

Investigators probe Lange divorce record

By DON HENRY

Investigation of the Dec. 17 death of Mary Lange has included a probe of confidential divorce-suit depositions, authorities said here Monday evening.

And while that path, like others, led to an apparent dead end in search for the person who killed the 37-year-old mother of three, it uncovered a possible flaw in Iowa's new divorce law.

Secrecy Clause
The law's insistence on secrecy surrounding "dissolution of marriage" proceedings has met with general approval of both legal and journalistic professions in Iowa due to its intent — giving the best possible chance for preservation of marriages.

But the same secrecy, designed to keep a couple's problems from being magnified by publicity, could conceivably hinder legitimate investigation of a crime — if not in Mrs. Lange's case, quite possibly in others, it appeared Tuesday.

Mrs. Lange's husband, Marvin, had filed for divorce under the former law June 17. But a counter-petition she filed under the new law is revealed only by passing reference in a court order written Dec. 8, nine days before she disappeared after a city employees' party here.

Her body was found three days later, floating face down in Long Creek nine miles west of Burlington. Mrs. Lange's blood-stained auto was abandoned in Burlington Dec. 18. An autopsy revealed she died not from the blow she received to the back of her head but by drowning.

Continuance Granted
Lange, represented by Burlington attorney T. K. Ford, had filed for divorce two weeks before the new law took effect on July 1. He charged his late wife with "cruel and inhuman treatment" and asked custody

of their three children and a court-determined property settlement.

Mrs. Lange, a clerk in the municipal court office here, first asked through attorney Edward Dailey for dismissal of her husband's suit on grounds the new law should be applied. After Dist. Judge William Cahill overruled that motion, she won a continuance in the divorce hearing due to the time needed to take depositions from witnesses in that civil action. (Dist. Judge J. R. Leary, granting the continuance, planned to set the hearing early in 1971.)

But the only public notation of a countersuit, filed at an unknown date, was Leary's remark that "there is a companion case under the dissolution of marriage act" naming Mrs. Lange as petitioner and her husband as respondent.

The depositions — witness statements taken under oath to enlighten the court on civil cases without in-court examination of witnesses at trial — are related to both the public and private suits, and form the crux of a sticky legal issue.

Depositions Taken
Documents in Lange's public filing indicate depositions were taken Nov. 19 from a Dorothy Pierson, a Mrs. Catherine Lewis, and an incomplete statement from Mrs. Lange herself, and that Lange proposed questioning "a person named Hutson, which deposition the plaintiff (Lange) did not take."

The possibility arose that the depositions might include information which would aid lawyers probing Mrs. Lange's death, but their bearing on the non-public suit moved Leary to exclude them from the public record. "The depositions wouldn't be available until a decree" was issued, he said. Explaining his refusal to

comment further on their release, the senior district judge told The Hawk-Eye Monday that "I'm not going to answer because I may have to decide the question in court."

But Sheriff Merritt Quick, working with Burlington police inspectors and Iowa Bureau of Criminal Investigation agents on the apparent murder case, said Monday evening, "One of the attorneys made them available (and) we read them."

Asked if the documents produced any leads in his investigation, however, Quick said "if you mean was there anything of significance (to us), no."

Other sources close to the criminal case agreed that the statements pertaining to the divorce proceedings were unlikely to aid the criminal probe — primarily because they were taken four weeks before Mrs. Lange's disappearance and reportedly centered on the Lerges' property.

Property Involved
It appeared that Marvin Lange's substantial property holdings provided the main arguing point that kept either divorce suit from a speedy settlement.

Lange's considerable farming interests parallel those of his father, Harry F. Lange, who died here Mar. 24, 1961. The elder Lange left his wife, Florence, an estate of 100-plus acres in Des Moines county and nearly a quarter-section in north Lee county. Added to personal property and various stock and bank shares, those holdings were valued during probate of his will at \$52,769.22.

But his wife was to own that property only during her lifetime, according to Harry Lange's will. Marvin Lange and his sister, Marian E. Sorensen, would be the final beneficiaries of their father's estate.

Prominent Family
The Lange family is prominent in Des Moines and Lee county farm and banking circles.

Mrs. Mary Lange's late father-in-law, Harry Lange, was president of Farmers Savings bank of Wever and had been a director of the bank for 33 years. He was also president of the Green Bay Grain Co., a director of the Farmers Grain Supply Co. and a township trustee.

NFO Officer
Her husband, Marvin, has interest in about 250 acres of farmland in Des Moines county and about 350 acres in Jefferson county.

A past president of the Des Moines county National Farmers Organization, he is vice chairman this year. Lange was one of the NFO members who took part in the killing and burying of hogs during an NFO meat holding action in 1968. He is a 1937 graduate of Burlington high.



'SKATER IN MOTION' could be the title of this "camera motion" photo by Hawk-Eye photographer Michael Hatt. Hatt "panned" his camera to match the speed of skater Bob Voight, giving the impression the background is moving. Voight, 17, of 326 N. Plane, who was skating at approximately five miles per hour, was instructed to refrain from body movement. Camera setting was at f.8 at an eighth of a second.

Reformatory terms for four area youths

"In my over 30 years of experience, I have never seen three individuals with such malicious and ruthless disregard for other people's rights."

With those words District Judge J. R. Leary denied probation and imposed 10-year reformatory sentences for three youths convicted of breaking and entering in connection with the rash of area break-ins and auto thefts in recent months.

William Ray Hayes, 20, Wapello rural, Charles James Hightower, 19, 1031 N. Ninth, and Robert Dale Timmerman, 18, Davenport, were sentenced to terms not to exceed 10 years in the Iowa Men's Reformatory in Anamosa.

Bill Joe Gillette, 18, Bushnell, Ill., also implicated in the theft ring, was given a 10-year sentence in Anamosa for larceny of a motor vehicle. He was charged with the Dec. 1 theft of a pickup from Bud's Magnavox, 1701 Osborn.

Hayes and Hightower were charged with the Dec. 6 Service Motors break-in. Timmerman was charged with the Nov. 2 Niehaus Motors break-in.

All pleaded guilty to the charges earlier. The four asked for probation in court Tuesday. Leary denied probation to all four, saying he was "firmly convinced that if I granted probation for the series (of crimes) you have been involved in, I would be violating that oath (judge's oath)."

Leary added that it was "something to steal someone else's property but something else to demolish it."

The four, along with a juvenile, Donald Eugene Wagner, Jr., 17, Middletown, were implicated in 19 area break-ins and 13 incidents where cars were taken.

Although a relatively small amount of merchandise was taken during the break-ins, damage estimates ranged high.

Wagner is still under the jurisdiction of juvenile court awaiting a hearing.

Damages were set in excess of \$10,000 during the Nov. 9 Niehaus Motors break-in alone, where two cars and a motorcycle were stolen. One car was driven through the display room window.

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Bird counters spot 10,108 Mallards

Mallards were birds of the day Dec. 27, when members, families and friends of the Burlington Bird Club sponsored their annual Christmas Bird Count.

Mallards sighted totaled 10,108, out-numbering House Sparrows, the closest competitor, by 9,343. House Sparrows numbered 765.

The counts are sponsored annually by the National Audubon Society and the Iowa Ornithologists' Union.

For the count, a census of birds in a 15-mile diameter circle is made with the area covering part of the IAAP, Lock and Dam 18, and other areas around Burlington and neighboring Illinois.

Counting was from 7 a.m. to 4:30 p.m.

Others in the count included: Great Blue Heron, 12; Canada Goose, 3; Black Duck, 24; Cooper's Hawk, 1; Red-tailed Hawk, 13; Rough-Legged Hawk, 6; Bald Eagle, 21; Marsh Hawk, 1; Sparrow Hawk, 2; Bobwhite, 46; Killdeer, 2; Common Snipe, 20; Mourning Dove, 48; Great Horned Owl, 1; and Barred Owl, 2.

Yellow-shafted Flicker, 21; Red-bellied Woodpecker, 30; Red-headed Woodpecker, 21; Hairy Woodpecker, 4; Downy Woodpecker, 46; Horned Lark, 18; Blue Jay, 99; Common Crow, 272; Black-capped Chickadee, 133; Tufted Titmouse, 41; White-breasted Nuthatch, 43; Red-breasted Nuthatch, 1; Brown Creeper, 2; Mockingbird, 1; Eastern Bluebird, 1; and Starling, 522.

Eastern Meadowlark, 3; Common Grackle, 4; Cardinal, 161; Purple Finch, 26; American Goldfinch, 80; Slate-colored Junco, 510; Tree Sparrow, 208; and Song Sparrow, 16.

City seeking US grant for land-use map

By DON HENRY

An eleventh-hour plea for federal planning funds was the only major action taken Monday night as Burlington's city council took another step toward zoning suburban property.

City Manager John Dullea said he had discovered a slim possibility of landing a U.S. matching grant to draft a proposed land-use map under a new state law if the request is filed by Dec. 31.

While the request, technically an amendment to an existing planning grant, "wouldn't involve very much money," Dullea said no exact total has been determined.

If the grant is approved — and the city manager said it's a big "if" — Burlington's matching share would involve "in-kind services" (work by city planning employees) rather than direct city fund expenditures.

Behind the request is a new law allowing cities to enforce zoning in a two-mile radius outside corporate limits together with growing impatience with Des Moines county for not adopting a county-wide zoning resolution.

In a special meeting marked primarily by its brevity (one hour), the council also:

—Reviewed various provisions of a proposed city law restricting open burning, with Councilman Wayne Hogberg renewing his suggestion of a total ban on trash fires. The council is not expected to proceed with second reading of that ordinance, however, until all five councilmen are present for the potentially-controversial debate.

—Discussed tax-relief possibilities to save the city several thousand dollars it pays each year in school levies for Other Island and Flint Hills golf course.

—Received status reports on

municipal airport improvements. Administrative aide Larry Roach said work on rental "T" hangars is nearly done, but remodeling of the large Remmers-Tomkins hangar at the northeast corner of the airfield is being held up by a steel-shipment delay.

—Agreed to probe city policies and lack of income from several now-removed vending machines at the airport terminal. Automatic Vending Service devices are the only ones which have returned "an honest" compensation," Councilman B. L. Robinson said.

In administrative remarks, Dullea received the council's endorsement of a plan to screen the city maintenance yard at the airport with shrubbery extending along Summer street, the terminal access drive and airport parking lot.

He also informed the councilmen of a 3 p.m. Jan. 10 meeting at James Madison middle school in which Mrs. Jean Fortner will deliver a final report on an ad hoc committee's findings on local needs of (and services to) the elderly.

Mayor Ray Eastin said he will also speak at the open session to outline ways the city has and can serve the elderly. A tape of the meeting will be sent to Washington, D.C., for use in the White House Conference on Aging, the mayor explained.

The council also:

—Bade farewell to City Attorney Bob Stine, attending his final meeting before taking up private practice in Springfield, Ill.

—Renewed the Class C beer permit for Jesse Lynn Pauling's "Handy Corner" grocery, Division and Leebrick.

—Authorized payment of \$2,145.91 in routine sewage treatment plant bills and payroll.



GIRL TALK. Debbie Toops, 11, of 118 Glenn, foreground, and Gina Boughton, 11, of 2312 Washington, received walkie talkies for Christmas, and the cousins put them to use during a five-block walk to their grandmother's home.

Woman's condition remains 'critical'

KIRKSVILLE, Mo. — Mrs. Marie Carroll, 60, Walters Acres, Ft. Madison, director of in-service education at Burlington Memorial hospital, remains in critical condition at a hospital here with injuries received in an explosion Sunday at Macon, Mo.

Mrs. Carroll's husband, William, 61, a Ft. Madison service station operator, Mr. Carroll's sister, Mrs. Mary Johnson, 55,

and her husband, Paul Johnson, 67, are hospitalized in satisfactory condition.

The Carrolls were at the Johnson home after the Dec. 24 funeral of the mother, Carroll and Mrs. Johnson, Margaret Carroll, when an explosion ripped the Johnsons' frame home. Only part of an adjoining 2-car garage was left standing.

A natural gas leak was believed to have caused the blast.

Hawk-Eye happenings

St. John AME church will hold "watch night" services New Year's Eve, beginning at 10:30 p.m. Breakfast will be served following the meditation and song service.

Bob Gillespie of Oskaloosa will call the square dance for Circle Eight Tuesday, Jan. 5, in the Legion ballroom, West point. Dancing will be from 8 to 11 p.m.

20% off on all Christmas items at Das Blumenhaus, 528 Summer.—Adv.

The Donnellson Dancing D's will hold its New Year's square dance from 9 p.m. on Dec. 31 at the Donnellson Legion hall with Marv Worrell as caller.

Ron Rominger and Nick Nichols will call for a New Year's Eve party and square dance in the junior ag building at Fairfield, Dec. 31, from 9 p.m. on.

Two CD courses begin next month

E. R. Harrell said Tuesday there is still time to enroll in Shelter Management and Radiological Monitoring courses to be conducted by the Des Moines County-Municipal Civil Defense Agency.

Director Harrell said the management course will begin Jan. 5, and the monitoring course on Jan. 7. Both will be held at 7 p.m. at CD headquarters, Agency and Belmont. He said certificates will be presented to those successfully completing the five-week courses.

Deno's Pizza open 11-1 daily — Adv.

Ray Foster, 103 Marietta, reported to police that a tape player and 11 tapes were taken from his unlocked car over the weekend.

A W. Buckner, Bement, Ill., reported that while his car was parked at 1216 S. 14th, a pellet struck its rear panel.

Earl Reinert, 1617 Lucas, said

the left rear window of his car was struck and Robert Easton, manager of Sturm Freightways, Inc., reported a windshield shot out of a tractor cab.

A Dubuque city councilman will introduce to the council in that city tonight a resolution to direct the city attorney to prepare a proposed ordinance making it a misdemeanor "to insult a police officer with uncomplimentary remarks or profanity."

It would allegedly be the first ordinance of its kind in Iowa, but it would be similar to one in Dayton, Ohio, which has worked successfully for a year, the councilman said.

A Dubuque billboard that had been defaced as to be insulting to policemen prompted the councilman to introduce the resolution.

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Some meat plants resume operations

DES MOINES — Iowa agriculture officials have announced that 25 per cent of the small Iowa meat packing plants ordered closed recently have brought their facilities up to par and have been reopened.

But because of the lack of mail service over the Christmas holiday, a list of the approved plants is not available. About a dozen plants in Southeast Iowa were among those affected.

Deputy Agriculture Secretary Robert Lounsberry said Monday the 31 plants were reopened on the basis of written reports submitted to state meat and poultry inspectors.

Stringent Requirements
All 431 passed the stringent requirements and data has been sent to federal officials for approval. Lounsberry said the list has cleared regional officials and now goes to Agriculture Secretary Clifford Hardin for final approval.

If Hardin gives approval, Iowa's facilities will for the first time qualify under provisions in a 1967 federal meat and poultry inspection legislation, a feat equaled only by a few other states.

A total of 126 small meat packing concerns were closed following inspections by state officials for sanitation violations. Most deficiencies were termed minor. The firms were excluded from a list of 431 facilities subject to a white-gloved federal inspection recently.

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Overloaded fuse boxes dangerous

Firemen who inspected more than 1100 Burlington homes during the past year found overloaded fuse boxes to be the most frequent fire hazard.

They made a total of 2,618 calls, but were refused admittance or found no one home on 1,630 occasions. Actual inspections were made of 1,131 homes, 579 of which were free of hazards.

The inspection team found 226 cases of overloaded fuse boxes, noted 118 instances where there were excessive or defective extension cords, and found defective wiring in 93 homes.

Studded tire flap expected

By HARRISON WEBER

DES MOINES — A battle may be shaping up in the Legislature over use of studded snow tires.

A preliminary report of a study on the effect studded snow tires have on highway surfaces is causing highway administrators throughout the country to raise a red flag on the use of such tires.

In 1964, studded tires were illegal in 41 states. Today, only Louisiana and Mississippi prohibit them. It's estimated that sales of studded tires have increased from one million in the winter of 1964-65 to more than six million last winter.

Joseph R. Coughal, Jr., director of highways for Iowa, said it will be a "few more weeks" before the final report is in on the testing at Whiting.

"But," he said, "the preliminary report indicates that studded tires do cause very extensive highway wear."

commission won't be making any recommendations on the final report.

However, Coughal said there is a "very distinct possibility" the commission will have a recommendation on the matter for the 1971 Legislature.

Other states, besides Iowa, helping to finance the research project are New York, New Jersey, Minnesota, Wisconsin, Illinois, Michigan, North Dakota, Utah and Pennsylvania.

Iowa's share is \$20,000. Studded snow tires became legal in Iowa in November of 1967. They are allowed from Nov. 1 to April 1.

These tests indicated that