

# Supreme Court Upholds Censorship Of Motion Pictures Before Public Showing

WASHINGTON (AP) — The Supreme Court today upheld censorship of motion pictures before their public showing.

Justice Clark delivered the court's 5-4 decision.

The tribunal acted on an appeal by Times Film Corp., distributors of a movie called "Don Juan." The firm refused to submit the picture to Chicago's censors and the city then refused a permit for its exhibition.

In today's high court decision, Chief Justice Warren and Justice Douglas wrote dissenting opinions. Also dissenting were Justices Black and Brennan.

The majority was made up of Clark and Justices Frankfurter, Harlan, Whittaker and Stewart.

In the controlling opinion, Clark said the challenge to the validity of the Chicago ordinance presented the tribunal with the "bro-

adly

justiciable issue, whether the ambit (bounds) of constitutional protection includes complete and absolute freedom to exhibit at least once, any and every kind of motion picture."

Clark said the court was deciding that question alone.

Chief Justice Warren's dissenting opinion said the court majority "indiscriminately casts the net of control too broadly."

Warren said the court's decision gives assent "to unlimited censorship of moving pictures through a licensing system, despite the fact that Chicago has chosen this most objectionable course to attain its goals without any apparent attempt to devise other means so as not to intrude on the constitutionally protected liberties of speech and press."

In argument of the case last October, lawyers for Times Film

contended that any prior censorship of movies violates the constitutional rights of free speech and free press.

But counsel for Chicago said prior censorship is necessary to protect the public from obscenity and other objectionable matter.

The answer to that problem, the Times Film lawyers argued, is not prior censorship but prosecution for public showing of improper pictures.

The firm said it had no objection to payment of city permit fees, and had submitted to Chicago its required fee. But the city refused a permit without first seeing "Don Juan."

Times Film asked the U.S. District Court in Chicago to order the city to issue a permit. The court dismissed the request, stating that if the firm had submitted the film

for prior examination the city censors might have approved it and there would be no need for legal action.

The U.S. Circuit Court in Chicago agreed with the District Court, commenting that, "if we grant the relief prayed (an injunction against the city), we will be sanctioning the public exhibition of whether 'Don Juan' is or is not obscene was not an issue."

Court, Times Film said the question of whether "Don Juan" is or is not obscene was not an issue. The firm's lawyers insisted it was immaterial. They argued that a book or newspaper, in that connection before publication is not obscene as a matter of course. They argued that a book or newspaper, in that connection before publication is not obscene as a matter of course.

HERALD AND NEWS, Klamath Falls, Ore. Sunday, February 26, 1961 PAGE 8

## Is It 'Are' Or Is It 'Is'? Still Problem Survey Says

CHICAGO (AP) — "The grammar of the passenger department is deplorably weak," asserted Vice President C. E. Spens of the Burlington Railroad, surveying a sentence for a 1926 institutional advertisement.

It began: "For within this tremendous area is produced: two thirds the oats, more than half the corn, more than half the barley, half the wheat . . ."

"Are produced" is the correct form," declared Spens.

Not so, said P. S. Eustis, passenger traffic manager who had submitted the layout. He quickly produced a University of Chicago opinion—for "is."

Probably got that from the football coach, retorted Spens, and issued an SOS. "Are" is correct, opined Northwestern University.

"Is" it is, said Harvard. "Are" it is, said the Literary Digest.

And so, in 1926, the grammarian battle was joined—to the delight of headline writers everywhere: "Are" vs. "Is" splits five colleges, dictionary and railroad heads," headlined one newspaper. "Is It 'Are' Or Are It 'Is'?"

asked another. And even: "Am he want or would he come? How can it was?"

In all, 22 schools and magazines were queried. The result: 12 votes for "are," 6 for "is" 1 for either and 3 abstentions.

Spens and Eustis and the Literary Digest are dead but the controversy still is not settled.

The Chicago, Burlington & Quincy Railroad recently came across a booklet chronicling the word puzzle and decided to resurvey. The results, released today: 14 for "are" 1 for "is" and 1 for "either." Six didn't answer.

The Universities of Chicago, Pennsylvania, Princeton, Harvard and Temple switched their "is" votes to "are." None reversed from "are" to "is," but Boston University maintained its earlier "is" vote, declaring, "technical-ly speaking, any grammarian would say 'is' is the correct vote."

Eustis and Spens, the original combatants, settled their argument with a flip of the coin. It turned up "is."

But Holy Cross in Worcester, Mass., which in the resurvey amended its original "are" to "either," suggested another solution: rewrite the sentence.

**Friendly Helpfulness To Every Creed and Pursue**

**Ward's Klamath Funeral Home**

Marguerite M. Ward and Sons

925 High TU 2-4404

Check your Coverage Today!

Our Insurance Programs Always "Measure Up!"

When you buy insurance . . . buy it from us, your local independent agency. We're as close to you as the nearest phone . . . ready to help you on any insurance problem regardless of the hour or day.

**MIDLAND EMPIRE**  
Insurance Agency

1006 Main  
Ph. TU 4-6417

Your Friendly Local Insurance Agency  
Bill McKibbin and Clem Leasure

**CHARGES CONCEALMENT**

WASHINGTON (UPI) — Rep. Frank Smith, D-Miss., charged Sunday that President Kennedy's job has been made more difficult by former President Eisenhower's concealment of the "deteriorating" world situation.

**TRAVEL A LOT?**

This card plus this phone gives you an "office" anywhere





A salesman wrote us that he would sooner leave home without his shoes than forget his Bell System Credit Card! This is a trifle extreme but does point up its usefulness. With this card, you're in close touch with home or office. You can call ahead for reservations or appointments; get decisions on yesterday's contact or say "thanks" for an order—without begging a phone, calling "Collect" or fumbling for change. The card—with the dime tucked in its slot—gives you an office anywhere, anytime. And you regularly receive all your charges for easy expense-accounting. Why not start the New Year off right—have your secretary call our business office for your Bell System Credit Card today? It's part of our service to you.

PACIFIC TELEPHONE NORTHWEST

# SALE STARTS TOMORROW

# RATED NO. 1

## SEALY'S 80th ANNIVERSARY MATTRESS IS RATED BEST VALUE AT \$39.95

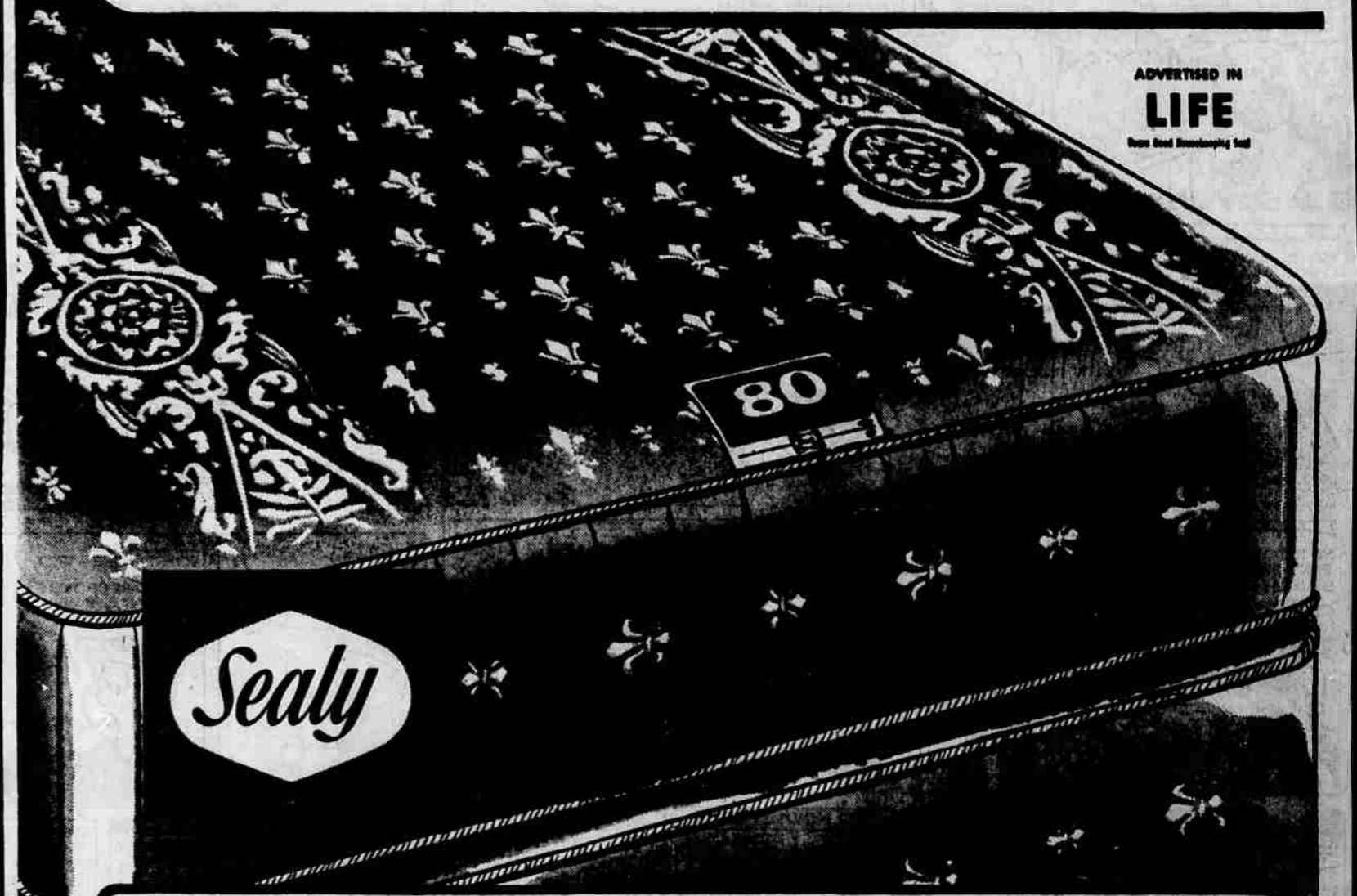
Think of it—80 years old! Sealy is so proud of its reputation and leadership in the bedding field that it decided to make its 80th Birthday a memorable one . . . by offering a proven, unbeatable value for this great sale. Sealy had competitive brands shopped and checked in a nationwide survey . . . found that none had all the features that are incorporated in this 80th Anniversary mattress. On the basis of these findings, Sealy rates it 1961's best mattress buy at \$39.95.

**Just look at the many features of this great mattress**

- Button-free top for smooth sleeping surface
- Exclusive flanged construction to reinforce edges
- Beautiful flocced ticking with white fleur-de-lis design
- Comfortably firm construction for healthful support

**BUY NOW WHILE LIMITED QUANTITY LASTS**

FULL OR TWIN SIZE MATTRESS OR BOX SPRING



These nationally known authorities checked features, durability and value . . .



**Shopped for features**

Famous Willmark Research Corporation has shopped and checked competitive mattresses in a nation-wide survey. On the basis of these findings, Sealy rates this mattress your best value at \$39.95.



**Tested for durability**

The American Standards Testing Bureau made extensive torture tests for rugged wear . . . found the 80th Anniversary mattress remarkably durable.



**Accepted for value**

Good Housekeeping Institute reviewed the findings; this mattress earned the Money-Back Guaranty Seal.

★ YOU CAN PRACTICALLY NAME YOUR OWN TERMS AT ADAIR'S

# ADAIR'S FURNITURE

2200 South 6th Phone TU 4-7510