

Paris Adult Theater I v. Slaton (1972)

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Opinion of the Court: Burger

Concurring:

Dissenting: Douglas, Brennan, Stewart, Marshal

I. Facts: In 1972, State officials in Georgia sought to prohibit the showing of allegedly obscene films at the Paris Adult Theatre. The Theatre clearly warned potential viewers of the sexual nature of the films and required that patrons be at least 21 years of age.

II. Issues: 1.) Are the movies Obscene, and are such obscenities protected by First Amendment Freedom of Speech Clause?2.) Did the Georgia State Courts violate the First Amendment's guarantee of freedom of expression?

III. Opinion of Justice Burger for the Court

A.) Resolution of Legal Issues: 1.) Yes, No 2.) No

B.) Reasoning: It was in the opinion of the court that the films under question were obscene and "hard core pornography," and that obscene, pornographic films do not acquire constitutional immunity from state regulation simply because they are exhibited for consenting adults only. They agreed that the holding was properly rejected by the Georgia Supreme Court, and the Georgia Supreme Court had not violated the First Amendment's Freedom of Speech Clause.

IV. Opinion of Justice Douglas, dissenting: Douglas believed that "obscenities" should still be protected by the First Amendment. He argued that "'Obscenity' at most is the expression of offensive ideas. There are regimes in the world where ideas 'offensive' to the majority (or at least to those who control the majority) are suppressed. There life proceeds at a monotonous pace. Most of us would find that world offensive...."

V. Significance: The Court would consider pornography to be obscene and argue that "legitimate state interests were at stake in stemming the tide of commercialized obscenity, including the community's quality of life and public safety."