing communications between the school boards and the teachers.

"We see this primarily as a communications channel to open doors of communication that too often are closed, all to no one's knowledge," McFarland said. "We are in hopes better communications would head off problems that so often lack of communications leads to."

The act would be administered by a Professional Employee Relationship Commission composed of three members appointed by the governor with the approval of the State Board of Education.

Would Be Laymen

The commission members would not be members of the education profession, but laymen—preferably with legal backgrounds—since the commission would interpret, administer and enforce all provisions of the statute.

Under the act, a majority of

Penwell-Gabel Funeral Home provides Safe, Convenient Parking—Adv.

Policy Tough

community is," the Notre Dame president said. He said "body who doesn't produce an A card will be considered an offender and charged with trespass."

"After notification of suspension or trespass in the case of community members, if they are not then within five minutes a movement to cease is desired, students will be notified of expulsion from this com-

munity, and the law will deal with them as non-students."

Notre Dame has been relatively free of student protests. Students skirmished briefly last week with civil authorities who confiscated a movie being shown during a symposium on pornography. The film had been banned by Father Hesburgh. There was no property damage.

Culinary Treasures, Maynard's—Adv.

Under the act, a majority of

(Continued on Page 2, Col. 6)

Hourly Temperatures

Midnight	31	8 a.m.	28
1 a.m.	30	9 a.m.	28
2 a.m.	29	10 a.m.	33
3 a.m.	28	11 a.m.	32
4 a.m.	28	Noon	34
5 a.m.	27	1 p.m.	35
6 a.m.	27	2 p.m.	35
7 a.m.	28	3 p.m. (est)	36

Criminal Code OK By Panel

By LEROY TOWNS
Statehouse Writer

The Senate Judiciary Committee today recommended for passage a revised Kansas criminal code. The voice vote, with two dissenting votes sent the measure to the Senate floor for debate and a roll call vote.

The code is the result of nearly five years' work by the Kansas Judicial Council.

Included in its provisions is a revised abortion section and a slight change in the definition of mental illness used as a defense in criminal proceedings.

The state's Habitual Criminal Act, deleted in the council's original draft, was replaced in

(Continued on Page 2, Col. 2)

Price of Gold Soars When Study Is Asked

PARIS (AP) — Gold prices hit an all-time high on the Paris free market today, closing at \$46.32 an ounce, compared with the official price of \$35.

Traders attributed the renewed demand to a statement by President Nixon last week that ways should be sought for reform of the international monetary system.

GOOD USED MACHINERY Dept. Fast with a Classified Ad. Dial PU 7-4411—Adv.

Rescue workers said the bright charcoal fire against the 30-degree temperatures Saturday night and block entrance to keep out the wind.

During the night, rescue workers charcoal eliminated the oxygen in and 14-year-old Thomas Michael Co.

One of the youths, Steven C. told police he became ill during the staggered home about 7 a.m. His fall to the cave, found the youths and to a hospital.

Steven's brother Robert, 16, was in intensive care today, while young Michael brother Howard, 14, were in satisfaction.

Astronaut Meets Ad

MADRID (AP) — America's first explorer, Col. Frank Borman, Spain's Admiral of the Ocean Sea and a statue of the admiral's and discoverer of America.

Soon after his arrival from Rome family, Borman came to the Plaza place a wreath at the towering Christopher Columbus, or Cristobal Spanish.

On hand to greet the America ambassador was Cristobal Colon de Maroto, 17th Duke of Veragua and Admiral of the Ocean Sea. The creator in 1537 for Diego Columbus' son.

A crowd of about 300, mostly Americans, came out to greet Barajas Airport. The official delegation included U.S. Ambassador Wagner, a former mayor of New Deputy Mayor Jesus Suevos of Mad

Who Stole His Ho

HOUSTON, Tex. (AP)—Jack wants to know who carried off his frame house that had been condemned way construction.

Cloninger told police he recently the house near highway U.S. 59 in Houston, and planned to move it location.

When he drove to the house-sit only a vacant lot and six planks re-

THE FORECAST

For Topeka and vicinity: Pa and little change in temperatures Tuesday. Cold through Tuesday near 35 Tuesday and the low ton lower 20s. Probability of precipitate cent tonight and 10 per cent Tuesday.

(MORE WEATHER, PAGE 4)

WHERE TO FIND

Amusements	9	Markets	9
Comic Strips	8	Public Not	9
Crossword Puzzle	9	Sports	9
Deaths	20	Things To	9
Editorials	4	TV	9
Horoscope	9	Women's I	9

Three armored cars manned by gendarmes closed in on Andre Fourquet's isolated house in nearby Cestas this morning. When the lead halftrack was about 80 yards from the house, three shots were heard.

There was no reply to calls of "Give up, Fourquet!" over a loudspeaker. Grenades broke open the shutters of the house, and police found Fourquet dead from a bullet in his head, his 11-year-old son Francis dying, and his daughter Aline, 13, also wounded.

The boy died on the way to the hospital. The girl died later. Fourquet, 38, barricaded himself in with his three children on Feb. 1 to defy a judge's order awarding his estranged wife custody of the children. An older daughter, Chantal, 14, escaped in the middle of one night when she pretended to go to the bathroom.

Fourquet had threatened to kill himself and the children if the police used force against him. Although he killed one policeman with a rifle shot early in the siege, repeated attempts were made to induce the man to surrender so that the children would not be harmed.

Fourquet allowed a doctor inside to treat Aline for illness of an undisclosed nature. He admitted the gendarme commander several times and talked with him. After each of these sessions, he said he wanted a little more time to think it over, and officials got the impression he would surrender soon.

Several newsmen also were admitted for interviews. Sunday a gendarme officer said Fourquet "has been acting like a film star, and now the time for cinema is over." The armored cars were sent for.

Heavy Snow Cover Given Dixie Area

By THE ASSOCIATED PRESS

Gale warnings flew from the Virginia capes to Cape Lookout, N.C., after a major coastal storm blanketed the western part of North Carolina with snow up to 18 inches deep.

Travelers warnings were in effect for much of the Carolinas and the northern parts of Georgia and Alabama.

At midmorning today the Atlantic storm was situated about 300 miles east of Cape Hatteras as it continued to move away from the mainland.

The storm weakened this morning, but roads still were practically impassable throughout western North Carolina, eastern Tennessee and southwestern Virginia.

To the west, light snow fell in the central Rocky Mountains. Denver, Colo., recorded 2 inches

would provide staggered terms in office for state senators and representatives.

during the 1970 legislative session, and every five years thereafter.

Criminal Code OK'd By Senators' Panel

(Continued From Page 1)

the bill last week by the Senate Judiciary Committee.

The abortion section, also a change from the first draft, is a simple statement that outlaws all abortions except those performed in a licensed and ac-

FBI Agent In Shaw Case Balk

NEW ORLEANS (AP) — The Justice Department was thrust into Clay Shaw's conspiracy trial today when a witness, a former FBI agent, refused to say when he started working on the investigation of President John F. Kennedy's assassination.

"I think that question is outside the purview of the authority granted me," said Regis L. Kennedy when asked if he had been engaged in the assassination investigation from the start.

Kennedy said he was authorized to testify about his investigation regarding Dean Andrews, a one-time Jefferson Parish assistant district attorney convicted of perjury during Dist. Atty. Jim Garrison's two-year assassination probe.

James L. Alcock, head of the prosecution in Shaw's trial, said that question and several others were referred to the Justice Department in Washington during a long telephone conversation.

Garrison Takes Hand

For the first time during the nine days of testimony, Garrison took a direct hand in the questioning. The 6-foot-6 district attorney handled the interrogation of William E. Newman Jr., a Dallas electrical contractor. Newman testified he was in Dallas' Dealey Plaza when the President was shot Nov. 22, 1963—and that the shots appeared to come from behind him, from the so-called grassy knoll area.

The retired FBI agent, a big white-haired man, was called to the stand after Newman. Kennedy said he went to a hospital to interview Andrews on Nov. 25, 1963, after getting a telephone call from him.

A recess was called when Kennedy balked at this question from Alcock. "Prior to inter-

credited hospital by a licensed physician.

The council had proposed an abortion section outlining specific instances where abortion would be permissible.

Up to Hospitals

Under the section, guidelines in abortion cases would be set by hospital policy-making groups and by the accrediting agencies of the hospitals.

The section as recommended has the backing of the Kansas Hospital Assn., but has been opposed by a group of Catholic bishops in Kansas.

The revised mental illness section of the bill sets out two requirements for the defense in proving mental illness as a defense to liability.

Under the section, a person would not be criminally responsible if he lacked substantial capacity to know and understand the wrongfulness of his conduct and also lacked the capacity to conform his conduct to the requirements of law.

Departure From Rule

The section is a slight departure from the present M'Naghten rule followed in Kansas; which allows mental illness as a defense if the accused was unable to tell right from wrong.

Another section of the code — one that may become controversial as the measure continues its course through the Legislature — would make it unlawful for a person to resist an arrest, even if he knows the arrest to be unlawful.

The section is a switch from present Kansas law that allows a person to resist an unlawful arrest.

99-Page Bill

The 99-page bill that would implement the code also streamlines language and sets out a revised schedule for sentencing of criminals.

If the code is passed by the Legislature, it will be followed next session by a revised code of criminal procedure to be used in implementing the new code.

Retired Groups Name
Topekan-to Council

Jacob B. Spiegel, 1108 Frazier, has been named to a three-year term of the Legislative Council of the American Association of Retired Persons and the National Retired Teachers Association.

As a member of the council

amendment was introduced by six legislators.

Six-Years' Term

It would set up six-year terms for state senators, with one-third of the Senate to be elected in 1970, one-third in 1972 and the remaining one-third in 1974.

The amendment also calls for staggered terms, and longer terms in office for state representatives.

It proposed that House members be elected to four-year terms, with half the House elected to the new longer term at the 1972 election and the remaining half in 1974.

Serve Four Years Now

Presently, Kansas State senators serve four-year terms with all 40 members of the upper chamber standing for reelection in the same year. State representatives are elected every two years.

Howard and four other House members joined in introducing a bill for an elective state highway commission.

The bill calls for 10 members, but Howard said it was his intention to have just five members, one elected from each congressional district. The commission would in turn appoint a highway director, all appointed by the governor.

Other proposals among the new measures today would:

—Require insurance agents to post a \$5,000 bond.

—Set up a state system for licensing of animal dealers.

—Allow school districts to contract for group insurance for their officers and employees.

—Minimum Age Up —Raise the minimum age for employment in a mine or quarry or on any construction from 16 to 18.

—Require statewide voter registration.

—Establish a state Department of Science and Technology as a successor to the Kansas Research Foundation.

—Authorize cities to issue revenue bonds for hospital facilities.

—Allow cities to exempt certain city property from the state law forbidding consumption of liquor on public property.

—Repeal a law forbidding county officers and employees to receive compensation, tips, fees, mileage, salaries or things of value which are paid directly or indirectly by reason of his office or employment unless allowed to them by law.

—Provide for a Legislative Council study of possible state use of county juvenile detention facilities.

—Provide for instruction in Kansas public schools on the history of ethnic groups.

Cuba Sends Venezuelan Plane Back

MIAMI (AP) — A Venezuelan airliner hijacked to Cuba last week has returned to Venezuela after payment of \$31,466.80 to Cuba for expenses incurred, Havana radio said today.

The broadcast, monitored in Miami, said Cuban investigation showed that the Aeropostal lines plane which landed in Santiago, Cuba, Feb. 11 was diverted from its route by three Venezuelan guerrillas.

Cuba delayed the plane's return until Venezuela sent another to supply fuel for it. Last De-



—Staff Photo

members on science faculty member at the University of Kansas, testified this morning against a bill that would

allow students and faculty members to be expelled upon conviction of disobeying police orders.

Bill Used

ably and peaceful demonstrations. You consider a sit-in a "asked Sen. J. C. Tillotson, rton. Laird answered. rd also said the bill could the effect of causing, or ast crystalizing, attempts onfrontation between stu- and administrators in Kan- universities.

Might Aid Radicals
ical students might a wing of students be- the bill that they ldn't ordinarily have," he
hn Weismiller, a sophomore Washburn University, told the admtee he believes the ad- strations" of universities uld make the ultimate de- on in expulsion cases. The school has the power to el me now—and pretty sur- rily too," he said.

Expulsion Automatic
he simply worded bill states faculty member or student icted in court of disobeying aw enforcement officer's or- : would automatically be ex- lled or dismissed. The hearing was attended s morning by professors from veral Kansas colleges and n- sities, and by nearly two rzen students.

Sexuality Is Topic At K-State

MANHATTAN (Special) — Kansas State University's all- university lecture series on "The Sexual Human" opens tonight with a lecture by Dr. Evalyn S. Gendel.

Dr. Gendel is assistant direc- tor and chief of the school health section in the Division of Maternal and Child Health Care of the Kansas State Dept. of Health. Her topic will be "Hu- man Sexuality."

Dr. Gendel's talk is the first of a series of five lectures, all of which will be at 7 p.m. on con- secutive Mondays in Williams Auditorium in Umberger Hall on the KSU campus.

The lectures will be followed with small discussion groups on Thursday evenings at various locations on campus.
Other speakers:
Dr. Clark Vincent, Bowman Gray School of Medicine, Winston-Salem, N.C., Feb. 17, "The Rationality of Premarital Sex;" a panel of student doctors and nurses from the university of Kansas Medical Center, Feb. 24, "A New Look at Sexuality;" Mrs. Ethel Nash, University of North Carolina Medical School, March 4, "Marriage — The Prospect of Failure," and Dr. Kermit Krantz, KU Medical Center, March 10, "Quo Vadis Femininis."

Dr. Chalmers Chancellor

(Continued From Page 1)

as a research psychologist at Lowry Air Force Base, Denver, Colo. In 1957 he moved to Florida State.

He is an executive committee member and former president of the Florida Assn. of Colleges and Universities and a member of the American Assn. for the Advancement of Science, Society of Sigma Xi and American Assn. of University Professors.

Several Board Positions

He is a member of the council of the Federation of Regional Accrediting Commissions of Higher Education, official representative of the College Entrance Examination Board, executive council member of the commission on colleges of the Southern Assn. of Colleges and Schools and a member of the research advisory council of the Department of Health, Education and Welfare of the U.S. Office of Education.

Chalmers and his wife, Mary Ann, have two sons: Chips, 16; and Thomas Henry, 13.

Chalmers is the second chief of a Kansas institution of higher learning to be named within a week by the regents.

Gustad Named at Hays

Dr. John W. Gustad, coordinator of state colleges in Nebraska, was named president of Fort Hays State College by the board five days ago. He succeeds N. C. Cunningham, who is retiring after 20 years.

Cunningham and Wescoe submitted their resignations four days apart in September.

Wescoe has been chancellor at KU since 1960. He previously

served as dean of the school of medicine and director of the KU Medical Center. Wescoe's resignation becomes effective June 30, one day before Chalmers is to assume duties.

Selection From 100

Chalmers was selected from more than 100 persons originally nominated for the KU post.

Regents' on the selection committee were A. H. Cromb, Mission Hills; Dr. James Basham, Fort Scott; Henry A. Bubb, Topeka; Eldon Sloan, Topeka; and Jess Stewart, Wamego.

KU Faculty members on the committee were Dr. William P. Albrecht, dean of the graduate school; Dr. Robert P. Cobb, associate dean of the college of liberal arts and sciences; Dr. Paul W. Gilles, professor of chemistry; Dr. Robert T. Manning; Dr. Charles H. Oldfather, professor of law; and Dr. Ambrose Saricks, associate dean of the graduate school.

KU Students on the committee were William Bartholome, Lawrence senior; Barbara Blee, Bonner Springs junior; Adrian R. Clark, Kansas City senior; Frederick A. Krebs, Shawnee Mission graduate student; John Daniel Stepp, Shawnee Mission sophomore; Richard L. Von Ende, Abilene, Tex., graduate student; and Robert J. Woody, Bartlesville, Okla., law student.

Pipe Rams Train; 3 Die

SAN BRUNO, Calif. (AP) — Three commuters were killed and at least 18 injured today when a 50-foot length of pipe was accidentally rammed through a crowded Southern Pacific commuter train headed for San Francisco.

The 8-inch diameter pipe hit the double-decker car just behind the center doors, went

five inches of snow in portions of Virginia and Maryland. The near-blizzard moved from the metropolitan area into New England, dumping 16 inches of snow at Scituate, R.I., near Providence, Massachusetts, Maine and southern New Hampshire and Vermont also bore the brunt of the storm.

Power failures, caused by lines collapsing under the weight of ice and snow, occurred sporadically, chiefly in Westchester County, directly north of New York City.

More than 17,000 customers of Boston Edison were without heat and lights after a power failure.

Dedication ceremonies for Boston's new City Hall were postponed until Tuesday. Logan International Airport was scheduled to reopen at noon, but a spokesman said there would be long delays into the afternoon.

Ski Areas Closed

Ski areas in New Hampshire with 30 inches of snow were forced to close because of travel conditions. All New Hampshire schools were closed, as were most universities.

The Maine, New Hampshire and Massachusetts turnpikes shut down because of stalled and abandoned vehicles.

In Brattleboro, Vt., an unoccupied service station collapsed from the weight of the snow.

In one Portsmouth, N.H. motel, 354 persons shared 127 rooms after they were forced to leave their cars.

Bus in Crash

Near Rockville, Md., Sunday night a Greyhound bus, a tractor trailer and several other vehicles were involved in a smash-up. But the only injury was a broken nose suffered by a woman who stepped out of her car and slipped on the ice.

In Washington, bright sunshine melted remaining snow on most roads, but there were some dangerous icy patches.

Most of the snow melted in Baltimore, too, but about five inches remained on the ground in Maryland's western mountains.

State F Housir Bill OI

(Continued Fr

ing and scare tegrating housing "Sen. Norma Westwood, chair committee, firm amendment offer: "The bill is g stands," he decl:

Gaar, who orig the bill to the con goes considerab federal legislat Congress in 1968

He said it p mination in ho rentals between as well as betw and an agent.

The bill is d control of di housing comp hands. The fede the states whic substantial sim

Excluded fro the bill is the s space in four- where the own dent. Also excl four or less i occupied resid

After defea amendment to the committee they will not the 'bill furt debated on the

Their agre total committe open housing which great bill's chanc through the S A similar bi the closing m Legislature debate on the

Topekan Charged In 4-Car Accident

ard D. Johnson, 37, 816 was in the city jail this morning, accused of four violations in connection with a four-car injury accident at 18th and Washington about 2 a.m. today. Three of the cars were parked. Johnson was being held on charges of driving without a license, transporting an open

Kenneth Calkins, 30, was admitted to St. Francis for treatment of a laceration to his forehead. He was listed in satisfactory condition.

Mrs. Calkins, 29, also was admitted to St. Francis. She reportedly suffered a lacerated left ear and fractured left leg. She was listed in good condition.

N. Viet Envoy

Back to Hanoi

PARIS (AP) — A top counselor of the North Vietnamese delegation left the scene of the



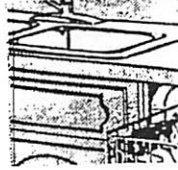
PROVE YOU

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with a

KitchenA Dishwash

Now is the
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buy!



Financing YOUR CHOICE

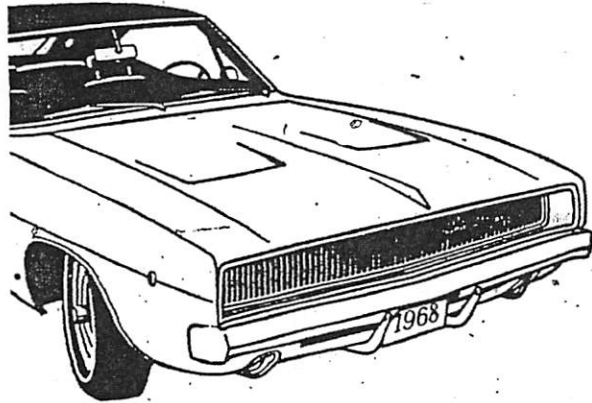
\$200 MUST BE SOLD
DODGE DART
 2 Door Sedan
\$1888



VALIANT
 270
 Radio, White Side
\$2488

DODGE POLARA
 OR
PLYMOUTH FURY III
 V-8, Automatic, Power Steering, Radio, Vinyl trim, White Sidewalls, Wheel Covers.

DODGE CHARGER
 Transmission, Power Steering, Air Conditioning, Console, Vinyl Roof, Carpet Seats, Wheel Covers.
\$3088



Luxury Sedan
 Air, Power.
\$2888

4-Dr.
 Air Conditioned.
\$3888

Sattelite Wagons
 3 seat, Airtcond., Power Steering.
\$2888

Chrysler Newport
 Custom 4-Door, Air, Power.
\$1488
 SAVE

New • Factory Surplus • Demo

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She was born in Scotland. She came to Burlington with her parents when she was five years old. She was a member of the United Methodist Church and the Order of Eastern Stars and Pythian Sisters Lodge. Survivors include two sisters, Nellie Ure and Mrs. Janet Parnell, both of Burlington. Burial will be in Burlington Cemetery. Carey Funeral Home at Burlington is in charge of arrangements.

Leland L. Stewart
 WAMEGO — Services will be 10:30 a.m. Monday in the Stewart Memorial Chapel here for Leland L. Stewart, 15, son of Mr. and Mrs. Warren L. Stewart of Wamego, who died Thursday at a Wamego hospital. He was born Nov. 27, 1953, at Manhattan. He spent most of his life at Wamego where he was a student at Wamego High School. Besides his parents, he is survived by four sisters, Mrs. Vicki Sisson, and Mrs. Linda Smith, both of Wamego; Kathleen Stewart and Nellie Stewart, both of the home; and a grandmother, Mrs. Vern Stewart, of Wamego. Burial will be in Wamego City Cemetery.

Leon R. Harkins
 KANSAS CITY — Services will be 11 a.m. Monday at D. W. Newcomer's Funeral Home here for Leon R. Harkins, 78, of Claremont, Calif., and formerly of Kansas City, who died Thursday morning aboard a passenger train en route to Topeka to visit his daughter, Mrs. Harriett Remsey of 2208 Knollwood Drive. Mr. Harkins, a commercial photographer, moved to California 10 years ago. He was a member of the Country Club Christian Church at Kansas City. Besides his daughter, survivors include a step-daughter, Mrs. Margaret Swain of Claremont, and four grandchildren. Burial will be in Mount Moriah Cemetery at Kansas City.

Edward Black
 McLOUTH — Edward Black, 86, of McClouth, a retired farmer, died this morning at a Winchester hospital. He was born Aug. 18, 1882, at McClouth. Burial will be in the First Baptist Church at McClouth. Survivors include his widow, Mrs. Dollie Black, of the home; three sisters, Mrs. Emma Edmonds, and Mrs. Bess Miller, both of McClouth; and Mrs. Mayme Miller of Denison; a granddaughter and three great-grandchildren. Services will be 2 p.m. Sunday at the First Baptist Church at McClouth. Burial will be in McClouth Cemetery.

Mrs. Dollie Dimery White Jordan
 LAWRENCE — Mrs. Dollie Dimery White Jordan, 43, a resident of Lawrence all her life, died Thursday night at a Lawrence hospital. She was born July 12, 1905, at Lawrence. She was a member of St. James AME Church at Lawrence. Survivors include a sister, Mrs. Mabel White of Oswatimie; a son, Floyd White of Lawrence; a brother, Walter Dimery of Lawrence; three grandsons, a granddaughter; and eight great-grandchildren. Service arrangements are pending at Bowser-Lee Mortuary at Lawrence.

Mrs. Louticia Tuck
 HOLTON — Services will be at 10 a.m. Monday at Mercer Funeral Home here for Mrs. Louticia Tuck, 55, a resident of the Holton community all her life, who died Thursday at a Holton hospital. She was a member of the First United Methodist Church at Holton. Survivors include two daughters, Mrs. Ralph McGinnis of Holton and Mrs. Merritt Owens of Kansas City; three grandchildren and 10 great-grandchildren. Burial will be in Holton Cemetery.

Helen B. Most
 CENTRALIA — Services will be 2 p.m. Saturday at the Congregational Church here for Helen B. Most, 68, of Barn, who died Tuesday at her home. She suffered an apparent heart attack. She was born Nov. 22, 1900, at Mound City, Mo. She was employed as a practical nurse at Barn the past 10 months. She was a member of the Congregational Church at Centralia. Survivors include a step-daughter, Mrs. Irma Kelly of Onaga; two sisters, Mrs. Mary Zaleuke and Mrs. Grace Kelly, both of Centralia; two brothers, Ira Bickel of Mound City and Earl Bickel of St. Louis, Mo.; and one grandchild. Burial will be in Centralia Cemetery. Hayes Funeral Home at Centralia is in charge of arrangements.

Jerry A. Rohlf
 LAWRENCE — Services will be 2 p.m. Saturday at Haggge Funeral Home at Valley Falls for Jerry A. Rohlf, 25, of Lawrence, who died Thursday morning in a Lawrence accident near Lawrence. He was born Sept. 28, 1943, at Horton. He was a resident of Arlington, Mo., at the time of his death. He was a graduate of Atchison High School. The past year he was employed by John Haddock Ford Co. at Lawrence. Mr. Rohlf was a member of Eagles Lodge and the Lutheran Church. Survivors include a daughter, Pamela A. Rohlf of 1401 1st St. at Topeka; his mother, Mrs. Don Henning of Winchester; two sisters, Mrs. Carolyn Kuckelmeier of 1929 Bowman Court at Topeka; Mrs. Ruth A. Coady of Englewood, Colo.; his grandparents, Mr. and Mrs. Francis Whitcraft of Holton, and Mr. and Mrs. Oils Hickman of Holton. Burial will be in Valley Falls Cemetery.

Cleda Barker
 HORTON — Services will be 2:30 p.m. Saturday at the Chaney Memorial Chapel here for Mrs. Cleda Martha Barker, 89, a resident of the Horton community most of her life, who died Wednesday at a Horton hospital. She was born Nov. 9, 1880, in St. Joseph, Mo. She was the oldest member of the Horton Baptist Church at the time of her death. Survivors include two daughters, Mrs. ... of Tuley Park, Ill., and ...

Mount Pleasant, Iowa, for Ralph C. Strawn, 83, of 612 Kansas at Topeka, a resident of Topeka more than 60 years, who died Wednesday in Des Moines, where he was visiting friends. Burial will be in Forest Home Cemetery at Mount Pleasant.

Spillman Services
 Services will be 11 a.m. Saturday at Wall-Diffenderfer Chapel for Alvy Emerless Spillman, 66, of 507 Emmett, who died Wednesday at a Topeka hospital. Friends may call at the mortuary until service time. Burial will be in Rochester Cemetery.

Harry Bliss
 LAWRENCE — Services will be 2 p.m. Saturday at Hampton Funeral Home at Oskaloosa for Harry Bliss, 83, a retired farmer who died at his home here Thursday. He was born Jan. 27, 1886, near Oskaloosa. He retired from farming in 1942 and moved to Lawrence in 1943. He was a member of the United Methodist Church at Lawrence. Survivors include his widow, Mrs. Bessie Bliss, of the home; a son, Orlin Bliss of Whittier, Calif.; two brothers, Van Bliss of Oskaloosa and Don Bliss of Oakland, Calif.; three sisters, Mrs. Elsie Minick, of Kansas City; Mrs. Helen Daniel of Columbia, Mo.; and Mrs. Ruth Theyer of Wichita, and three grandchildren. Burial will be in Pleasant View Cemetery at Oskaloosa.

James W. Edwards
 SENECA — Services will be 2:30 p.m. Saturday at Thornburg Chapel here for James W. Edwards, 47, of Seneca, who died Thursday afternoon at a Seneca hospital. He was born Feb. 5, 1902, at Platte City, Mo. He moved to Seneca in 1943. He retired from AC Sparkplug Division in 1963. Survivors include his widow, Mrs. Winifred Edwards, of the home; a sister, Mrs. Ava Dryak of St. Joseph, Mo. Burial will be in Seneca City Cemetery.

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Many 17- and 18-year-old offenders in Kansas are now being released because of the lack of facilities.

Nude Drama Ban Appeal By Students

AUSTIN, Tex. (AP) — Students said they are appealing an official order to close a stage production in which spectators told of seeing three nude actors. Dr. Bryce Jordan, acting vice president of student affairs at the University of Texas, directed Thursday that Curtain Club performances of the play "Nov the Revolution" be halted. It nevertheless was presented Thursday night for the second time. Student body president Rostan Kavoussi said after ward, however, that the show was being suspended until an appeal could be made to the university's president, Dr. Norma Hackerman. Jordan had told the Student Union Board, made up of students and faculty member that he ordered the shutdown because of nudity on the stage. Described as psychedelic, the show enacts a marijuana party. Persons in the audience said it cast included a nude man lying on his stomach and two nude women in a far corner of the stage.

Leavenworth Store Burns

LEAVENWORTH (AP) — Fire destroyed a downtown business building Thursday night but firemen managed to save the structures on either side. A two-story building housing the Squire Shop, a men's clothing store, was destroyed. There was smoke damage to Crazy Kat, a night club, and Merchandise Mart. Assistant Fire Chief Cha Euston said it was impossible to determine immediately how the fire started or estimate the damage.

Police Chief Dies

TURIN, Italy (AP) — Police Commissioner Cesare, 43, died today while facing a charge of molesting students trying to open a school in this north Italian town. He was believed to have suffered a heart attack. The students were protesting school regulations.

MT. HOPE CEMETERY

Crime Code Views Aired

Supervisory personnel of the Topeka Police Department, County Attorney Gene Olander and State Sen. Elwaine Pomeroy met this morning to exchange views concerning legislation in the state Senate. Sen. Pomeroy said main items of discussion were proposed revisions to the state Criminal Code. He said he hoped to have similar meetings in the future. "Of course, I'm not going to agree with everything they say and they won't agree with everything I say. But it will be good for an interchange of ideas," he observed.

Wichita Mayor Not Candidate
 WICHITA (AP) — Mayor Bill Anderson said Thursday that he does not intend to run for the

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—AP Wirephoto

Marriage Told
 ir of the movie "Candy,"
 low, 32, of London, after
 ir marriage celebrated in
 year during the shooting
 has been writing movie
 vel. They kept their mar-
 it would hurt her career

Different Problems

urity system inoperative to
 so. For a jailer to enter
 hout a back-up man outside
 uld invite attack and make
 ill vulnerable to escape,
 oted.
 The complaint on handling of
 ison. came from not ar-
 ring in court on time for
 arjings and trials. Stawitz said
 at a lack of manpower pre-
 nted his doing all the jobs. He
 id if prisoners are coming into
 e jail and a prisoner needs to
 to trial, the one coming in is

'Brochure Order Job Of Mayor'

City Auditor Charles Holt said this morning it should be the mayor's responsibility to instruct necessary city personnel to work up a legislative program for state support in solving city problems.
 Holt said Mayor Charles Wright, at a meeting between city commissioners and members of the Shawnee County legislative delegation Thursday, seemed agitated that Topeka did not have an intricately prepared brochure citing Topeka's needs as was prepared for Wichita.

Holt, who attended the meeting Thursday afternoon, said the mayor called attention to the pamphlet prepared for the city of Wichita which "was an excellent brochure which was made up by the city attorney's office at the request of Wichita's city manager. It told the (Sedgwick County) delegation what he wanted them to do."

Authority in Mayor
 Holt said Topeka's mayor had the same authority over the legal department here, and should have instructed members of the department to prepare a similar list of needs for presentation to the delegation.
 "The point I'm trying to make," Holt said, "is that the mayor was trying to point out that the city was disorganized."
 "The mayor tried to make it appear this way. It's his own fault because he should have determined what was needed to be done and directed the city attorney to do it."

Burden Increased
 The city auditor said a lot of emphasis has been given to Topeka's heavy absorption of tax free property — state facilities, churches and other semi-charitable organizations — which increase the tax burdens

Divorce Bill Would Add Incompatibility

A bill was introduced today in the House which would add incompatibility to the list of grounds for divorce in Kansas.
 The measure, sponsored by Brian Moline, D-Wichita, would make incompatibility the eighth legal justification for divorce in the state.
 Another measure introduced today in the House would require the public housing authorities of cities in Kansas

which have such agencies to pay local property tax on the homes they own.
 The bill, sponsored by four Wichita state representatives, would repeal the clause in existing statutes which permits housing authorities to make a payment in lieu of taxes.
 The House Committee on Natural Resources submitted a bill to the House today which would make it optional for county commissioners to establish a fund to pay a \$2 bounty on coyotes.

sons whose lives might depend on such treatment.

Steichen is a medical doctor and general practitioner. Their resolution is not limited to organ transplants, but mentions the increasing frequency of such operations in the measure.

Another bill introduced today in the House would make the nuclear energy council a permanent state agency, and urge it to promote the development of industries in Kansas which use nuclear energy in their processing.

The bill, sponsored by Reps. Ansel Tobias, R-Lyons, and Bert Chaney, D-Hutchinson, also provides for storage of nuclear waste materials. Both men represent an area in Southwest Kansas where nuclear waste storage vaults have been developed in worked out salt mines.

Suspects' Car Yields Some \$2,000

EMPORIA (Special) — Police said today that "a little more than \$2,000 was recovered" Thursday from a car allegedly used by two men when they robbed the Emporia State Bank and Trust Co.

Detective Lt. Merle Hayes said this morning the two men were arrested shortly after the robbery, at a Kansas Turnpike entrance at Emporia.

U.S. Commissioner Fred Jackson said at noon today bank robbery charges had been filed against the two men in U.S. District Court today. He said they might be brought up for a hearing this afternoon, at which time bond would be set.

The two men were identified as Harlan T. Gleason, 18, 517 Watson in Topeka and Herbert A. Murray, 26, of Kansas City.

California Sees Sun

LOS ANGELES (AP) — Southern California basked today in unaccustomed sunshine,

Topeka State Journal 3
 Friday, Feb. 7, 1969

BONUS

KODAK FILM*

Colors 126-127-620-35mm (20)

REPLACES EACH KODACOLOR ROLL DEVELOPED

*A Negative Printable to Quality

Calandra's

Hallmark Card Shops
 DOWNTOWN — WHITE LAKES

Hints Indicate Parties Expect Abrupt Ending

LOS ANGELES (AP) — Sirhan Bishara Sirhan wants to plead guilty to the first-degree murder of Sen. Robert F. Kennedy, his lawyers said Tuesday — "give up and go to the gas chamber."

Defense attorney Grant Cooper said Sirhan was aroused over what the youth considered the improper use during his murder trial of his personal notebooks — which revealed him as a Communist supporter with his own timetable for Kennedy's assassination on June 5, 1968.

"He said if he was going to be tried this way, he might as well give up and go to the gas chamber," Cooper told newsmen. "We're not going to let him."

Witness 'Freed'

However, it was learned that a state witness, police handwriting expert Laurence Sloan, had been told he need not return to the stand — an indication both sides might be anticipating an abrupt end to the seven-week-old trial. Sloan had not finished his state testimony, and had not been cross-examined.

Eight pages of Sirhan's personal diary were made public the day by Superior Court Judge Edward V. Walker, most but not all of it eventually intended for scrutiny by the jury.

Time Establishing

Eighteen days before he shot Kennedy to death June 5, 1968, Sirhan had written: "Robert F. Kennedy must be assassinated before 5 June, 1968."

Sirhan also wrote: "I firmly support the Communist cause and its people — whether Russian, Chinese, Albanian, Hungarian or whoever."

Legislature Inside

The House Education Committee reversed action it took Monday which would have required vocational-technical schools to be operated either under a junior college board or a unified school district board. Story on Page 3.

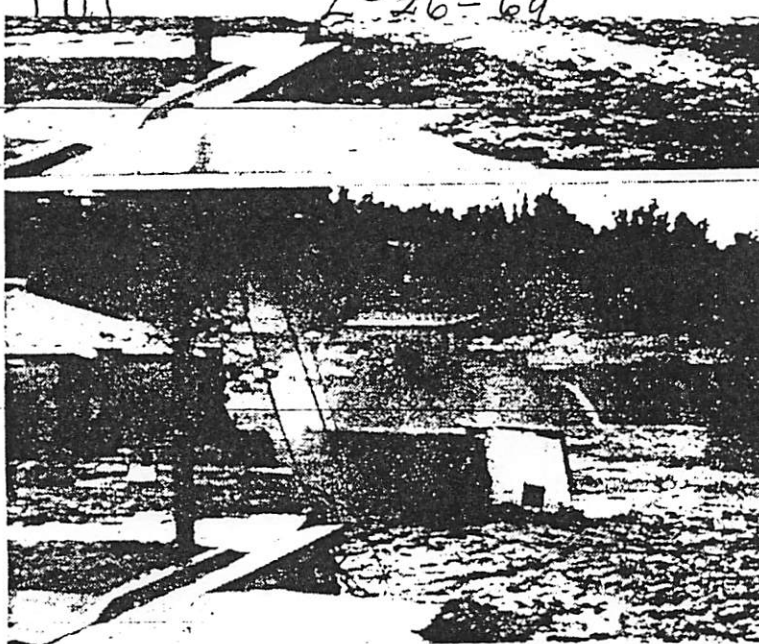
Cost of living increases have left Kansas lawmakers inadequately paid, a state representative testified in supporting a bill to raise the pay of Kansas legislators by about 40 per cent. Page 2.

Psychiatric aides met with Lawrence County legislators to discuss their problems and suggest solutions. Page 9.

... also on the Inside

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Comic Strips
Circulation Reports

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12



In rapid succession, two houses were destroyed Tuesday by flood waters in Tujunga, a Los Angeles suburb. At top, a house toppled into Tujunga Wash as another, its foundation undermined, teetered on the brink. Below, the second house was swept away.

12 Buried By Slides; Feared Dead

L.A. Times-Washington Post Service
LOS ANGELES — Mudslides buried alive "up to a dozen" storm refugees in adjoining Orange county and killed a father and three of his children in Mt. Baldy Village Tuesday as the toll from continued rain mounted throughout southern California.

In Ventura County, a wall of water raced down the Santa Clara river into the Ventura Marina, sinking or badly damaging 150 boats and wrecking the harbor.

Seven homes in the foothill suburb of Sunland were broken up and went sailing down the big Tujunga Wash. This area got 12.25 inches of rain in 24 hours.

Fire Station

Sixty evacuees were in a fire station in Orange County's Silverado Canyon when tons of mud and debris crashed down a steep canyon slope into the rear of the building.

The mud tore through the frame building, sweeping two fire engines, a rescue truck and many of the refugees out into the road in front of the station.

"No sound comes from those buried in the debris," said battalion chief Jim Wagner.

20 Injured

Initial reports from the scene indicated as many as 20 persons may have been seriously injured.

Silverado canyon has received 16 inches of rain since Sunday morning, and was closed at both ends by slides Monday morning.

New Crime Code Passed in Senate

By LEROY TOWNS
Legislative Writer

The Kansas Senate Tuesday passed and sent to the House a bill to implement a new criminal code, including a change in the abortion law.

The 25 to 12 vote, with three abstentions, was split over the controversial abortion section. The bill, the result of nearly six years' study by the Kansas Judicial Council, codifies Kansas criminal laws for the first time since most were written by the 1855 territorial legislature.

Harsh Fight

Adoption of the bill Tuesday followed a harsh floor fight Monday over an attempt by Sen. Wint Winder, R-Ottawa, to amend the abortion section.

Explaining his vote on the bill Tuesday, Winder declared, "To me, this bill is a confounding dilemma. It contains a much-needed codification of our criminal laws. It purport to protect the unborn child and the first nine months of pregnancy."

Winder will be physically met with Winder, when the subject

of abortions exceeds the live births," he added.

Several other senators said they were voting against the entire bill because of the abortion section.

Sen. Les Arvin, R-Rose Hill, contended that the abortion section would not even have been proposed had it been a separate measure.

Sen. John Vermillion, R-Independence, called the abortion section "the bad apple in the barrel."

House Changes

Several of those objecting to the section pleaded for the House of Representatives to amend the abortion section.

The abortion section reads, "Criminal abortion is the purposeful termination of the pregnancy of any woman by means other than by live birth by a person who is not a physician licensed to practice medicine and surgery in the state of Kansas and whose act is not performed within a licensed and accredited hospital."

The section, proposed by

(Continued on Page 3, Col. 6)

Policy Statements—

Mayor Candidates Speak

By CHARLES CORCORAN

The seven Topeka who will vote one another Tuesday in the primary election for the two mayor positions on the

Brewer said, "It's time city government be placed back in the hands of trustworthy people who represent all the people instead of special interest groups. The taxpayers

Will the city manager form of government for Topeka be an issue in the April 1 city election?

There are, it appears, two legal schools of thought on the question.

Appeal Possible

Assistant City Atty. Don Simmons, who argued unsuccessfully before District Judge Alex Hotchkiss last week on the question, said the mandamus action ordered by the judge Tuesday is subject to appeal by the city.

Judge Hotchkiss ruled in favor of the state — and consequently the Topeka Citizens Assn. — in an action to force Mayor Charles Wright to call an election on the question on the basis of a petition submitted to City Clerk Bill Douglass last Sept. 13.

Earlier Ruling

Douglass at that time held that the petition did not contain the 7,081 valid signatures necessary to call the election, after he ruled invalid 724 names which were accompanied by testaments they were legitimately signed by qualified voters.

The city clerk maintains that the petition, with about 11,000 signatures was insufficient after the signatures had been checked with the county voter registration rolls.

In his argument last week before Judge Hotchkiss, Terry Bullock, originally the legal representative for the Topeka Citizens Assn. and later named special counsel for the state at

(Continued on Page 2, Col. 5)

Forecast Calls For Clouds, Rain

The sun, which has been blotted out by clouds and fog in Topeka since last Wednesday, will remain out of sight again today and rain will develop late this afternoon or tonight, the Weather Bureau said.

Temperatures will remain well above normal despite the clouds, and high readings in the upper 50s are forecast for the Topeka area this afternoon.

Rain will continue through tonight, weather said.

The sun appeared Tuesday only in Southwest Kansas, where mercury levels rose to 73 at Liberal in the afternoon. Fog, drizzle and clouds were reported over the rest of the state.

Topeka's high of 52 was the warmest in the capital city since Feb. 5. The low was 38.

... Forecast by ... Maynard's ... Adv.

which can be at each ion. The U.S. Command said the intensity of the overnight shellings was about the same as the previous night's when some 50 targets were hit, but fell far short of the scope of the widespread attacks launched early Sunday. More than 150 towns and bases were hit in the initial wave of attacks and more than 200 have been hit in the past three days, spokesmen said.

U.S. B52 bombers and U.S. artillery ringed Saigon Monday with heavy explosions intended to halt the advance of enemy units believed approaching the capital.

Some of the blasts were so powerful they shook the ground within the city.

Allied officials reported over all casualties from the renewed round of enemy attacks as light.

Saigon Attack Violated Pact

L.A. Times-Washington Post Service
LONDON.—The Nixon administration has concluded that the communist shelling of Saigon was clearly not in keeping with the understanding reached by the Johnson administration that ended the bombing of North Vietnam and brought about four-sided peace talks in Paris.

This was the word early today from American officials who unquestionably are in a position to know the attitude of President Nixon.

These sources added that North Vietnam must honor what they called the agreement reached last fall with the United States.

But the same sources were emphatic in saying that the Nixon administration is not in any way committed to any specific category of possible reactions against the Communists which had been in the mind of the Johnson administration.

The sources said that the aim of the Nixon administration is a successful outcome of the Paris peace talks. The intention, it was added, is to take such action as may be necessary to support a successful outcome of those now apparently stalled negotiations.

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said, "I support for ease."

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does not cent sup-tax hike s veto A votes. is to over-

Kansas to Keep Stand Death Penalty

"A bill to abolish capital punishment in Kansas was killed Monday by a legislative committee.

The bill would have substituted a noncommutative life sentence for the death penalty.

Only three members of the House Federal and State Affairs Committee voted for the measure, and 16 registered their opposition on a show of hands.

Docking Asks

President Nixon waved to enthusiastic crowds after laying a wreath at the Tomb of the Unknown Soldier in Brussels Monday.

Witnesses Ask Helmet Law Repeal

New Crime Code Tentatively OK'd

The son of a former Kansas governor said Monday he is staunchly opposed to a law which requires motorcycle riders to wear crash helmets.

John Anderson III, son of former Gov. John Anderson Jr., told the House Roads and Highways Committee the law unnecessarily restricts personal freedom in a democratic society.

Anderson was among several young people who crowded into the committee hearing room Monday afternoon to testify in favor of a bill to repeal the motorcycle crash helmet law.

Private Citizen

Anderson was joined by Ross Zimmerman of Sterling, a member of the State Board of Social Welfare, who testified in behalf of the bill as a private citizen.

One witness passed around a crash helmet for members of the committee to try on. The bulky piece of headgear went from head to head as the lawmakers tested the contention of several witnesses that crash helmets are really unsafe because of the way they restrict vision and hearing.

Anderson, a 20-year-old junior at the University of Kansas, told the committee, "A democratic society must be careful not to restrict the freedoms that don't impose on the freedoms of others. For that reason, I believe it ought to be up to the individual whether he wants to wear a crash helmet."

Anderson's father was governor of Kansas from 1961 to 1964.

Proficiency Tests

Both the younger Anderson and Zimmerman told the committee they believe it would contribute more to safety if the Legislature would enact laws requiring motorcycleists to pass a proficiency test on their machines before giving them an operator's license.

Zimmerman said the present law requiring a crash helmet is difficult to enforce, and actually encourages motorcycleists to engage in unsafe practices.

"Instead of wearing an authorized helmet," Zimmerman said, "the kids will get anything on their heads whether it works or not in order to comply with the law."

No Monopoly

Teenagers and young people had no monopoly on the anti-crash helmet crowd before the committee.

Balding Virgil L. Sales of Dodge City told the committee he has been riding motorcycles for 55 years, and declared, "We ought to get rid of the crash helmet law."

Leslie W. Blevins of Lawrence, a motorcycle distributor, disputed comments of an earlier witness who said

White of Winfield: It rewrites and recodifies the state's criminal provisions.

Explaining the bill, Sen. Steadman Ball, R-Atchison, chairman of the judiciary committee, said it "gives more protection to peace officers than they now have."

He also pointed out that adoption of the code would mark the first time Kansas criminal laws have been rewritten since the territorial legislature of 1855.

Most Vital

"This is the most vital piece of legislature in the history of the state," he declared.

Although several parts of the bill had stirred controversy in committee discussions, only the abortion section drew critical comment on the Senate floor.

As tentatively approved, the abortion section is a five-line statement:

"Criminal abortion is the purposeful termination of the pregnancy of any woman by means other than by a live birth by a person who is not a physician licensed to practice medicine and surgery in the state of Kansas and whose act is not performed within a licensed and accredited hospital."

Situations Listed

Winter's amendment would have substituted language making abortion legal only:

—When the physical or mental health of the mother was in jeopardy.

—When there was reason to believe a child would be born with a physical or mental defect.

—When the pregnancy resulted from rape, incest or other felonious intercourse, including illicit intercourse with a girl under 16.

Winter's amendment was patterned after the recommendation of the Judicial Council. The recommendation was subsequently replaced with the five-line statement by an interim committee.

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Winter said his amendment would give some legal protection to the unborn child while giving the Legislature control over "this area of human life."

He was challenged by Sen. Bill Woodard, R-Wichita, who called the amendment "opening the door to an abortion mill in Kansas."

Woodard said individual doctors would not have the right of choice to perform an abortion or deny it under provisions of the amendment.

Winter countered by saying the five-line abortion statement would leave control over human life — the decision when to perform an abortion — in the hands of doctors and hospital staffs.

And he said accrediting agencies of hospitals have only minimal control and regulations concerning abortions.

He was supported by Sen. Les Arvin, R-Rose Hill, who said, "I would rather work on the wisdom of this legislative body rather than some accrediting group back in Ohio."

Hospital Panels

Hospital officials and doctors had testified before the Judiciary Committee that control under the section would come from hospital panels of three doctors.

The provision in the bill as tentatively adopted is one of the first of its kind in the nation, doctors had testified.

Winter's amendment would have made Kansas abortion law similar to laws in other states, including Colorado, California and Maryland.

The abortion section as recommended represents a considerable departure from present state law, which says a doctor can perform an abortion only when he thinks a mother's life is in danger from the pregnancy.

During the debate Monday, an attempt by Sen. Ed Reilly, R-Leavenworth, to have the bill referred back to committee failed on a straw vote, 23 to 14.

Changes in the bill recommended to the Senate floor by the Judiciary Committee and tentatively approved Monday include reinstitution of the state's present Habitual Criminal Act, a new definition of mental illness used as a legal defense, and deletion of a Judicial Council provision that would have allowed annulment of sentences already served.

Hospital Births

ST. FRANCIS
 Mrs. and Mrs. Eugene J. Bisher, 2622 S. 31st, Feb. 22
 Mrs. and Mrs. Gerald Attridge, Route 1, Feb. 24
 Mrs. and Mrs. Charles De Riemer, 414 W. 24th, Feb. 24
 Mrs. and Mrs. Jack Arnold, 1474 Harrison, Feb. 24
 Mrs. and Mrs. Bruce Gower, 1408 W. 22nd, Feb. 24

STORMONT-VALE
 Mr. and Mrs. Bennie Young, 1201 Central, Feb. 22
 Mr. and Mrs. Allen Coiers, Stanton, Feb. 24
 Mr. and Mrs. Roger Holmes, 2117 Golf, Feb. 24
 Mr. and Mrs. Robert Kinney, 1111, Wagon, Feb. 24
 Mr. and Mrs. Richard C. Brewer, 1305 Central, Feb. 24
 Mr. and Mrs. Eugene Miller, 275

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Another Bill On Meetings Due in House

(Continued From Page 1)

meetings bill and the replacement measure is omission of a phrase aimed at committees of the Legislature.

The existing bill would prohibit secret votes. The new measure does not mention the subject.

Another difference between the two measures is the new bill's omission of provision forbidding the action of a governmental body taken during a secret meeting.

Existing Provision

Under a clause in the existing bill, at least 25 citizens could petition the district court to overturn the decision of a government body made during closed or executive sessions.

Kansas is one of only eight states without a law, requiring governmental bodies to open their meetings to the public.

Turner said the replacement measure's chances for passage, at least through the House, are improved by introduction of the legislation as a committee bill.

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Families Leave Threatened Area

LOS ANGELES (AP) — Hundreds of families were evacuated from homes in Orange and Riverside counties Monday as Southern California's continuing rainstorms caused more flooding and earth slides.

Mountain blizzards trapped weekend skiers and 14 Girl Scouts were rescued from deep snow.

In Orange County canyon, more than 3,000 residents were affected by flooding and slides.

Four Explorer Scouts and their leader were missing on a mountain ski trip.

The latest storm, one of many that have pelted California since early January, deposited nearly 2. inches of rain in Los Angeles.

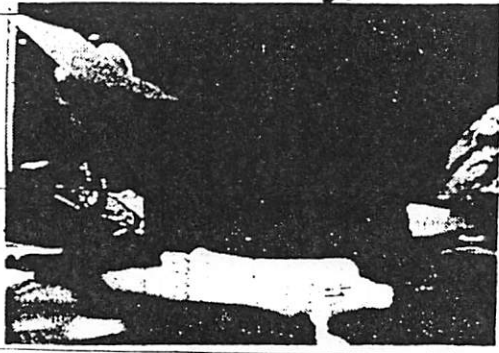
The rainfall, over six weeks exceeds 20 inches.

Gas Killed Aquanaut

SAN DIEGO, Calif. (AP) — Sealab III aquanaut Berry L. Cannon died from carbon dioxide poisoning while 610 feet below the Pacific Ocean surface, County Coroner Robert Creason said Monday.

Luncheon Buffet

WINE DRIVE



—STAFF PHOTO

SEN. WINT WINTER . . . seeks revisions

New Crime Code Tentatively OK'd

By LEROY TOWNS
Legislative Writer

The Kansas Senate Monday turned back a pitched effort to amend the abortion section of a new criminal code, then by voice vote tentatively adopted the total code.

The bill which would implement the new criminal code will come up for formal roll-call vote in the upper chamber today. But preliminary approval by voice vote usually signifies favorable treatment on the formal roll-call.

The two-hour floor battle to replace the code's abortion section with more confining language was led by Sen. Wint Winter, R-Ottawa.

Specific Guidelines

Winter's amendment would have spelled out specific guidelines when an abortion could be legally performed. The abortion section as tentatively adopted leaves the specific guidelines to individual hospitals and their accrediting agencies.

Winter's amendment failed on a straw vote of 20 to 18. A second attempt, to remove the abortion section from the bill, also was defeated by voice vote. That move was made by Sen. Ted Saar, D-Pittsburg.

The Senate action left the criminal code bill as it was approved earlier in the Senate Judiciary Committee. The committee, however, had made several changes in the original version of the bill suggested by the Judicial Council.

Six Years' Work

The code is the result of nearly six years of work by the council and a subcommittee headed by District Judge Doyle

(Continued on Page 2, Col. 6)

Finance Plan Gets KASB's Approval

By JEAN LANGE

The Kansas Assn. of School Boards Monday voted to accept with modifications a state school finance program it rejected in January.

The KASB also voted to oppose Senate Bill 218, the "Educational Professional Negotiation Act", and to submit a permissive bill of its own.

The school finance program already has been endorsed by the Kansas State Teachers Assn., the State Dept. of Public Instruction and other educational groups. The plan calls for the state to assume 50 per cent of the total operating cost of elementary and secondary education in Kansas.

Although the KASB, along with the KSTA, helped write the

formula of state aid until a study was made on other tax bases for local school finance purposes.

The modifications accepted Monday already have been agreed upon by other organizations supporting the bill, said Dr. M. A. McGhehey, executive director of the KASB. The modifications are:

—Deletion of pupil-teacher ratio factor.

Minimum Tax

—Inclusion of a minimum local tax of 15 mills on the district's adjusted assessed valuation. Any school district maintaining a levy below 15 mills would have its state-aid reduced proportionately. In addition to the 15-mill levy, an income tax in an amount deter-

Boston said it expected a foot or more of snow in the city before the storm tapers off today with higher amounts elsewhere.

Some sections were already reporting accumulations of 12 inches or more by early evening. These included northwestern Rhode Island, where a weather observer in Scituate reported 15 inches of new snow, and the Blue Hill area near Boston, where a Weather Bureau Observatory reported 13 inches.

Logan International Airport in Boston was closed.

Started Monday

The storm started early Monday, with the Weather Bureau calling it weak and relatively unimportant, and forecasting between 2 and 6 inches of snow. It deepened rapidly, however, as it swept northeastward along the coast.

The Massachusetts Department of Public Works declared a state of emergency at mid-afternoon and state police said travel on the Massachusetts Turnpike was "touch and go."

Boston called out 500 workmen to keep the city's streets cleared and public schools were dismissed at 1 p.m.

Similar steps were taken in the region's other cities.

Storm Surprise

A similar northeaster which dumped up to two feet of snow Feb. 9-10 had caught the area by surprise.

This time, however, officials said normal storm cleanup procedures were being used. "We're getting on top of the storm and staying on top of it," said an official of the Massachusetts Department of Public Works.

In New Hampshire, search parties fought 9-degree temperatures, 30-mile-per-hour winds, snow and fog to rescue a Salem, N.H., man who fell into a gorge on Mt. Washington Sunday as he and four companions tried to climb the mountain on snowmobiles. The rescuers found Raymond Philbrick, 45, alive and in good condition.

Legislature Inside

A group of psychiatric aides at Topeka State Hospital told a House subcommittee Monday that disturbances at TSH and at Kansas Neurological Institute last summer were inspired by doctors, not aides. Story on Page 13.

The House Assessment and Taxation Committee heard testimony on three of the five proposed homestead exemption bills pending before it. Page 13.

Three bills designed to raise the salaries of most Shawnee County elected officials was approved by the House Committee on Elections, Fees and Salaries. Page 5.

... also on the Inside

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Neither Harley Phillips nor Patricia O'Rourke (right), both of Hutchinson, appeared to encourage Monday as Rep. Fred W. Rosenau, D-Kansas City, and Rep. Ambrose Dempsey, D-Leavenworth, members of the

House Roads and Highways committee, examined a crash helmet. Legislators were among permissivists to wear helmets. Story on Page 12.

Mariner to Probe Surface of Mars; Launch Pending

CAPE KENNEDY, Fla. (AP) — America's camera-carrying Mariner 6 rocketed on an apparent "perfect" course toward Mars Monday night, aiming for a July 31 rendezvous which could reveal if life can or has existed on that mysterious red planet.

"It looks like we're right on target, both in time of arrival and location as we go by the planet," said Harris M. Schürmeier, Mariner project manager from the Jet Propulsion Laboratory at Pasadena, Calif.

Kicking off one of the busiest and most significant weeks in the nation's space history, the windmill shaped craft blazed away from Cape Kennedy atop a fiery Atlas-Centaur rocket at 8:29 p.m. EST. It opens a six-spacecraft scientific assault aimed at the surface and atmosphere of Mars during the next four years.

It was the first of three space missions scheduled this week. "and we have started off with what we think is a perfect launch," said Robert H. Gray, launch director for the

National Aeronautics and Space Administration's Kennedy Space Center.

The three Apollo 9 began a 10-day earth orbit and a weather satellite Wednesday.

Project officials said Centaur booster drilled its parent perfect course an velocity to speed about 2,000 miles per hour to the red planet on July 31.

The National Aeronautics Administration originally planned the Mariner 15 minutes earlier. But the liftoff was delayed by ground support equipment problems caused by ground support equipment flight hardware.

Thirteen minutes after liftoff, the spacecraft successfully separated from the Atlas-Centaur upper stage. Four power-producing solar panels were making the craft appear to be whirling toward its distant

Seventh Step Constitution, Seeks Funds Measures State

By ROGER MYERS
Statehouse Writer

The Kansas chapter of the Seventh Step Foundation is undertaking a fund drive to raise \$5,000 to tide its program over until promised funds begin arriving.

Bill Larson, state director of the organization which helps recently released convicts adjust to post-prison life, said he is welcoming contributions from civic groups or individuals.

Larson said a financial gap has been created by an uneven distribution of pledged donations. The foundation receives \$100,000 each year.

He said there have been gaps in the budget since the foundation was organized here five years ago, but the fund drives

authorized by the constitution. The House Republican majority agreed Monday to have all the recommendations of the Constitutional Revision Committee drafted into bills for introduction in this session of the Legislature.

House GOP members also talked about accelerated highway programs, but postponed until sometime later this week a formal vote on which road plan they will support.

Republicans control the House, 87 to 38.

Rep. Calvin Strouwig, R-Abilene, speaker of the House and spokesman for the caucus, said the GOP representatives

(Continued on Page 2, Col. 1)

Doctors Say Ike Beautifully Cut—Mainbock

By LOUISE COOK

WASHINGTON (AP) — Former President Dwight D. Eisenhower progressed smoothly Monday toward recovery from high-risk abdominal surgery to remove an intestinal obstruction.

The five-star general took small sips of water and his life signs — pulse, blood pressure, breathing, and temperature — remained stable, officials at Walter Reed Army Hospital announced.

NEW YORK (AP) — Mainbock, whose name is synonymous with fashion elegance, showed Monday that like a vintage wine, he improves with age, but never changes his basic flavor.

The 78-year-old designer, whose clothes start at about



—Staff Photo

VERNON BRIDGES... Seventh Step Ideas squelched

Seventh Step Club Fights Crime Cycle

By CAROL BREWER

From the oilfields of Russell stole tricycles, then went bigger and better things—car theft, first-degree burglary, and check-cashing spree that netted \$10,000 in 15 states. An unusual story for a few of the boys who grew up in the 30s and war-torn 40s when Vernon (Doc) Bridges, 44, 1920 began stealing to earn the approval of friends and ended up 27 years in prison. His role from the Kansas penitentiary at Lansing, Mo. He has served 20 years, says it is unusual for him to learn to leave the place where it is—instead of with him to whatever he can build after he gets

Modern Crime Approach Cited

Former Director
Robert Docking said Sunday that although the lawlessness of other states has not reached Kansas, the national confusion about how to solve crime problems is evident in the state. Discussing specific ways to correct this confusion, Docking praised the Topeka Reception and Diagnostic Center. The center, which conducts 60-day psychiatric evaluations of persons sentenced to terms in Kansas penal institutions, provides valuable reports to state officials.

Two-Year Mark
He told delegates at the 10-state Regional Institute for State and Local Assessment and Planning in correction, that Kansas prison and reformatory population has been reduced considerably. Much of the decrease is due to increased use of probation on the part of our District Court judges and parole, on the part of our state Board of Probation and Parole," Docking said. While he praised immediate treatment and probation and parole methods of dealing with criminals, he said, "My

WICHITA (Special) — Gov. Robert Docking said Sunday that although the lawlessness of other states has not reached Kansas, the national confusion about how to solve crime problems is evident in the state. Discussing specific ways to correct this confusion, Docking praised the Topeka Reception and Diagnostic Center. The center, which conducts 60-day psychiatric evaluations of persons sentenced to terms in Kansas penal institutions, provides valuable reports to state officials.

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(Continued on Page 2, Col. 3)

Store Owners

...to their face," he said. "It is, whether it is a white, Negro, or Chinese, and so on. It is a matter of self-defense, the use of weapons by the store owners themselves was suggested by Sgt. Ritchie. It is a very risky propo-

...to learn how to use a gun. Chief Dana Hammer, who presided over the meeting, confined his remarks to "inequities of the court system and the need for interest in the Governor's Committee on Criminal Administration. Hammer did support Ritchie's comment on proper gun use. "We are willing to

37th, became the second candidate.

Mrs. Corn was unsuccessful in her bid for the Democratic nomination for the U.S. Senate seat from Kansas.

L. V. "Tommy" Thompson, 48, who lost to the present Mayor Charles W. Wright, Jr. in the 1967 election by fewer than 1,500 votes out of more than 28,000 cast, was an expected candidate in the field of seven running for mayor.

In all, 14 candidates are in the races for city election. In addition to Mrs. Corn, McNeive and Thompson, Wendell Brewer, of 810 E. 11th, who will be 25—the minimum legal age for mayor—March 12, was a last-minute surprise candidate for the office.

Brewer holds a position with the Topeka Recreation Commission and is the only black candidate in the field.

Legal Dilemma
Brewer's age brought about a behind-the-scenes dilemma for the city clerk and the city's legal department which called for a look into the state's law books. It was finally decided that, should he win, he could legally become mayor.

The law states the mayor and commissioners must be 25 years of age or over. It does not disqualify a candidate for the office should he be younger during the campaign.

Two hours before the deadline, Donald A. Hiechel, 2006 Iowa, paid the \$5 filing fee and presented a signed petition qualifying him as a candidate for the mayor's office.

Hiechel, 55, was an "unsub-

(Continued on Page 6, Col. 1)

W. Germany Makes Offer To Soviets

BERLIN, Germany (AP) — West Germany told the Soviet Union Sunday it will call off its dogs if its next president in West Berlin of Communist East Germany makes any real concessions in return.

German sources said negotiations were to begin either Sunday evening or today and that the Soviets would have to be prepared quickly to allow the to hold a free election, now scheduled for March 5.

East German leader Walter Ulbricht made an offer of negotiations Sunday. He said that West Germany would be a "contributor to detente and towards promotion of better Soviet-West German relations."

It was their second meeting on the subject in 24 hours, and Tsochapkin told Kiesinger that shutting the election to a West German city would be a "contribution to detente and towards promotion of better Soviet-West German relations."

Kiesinger accepted the Communist offer to negotiate but indicated he wanted more than just what the Communists were offering for switching the site

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Invisible Marking
The invisible marking of an address or a store's license number was suggested to allow police to identify stock confiscated from suspects after a hold-up in which liquor is stolen. To assist store owners in spotting confidence men and "till-tappers," Sgt. Ritchie described the techniques used by these types of unarmed bandits.

Envoy Upset By Britain's Action in Row

LONDON (AP) — Britain's row with France took a surprising turn Sunday with the man at the center of the storm—Ambassador Christopher Soames—reported considering resignation. This possibility emerged after President Nixon set out on what he had hoped would be a quiet fence-mending swing through five European capitals. Instead, a continental turmoil awaits him, with some of America's closest friends in fierce dispute and the future of the Common Market in doubt.

Quick Talks
Soames flew in from Paris for a quick round of consultations with Prime Minister Harold Wilson, Foreign Secretary Michael Stewart and other British officials closely concerned in confrontation with Charles de Gaulle's France. A major issue in the exchanges according to senior authorities, centers on whether the envoy can be dissuaded from quitting his post to protest the government's handling of the affair.

Government officials claimed their disclosure of the French leader's proposals was vindicated by public and official reaction in the allied countries most affected. They said Chancellor Kurt Georg Kiesinger of West Germany was shocked and upset when Wilson outlined De Gaulle's thinking.

Meeting Called
Soames returned to Paris late Sunday night and refused to the comment on the matter except and was to say that no meetings had been scheduled with De Gaulle. De Gaulle was to meet today with the Ambassadors of France's five Common Market partners to present the French version of the De Gaulle-Soames talk.

When Soames returned to London Sunday morning, he carried a protest note from French Foreign Minister Michel Debre over London's disclosure of the De Gaulle proposal. There was no British reaction to the French complaint.

Actress Becomes Ill; Show Is Canceled

DETROIT (AP) — Actress Mary Martin was stricken with food poisoning and the Saturday night performance of the musical

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Owners Get Police Advice

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for your use in learning how to handle a weapon," the chief said.

Sgt. Ritchie was explicit about when and where a store owner should use his gun. "I think you all know the best target if you have to shoot. You'll never get a wider target than a man's back as he walks out the door."

The sergeant also explained the use and dangers of gas-type items such as Chemical Mace and tear gas.

Both Sgt. Ritchie and Lt. Freel discussed the difficulty of apprehending and charging suspects.

Line-up Described

In listing a number of police methods for identifying suspects, Lt. Freel said: "One of our methods is the line-up. That is when, if you have seen the robber, we bring four men into the line-up room and you pick the one that looks most guilty."

Two ideas which were presented to aid the liquor store owners were the installation of relatively inexpensive film equipment and invisible marking of bottles to assure their return after a robbery.

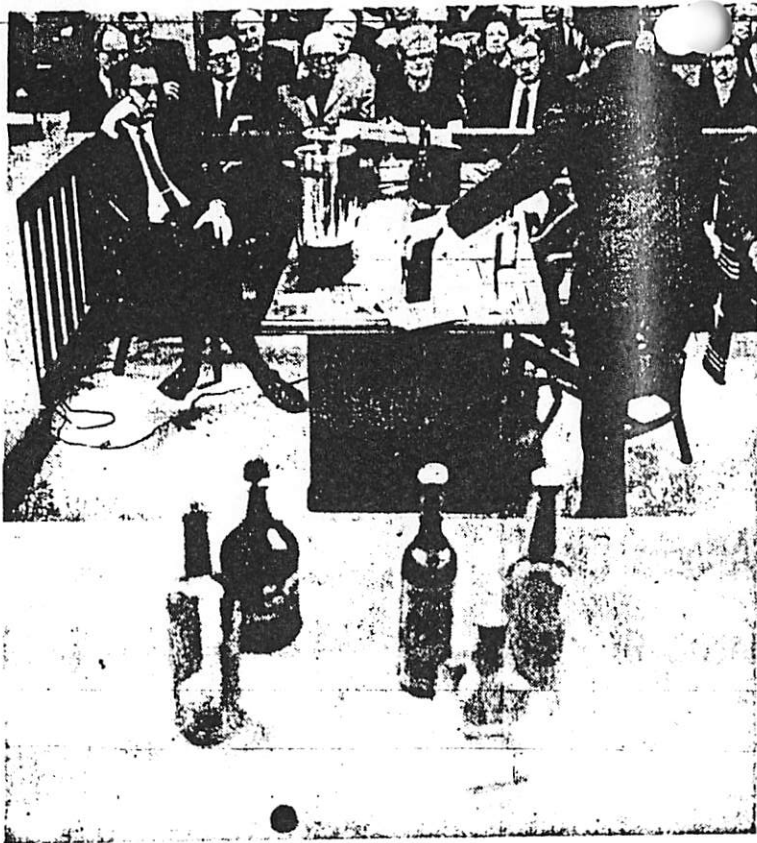
Sgt. Ritchie and a representative of a local photography store demonstrated a four-minute film which showed a simulated robbery.

Invisible Marking

The invisible marking of an address or a store's license number was suggested to allow police to identify stock confiscated from suspects after a hold-up in which liquor is stolen.

To assist store owners in spotting confidence men and "till-tappers," Sgt. Ritchie described the techniques used by these types of unarmed bandits.

Envoy Upset By Britain's



—Staff Photo by Bob Graves
Topeka police Sergeant Ed Ritchie used a "black light" to demonstrate to liquor store owners how invisible bottle markings can lead to their eventual return after a robbery.

Fund Lack Hampers Work With Convicts

(Continued From Page 1)

earliest recollection is of stealing toys like tricycles and riding them home. Then I used to shoplift because kids I ran around with knew I would — it was my way of getting recognition."

He described his life with 10 sisters and brothers as "secure." "We were a poor family, but I don't remember ever being hungry and I don't ever remember ever going cold, either," he said.

The pleasant-faced man with horn-rimmed glasses opened his

said. "I stole a quarter million in hot checks, but I never was convicted for that," he added.

Bad Checks

After his release from prison in 1960, he arrived in Kansas City at 10 a.m. one day with \$35 in his pocket. Later the same day he was in Western Kansas with \$935 gained by passing bad checks.

In 1961, he returned to Lansing with a 30- to 60-year sentence as a habitual criminal.

And at about this time, his life began to change. He studied law in prison, and after three appeals—the last to the Kansas

especially since the Seventh Step club folded last summer for lack of funds, he said.

Although an office and answering service is maintained at 935 Kansas, he said, it is "just an office, maintained as a point of contact. It's a shame, too, because 95 per cent of the guys who come out don't realize there's no one there."

A fund drive last summer enabled the Seventh Step club to pay bills and relocate as quickly as possible — "because if we'd let it go three or four months, we would have been dead."

Tax Savings

On Criminals

(Continued From Page 1)

rehabilitation, the governor said:

"In Kansas, however, we are not about to allow lawlessness to reach into our cities and towns and inhibit the freedom an opportunity our people have consistently enjoyed."

He urged that Kansans not react violently or emotionally to the problems of crime.

"Recent movements toward reform in our prison system ask that the offender no longer be regarded as a person to be controlled and kept," Docking said. "Instead he should become, for some purposes at least, a patient.

New Maxim

"The old rule of let the punishment fit the crime, while still valid, should also be considered within the light of a new maxim — let the treatment fit the need of the individual offender."

He stressed that parole and probation services should be available to all felons, juveniles and those adults convicted of misdemeanors who need or can profit from community treatment.

"We must not react to violence with violence," Docking said. "The days of the nightstick in law enforcement have passed.

Goals Listed

"Our goals are to strengthen law enforcement; reduce criminal opportunities; develop a broader range of techniques with which to deal with individual offenders."

The responsibility for crime control was handed over to the states through the Omnibus Crime Control and Safe Streets Act of 1968, another method of meeting crime problems that Docking praised.

Through the Safe Streets Act, Docking said, state governments are charged with setting up comprehensive statewide programs for improving law enforcement.

Revitalize System

"We can strive to revitalize our system of criminal administration," he said, "perhaps rehabilitating offenders and curbing future



ABBA EBAN
... punishment promised

Spy Waited For Pueblo's Crew in U.S.

L.A. Times-Washington Post Service
CORONADO, Calif. — A North Korean agent named "Kim" was waiting in the United States to contact selected Pueblo crewmen had they been released last October, as was apparently planned at one time.

He stressed that parole and probation services should be available to all felons, juveniles and those adults convicted of misdemeanors who need or can profit from community treatment.

Picture Emerges

That is the picture that emerges from jigsaw pieces of testimony before the naval court of inquiry here, which begins its fifth week of hearings today.

It was in late September and early October that the captors of the Pueblo's 83 surviving officers and men tried to win friends and influence among the crew.

Those were the days of "cultural" excursions by bus away from the detention barracks set among the collective farms outside Pyongyang, North Korea's capital.

Special Sessions

And they were the days of the "gypsy tea room" sessions when certain officers and men were taken, one at a time, to another building and subjected to the gentle blandishments of two North Korean civilians.

Hospitalman I. C. Herman P. Baldridge dropped the major clue to the North Korean plan in describing his own visit to the "gypsy tea room."

The two hosts, who were the

ACTIVE DEFEAT

JERUSALEM (AP)—Israel will resort to "active defense" against Arab guerrilla attacks, Foreign Minister Eban told the cabinet Sunday.

Israel made known its decision to strike by more than 8,000 mourners attended funeral services for the terrorist bombing of Jerusalem's biggest synagogue, which killed two persons and wounded nine Friday.

Deputy Prime Minister Yigal Allon vowed "active defense" that "those responsible for terrorist acts will be punished."

A communique issued after the cabinet session by Prime Minister Levi Eshkol, Defense Minister Dayan and the army commander, Brig. Gen. Haim Bar-Lev, said Israel had made its decision known to "neighboring governments."

Powerful Operation

Eban's announcement was regarded as approval of a powerful military operation against Arab forces in one of Israel's neighboring countries.

The communique said the meeting, held in Jerusalem, was devoted almost entirely to the raid on an El Al airliner in Zurich Feb. 18 and to Friday's attack on a bus.

The Popular Front of the Liberation of the Middle East, a Marxist guerrilla outfit with an office in Amman, Jordan, claimed responsibility for both the Zurich and Jerusalem attacks.

Israel's Duty

The terse official statement said: "The cabinet discussed outrages against Israel both at home and abroad that were carried out recently by sabotage and terrorism which are guided by the Arab states."

The statement said Eban reported to his colleagues that "Israel's duty is to resort to active self defense."

Eban delivered a note to U.N. Secretary-General U Thant last week asking him what "constructive international action" he had in mind to halt sabotage raids on Israel's airlines.

Eban told the cabinet he welcomed the decision of Middle East mediator Gunnar Jarring to return to his quarters in Cyprus.

Assumption Proved

He said Jarring's decision to resume contact with the Arab states in the Middle East dispute "proved correct" and "earlier assumption" that the proposed Big Four summit in New York "could only complicate the situation."

Nixon Vows Peace Push During Trip

(Continued From Page 1)

shouts, but his expression failed to betray it.

Four Taken Away

Police carted away four of the demonstrators, of whom three were identified as pro-Chinese Communists. They had stationed themselves atop the nearby airport terminal.

But there were far more cheers than boos for the President's speech.

maintained the "pro-Chinese" aggressive nationalism, "perpetrated by a sense of obligation to its people." The arrival speech and the king's speech were equally short. The Belgian host to such international organizations as the European Common Market.

LONDON (AP) — President Charles de Gaulle was reported Friday to have invited Britain to join in setting up a new European grouping to supplant the Common Market and ultimately the North Atlantic Treaty Organization.

Paris, the British report denied. British sources said Prime Minister Harold Wilson's government snubbed the scheme and, after due notice to France, advised its immediate allies and the United States.

The development, carrying far-reaching implications for European and American policymakers, was disclosed by British sources who claimed that the French began leaking slanted versions first.

Toward Showdown
It brought London and Paris toward a showdown and seemed certain to complicate the original purpose of President Nixon's journey through five capitals of allied Europe. One of the main aims of Nixon's trip is to reinvigorate the sagging Western Alliance.

De Gaulle's plan reportedly envisaged a French-British agreement to launch a wider European free trade area run by a French-British-West German-Italian directorate. This organization would supersede the Common Market.

Once European independence in global terms had been achieved, the new grouping would make NATO—with what De Gaulle saw as its American finance—unnecessary.

Qualified Reply
In reply of the Wilson government, delivered eight days later, was qualified. The French proposals were reported as "far-reaching and significant." But De Gaulle's views on NATO and its future role were rejected. And the British reaffirmed their wish to join the Common Market.

On the understanding that Britain's and France's partners in the seven-nation Western European Union (WEU), were fully consulted at all stages, the Wilson government reportedly said it was ready to enter talks.

Denied by French
In Paris, the French government distributed an official statement through the French News Agency denying De Gaulle had made any such proposal.

It is declared by authorized French sources that contrary to what the news stories—presented with a sensational character—lead one to believe, the president did not, during a recent interview accorded to the British ambassador, express orientations different from those which have been publicly and constantly defined by him during the last few years." the statement said.

It said France considered engagement of the Common Market and especially by that of Britain, would bring on a change in the community and, as a practical matter, its disappearance.



LT. GOV. JAMES DeCOURSEY... a relative symbol

DeCoursey Milk Reception Planned

By RON COLLIVER

How about this for a TV commercial? Lt.-Gov. James DeCoursey approaches the camera with a glass of milk in hand. "Fellow Democrats," he begins, "if you want to be successful politicians in a Republican state, just drink

a quart of DeCoursey milk every day. You'll be surprised at the results."

Actually, that's a long way from what the lieutenant governor will be saying when he greets guests at a milk reception in his honor this afternoon at the Jayhawk Hotel.

Out of Business

DeCoursey Dairies went out of business several years ago.

Instead, the first Democratic lieutenant governor of Kansas since 1960 will be trying to better identify himself with his relatives, who for several generations operated one of the largest dairies in the State.

As his press secretary, Mike Lennon put it, "Both times Jim ran for lieutenant governor he was defeated—in 1964, nobody associated his name with the DeCoursey Dairies that were known throughout the state several years ago."

The DeCoursey family established the second dairy in

(Continued on Page 2, Col. 8)

Rain, Cloudiness Might Slack Off

Light drizzle will end in the Topeka area this morning and, cloudiness will decrease slowly today, the Weather Bureau said.

High temperatures in the upper 30s are forecast.

Western Kansas saw the sun Friday, but clouds, fog and drizzle were reported in the east and central.

Temperatures in Topeka ranged from 34 to 42. Precipitation was .05 inch.

Trapped in Alfalfa Pellets—

Man Rescued From Storage Bin

A bottle filled with flammable liquid exploded early Friday morning inside the Military Science Building at KU. At about the same time, three persons were taken from the roof of the country club at Manhattan as fire gutted the \$600,000 structure.

Early Thursday, flames had demolished a three-story business building at Herington owned by C. F. Thompson, city utilities commissioner and central figure in a controversy over past operation of the utilities department.

Ramey said he knows of no connection among the three fires.

Two Separate Fires

He said of the Manhattan Country Club fire, "Preliminary investigation indicates it may have been a set fire. In my investigator's opinion, there were two separate fires rather than one. Ordinarily, if we find two separate fires we think there is evidence it has been set."

He said there was a fire in the basement and a fire on the first floor. A concrete floor separates the two areas.

Ramey said the building, reconstructed after a 1963 fire at the country club, was almost except for part of the basement area.

Residents on Roof

Residents of a penthouse apartment at the country club were driven to the roof by smoke about 3 a.m. Mr. and Mrs. Ronald Fogler and 79-year-old Mrs. E. Kowalski, Fogler's mother, were taken from the roof by firemen after their two sons had jumped to safety on a lower balcony.

The fire, which raged about eight hours, destroyed a golf shop, equipment storage room, snack bar, lockers, kitchen, dining room, bar, lounge and dancing area. The loss was estimated as high as \$600,000 by an insurance adjuster.

"We are still investigating the blaze and have called in the

Red Cease-Fire Ends in Vietnam

SAIGON (AP) — The enemy-called Tet cease-fire week ended this morning, five hours after Viet Cong capped a series of armed incidents by briefly breaching the defenses of a U.S. outpost. The allies were alert for a new attack on Saigon.

Gen. Creighton W. Abrams, commander of U.S. forces in Vietnam, said Friday there is "massive evidence" of enemy plans for an offensive. Giving no dates, he indicated it could come when enemy commanders believe their forces are strong enough.

Abrams was speaking to 9th Division infantrymen south of Saigon.

Criminal Code Fight Pending

By LEROY TOWNS
Legislative Writer

The first real floor fight in the Kansas Senate this session is shaping up over a new code of criminal procedure containing a controversial "open end" abortion section.

The fight likely will be led by Sen. Wint Winter, R-Ottawa, a 38-year-old lawyer who says he has the support to amend the abortion section out of the bill and replace it with a more restrictive section.

Winter wants the criminal code to contain legislative guidelines stating just when an abortion can be performed legally.

Not Morally Opposed

Winter, who says he doesn't oppose the abortion provision on religious or moral grounds, began battling when abortion was discussed in the Senate Judiciary Committee.

An attempt in the committee to replace the liberalized section with more legally restrictive language failed by a vote of 8-6.

The committee then moved the criminal code, which completely rewrites the state's laws governing criminal matters, to the Senate floor, where it is on the docket for debate the first of next week.

Five-Line Statement

As approved by the committee, the abortion section is a simple, five-line statement:

"Criminal abortion is the purposeful termination of the pregnancy of any woman by means other than by live birth by a person who is not a physician licensed to practice medicine and surgery in the state of Kansas and whose act is not performed within a licensed and accredited hospital."

Although by necessity stated in negative terms, the provision means a licensed doctor could perform an abortion for unspecified reasons in an accredited hospital.

Officials of the Kansas Hospital Assn. have pointed out that abortion guidelines and

(Continued on Page 2, Col. 2)

Dock Contract OK'd

NEW YORK (AP) — Longshoremen in Miami, New Orleans, Baltimore and Hampton Roads, Va., voted Friday to accept new contract offers and end a 63-day strike. Some of the men went back to work immediately, others planned to be back on the job Saturday.

Small text at the bottom of the page, possibly a printer's mark or contact information.

On the Inside

Large vertical number '2' on the right edge of the page.

Tax Bills Wait House Action Kansas Senate Fight Likely On Criminal Code Changes Harmony Cited In Statement

(Continued From Page 1)

of the Governor's Advisory Committee on Tax Reform. If either is enacted, Blue Cross-Blue Shield would be without statutory authority for its present tax exempt status, along with a lot of other non-profit organizations which own property in Kansas.

Because of the statewide impact of repealing so many property tax exemptions, it's likely a decision on the matter will await policy decisions by the Republican majorities of the House and Senate at caucuses soon.

However, Slocumbe has noted the two measures dealing specifically with Blue Cross-Blue Shield could be taken off the shelf quickly and be put through the Legislature.

Meanwhile, the Shawnee County assessor's office has completed an appraisal of the Blue Cross-Blue Shield building at 12th and Topeka, which gives it an up-to-date valuation on the structure for the first time in many years.

Figures on file with the county assessor show the building has an appraised market value of \$2,406,880. Another \$500,000 worth of new value is expected to be added by a new wing under construction.

State law calls for property to be assessed for tax purposes at 30 per cent of "justifiable value," which courts have interpreted to mean market value.

Thus, if the 30 per cent valuation is used as a basis for applying the Shawnee County tax levy, Blue Cross-Blue Shield would owe \$101,811 in property tax.

However, state studies by the property valuation department indicate that property in Shawnee County is actually being valued at between 18 and 20 per cent of justifiable value.

20 Per Cent Basis

Using 20 per cent as a basis and applying the Shawnee County tax levy, Blue Cross-Blue Shield would owe \$67,874 in property tax.

(Continued From Page 1)

procedures, under the bill, would be spelled out later by policy groups within each Kansas hospital.

The section approved by the committee and opposed by Winter was recommended by hospital officials and doctors.

In the code, the section replaces a more restrictive abortion provision drafted by the Kansas Judicial Council during its five years of work on the new criminal code.

When Permitted

The Judicial Council recommendation, thrown out in favor of the hospital proposal by an interim committee last summer, would permit legal abortions when:

—The physical or mental health of the mother is in jeopardy.

—There is reason to believe a child would be born with a physical or mental defect.

—The pregnancy resulted from rape, incest, or other felonious

intercourse, including illicit intercourse with a girl under 16.

Even under those circumstances, according to the original recommendation, the abortion would have to be approved by a panel of three doctors.

The Judicial Council recommendation, with its more restrictive language, is what Winter hopes to have amended into the criminal code bill on the Senate floor.

"It (the original recommendation) is permissive," Winter said Friday. "It's a good abortion provision, but it does not allow abortion on request." The wording contained in the present bill simply amounts to abortion on request.

What Circumstances

At issue between proponents of the two abortion provisions is not whether abortion should or shouldn't be allowed. The issues are the circumstances under which it will be allowed and who should decide the circumstances.

Supermarket Blast Kills Two Israelis

L.A. Times-Washington Post Service

JERUSALEM — A dynamite charge, believed to have been concealed in a can of cooking oil, exploded in Jerusalem's largest supermarket Friday morning, killing two young university students and wounding at least ten other customers who were doing their pre-Sabbath shopping.

Israeli officials immediately blamed Arab countries for permitting terrorist organizations to plan and carry out such attack.

It was the sixth explosion in a crowded urban area in Israel in the last seven months.

The perpetrators were not identified, but within four hours of the blast, police had taken 150 Arabs into custody for questioning. Jerusalem's chief police superintendent, Daniel Bar-Ely, declined to comment on a report that one man, seen running from the market, had been apprehended by passers-by.

In Amman, Jordan, the Popular Front for the Liberation of Palestine, which said earlier it was responsible for the attack on an Israeli El Al Airlines in Zurich Tuesday, claimed Friday it was also responsible for the supermarket blast.

The Washington Post's special correspondent in Jerusalem.

Testifying before the Senate committee, doctors and hospital officials said they did not want language that specifically spelled out circumstances under which abortions could be performed. Instead, they said, a doctor would be free to follow his conscience and own code of ethics under the abortion section approved by the Senate committee.

And doctors assured committee members that hospital accrediting associations and the hospitals themselves would police abortion so it would not be "abortion on request."

Legislative Change

Opponents such as Winter, however, have said the theory presented by doctors amounts to shirking legislative responsibility because it places what has traditionally been a legislative matter in the hands of non-legislative persons—the doctors and hospital staffs.

"We are asked to take this area of human life and hand it carte blanche to doctors. That's in effect just saying we wash our hands of the taking of a human life," Winter said.

"To me, it's not a religious, moral or ethical question. It's a question of due process of law: Are we going to give an unborn child protection of the law?"

Philosophical Differences

That question—the legal rights to which an unborn child is entitled in the area of abortion—is at the center of philosophical differences on abortion.

Opponents of abortion, generally speaking, say that a human has life at the moment of conception and thus is entitled to full protection of the law.

But the perpetual argument over exactly when the fetus apparently becomes a human life and is thus entitled to legal rights is one reason abortion legislation is so controversial.

Legal Rights

Winter, in support of his position for amending the code to spell out the circumstances under which an abortion can be performed, says a fetus is entitled to legal rights from the

WASHINGTON (AP) — The White House, with President Nixon's European tour in mind, said Friday it hopes that friends and adversaries eventually will leave for a five-nation tour of Western Europe, the White House issued a Washington's birthday statement and said that "there is some irony in issuing a Washington's Birthday message on the eve of a presidential trip to Europe."

Harking back to the pre-World War II cry of the then-isolationists, it said everyone recalls Washington's Farewell Address caution to "steer clear of permanent alliances, with any portion of the foreign world."

However, the White House statement which obviously was carefully prepared with Nixon's trip in mind, said Washington in the same address also declared that "harmony, liberal intercourse with all nations, are recommended by policy, humanity and interest."

Speaking without question for Nixon, the statement went on: "The United States, with its purposes of peace and freedom, must accept the opportunity today to widen areas of agreement throughout the world."

Unusual Prelude

It was a rather unusual curtain-raiser for Nixon's tour in that it coupled Washington's familiar no-foreign-entanglements stance with his less-remembered statement calling on Americans to promote harmony and liberal exchanges with all the peoples of the globe.

The immediate assumption was that Nixon, as a new chief executive testing new approaches to foreign problems, is hopeful that during his tenure the almost-forgotten passage from the first President's Farewell Address would come to be accepted at home and abroad.

The White House statement emphasized that while Washington was not always eloquent in his language, his word was al-

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