

WOULD BAR TWO SCENES OF PLAY

Silberstein Decides to Make Request After Seeing "Birth of Nation" at Superior.

OWNERS OF PICTURE SAYS NOTHING WILL BE CUT OUT

City Attorney Greene Decides the City Has No Authority to Prohibit Show at Lyceum.

Elimination of two scenes from the photoplay, "The Birth of a Nation," when it is shown in Duluth, will be asked of the Lyceum theater management by Public Safety Commissioner Silberstein, who saw the picture last night in Superior.

"While it is the greatest motion picture I ever saw, there are two scenes that should be eliminated," Commissioner Silberstein said. "I will ask that these be cut."

Not a foot of the picture will be eliminated, according to an announcement yesterday by "Jack" Elliott of Elliott & Sherman, owners of production rights for the picture in 16 states in the west and northwest.

Conflict Possible

"We refuse to eliminate anything," Elliott said. "There is nothing objectionable, and cutting scenes would entail trouble and expense, as well as detract from the production."

"If the management refuses to cut the scenes, I will take it up with the national board of censorship," Commissioner Silberstein said. "The board wrote me that the owners of the picture promised to eliminate these two scenes wherever it was desired."

Unless the commissioner of public safety has proof that the film would be apt to result in riots or a violation of the public peace, the city has no authority to order the picture barred or censored, according to an opinion given out by City Attorney Greene yesterday.

Gives Reasons for Opinion.

"I am unable to find any statute or ordinance which authorizes you to prohibit a show because of its being intended to excite, or exciting race prejudices, or because it is unjust to the colored people or to any other race," City Attorney Greene said in his opinion to Commissioner Silberstein.

"The theater ordinance prohibits the giving of immoral shows, but this, in my judgment, is the extent of your authority. If there was any likelihood of a violation of the public peace in consequence of the exhibition of any show, or that it would lead to rioting or other acts of violence, I think you would be justified in suppressing it, or prohibiting its exhibition temporarily."

The opinion was given at Commissioner Silberstein's request.