

399 U. S.

June 29, 1970

they are to be summarily reversed on the authority of *Redrup*.

At this still, for me, unsettled stage in the development of state law of obscenity in the federal constitutional context I find myself generally in accord with the views expressed by MR. JUSTICE HARLAN in *Roth v. United States*, 354 U. S. 476, 496, 500-503 (1957); *Jacobellis v. Ohio*, 378 U. S. 184, 203-204 (1964); and *Memoirs v. Massachusetts*, 383 U. S. 413, 455, 458-460 (1966), and with those enunciated by THE CHIEF JUSTICE in *Cain v. Kentucky*, 397 U. S. 319 (1970), and in *Walker v. Ohio*, *supra*.

---

KELLEY *v.* ARIZONA

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME  
COURT OF ARIZONA

No. 1232, Misc. Decided June 29, 1970

Certiorari granted; 104 Ariz. 418, 454 P. 2d 563, vacated and remanded.

PER CURIAM.

The motion for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the Supreme Court of Arizona for further consideration in light of *Chambers v. Maroney*, *ante*, p. 42.

MR. JUSTICE HARLAN would vacate the judgment and remand the case to the Supreme Court of Arizona for the reasons stated in his separate opinion in *Chambers v. Maroney*, *ante*, p. 55.