



TEACHING *UNITED STATES V. O'BRIEN*

THREE CONVERSATIONS AND THE
WISDOM OF JOHN HART ELY

Ira C. Lupu

TASTES REVEAL AGE, and teaching tastes are no exception. Among the richest experiences in my long academic career has been teaching *United States v. O'Brien*,¹ which involved a constitutional challenge to the conviction of David Paul O'Brien for burning his Selective Service registration certificate ("draft card") on the steps of the South Boston Courthouse in the spring of 1966. O'Brien was charged under the Universal Military Training and Service Act, which had been amended in 1965 to add the crimes of "knowing destruction" and "knowing mutilation" of such certificates to the list of pre-existing crimes under the Act, such as forging or altering certificates. O'Brien argued unsuccessfully that the 1965 amendments violated the freedom of speech because 1) Congress had created these new criminal categories as a response to political protest, and 2) their application to O'Brien interfered with his right to speak symbolically about the war and conscription.

To be sure, part of the pleasure associated with teaching *O'Brien* arises from its character as a period piece, rooted deeply in the politics and protest protocols of the 1960s. The context has become

Ira C. Lupu is F. Elwood & Eleanor Davis Professor of Law Emeritus at The George Washington University.

¹ 391 U.S. 367 (1968).

increasingly alien to my students, who have no first hand memories of the Vietnam War or its domestic political consequences, and no personal vulnerability to conscription. But *O'Brien* is a decision that excites considerable interest among law students, in large part because of its famous four-part test:

“[W]hen ‘speech’ and ‘nonspeech’ elements are combined in the same course of conduct,” the First Amendment is no bar to the regulation “if [1] it is within the constitutional power of the Government; if [2] it furthers an important or substantial governmental interest; if [3] the governmental interest is unrelated to the suppression of free expression; and if [4] the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.”² Not many law students can resist the allure of a four-part test.

Alas, the test has proven far less speech-protective than may initially appear. The first part, which asks whether the regulation lies “within the constitutional power of the Government,” appears to be either entirely superfluous, or, at most, a reference to the scope of congressional power under Article I.³ More to the heart of the speech problem, the Court has never made the latter three parts of the test strenuously applicable to laws that regulate conduct containing both communicative and non-communicative elements, such as burning things to express hostility to what they symbolize, but that nevertheless advance government interests “unrelated to the suppression of free expression.” Most importantly, the courts do not demand a showing by the Government that “the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.” The students don’t know how weakly the test has been applied until the class discussion teases that out.⁴

² Id. at 376-77.

³ Id. at 377 (citing the power of Congress to Raise and Support Armies, Art. I, sec. 8, cl. 12; and the Necessary and Proper Clause, id., cl. 18).

⁴ Reflection on the decisions involving nude dancing edifies them further. See *Barnes v. Glen Theater*, 501 U.S. 560 (1991); *City of Erie v. Pap’s A.M.*, 529 U.S. 277 (2000).

Teaching *U.S. v. O'Brien*

The analytics of all this are intriguing, and they don't teach themselves. But I have tried to offer some additional, rather personal value. As a male born in 1946, I am deeply familiar with the zeitgeist of the Vietnam War, the hostility to conscription associated with that misguided effort, and the consequences that followed for American society and law.⁵

From 1980 onward, I began consideration of *O'Brien* in my Constitutional Law course by recounting three springtime conversations that I have had on the subject of draft-card burning:

1. ITHACA, NY (SPRING, 1966)

I was 19 years old and a sophomore at Cornell University. The campus was just beginning to simmer with anti-war, anti-conscription fervor. Within a year thereafter, draft deferments for most courses of graduate study, including law, business, and most programs in arts and sciences, would end. The outrage approached boiling then, because narrowing of graduate student deferments swept so widely. But back in '66, the cadre of activist anti-war students was small, intense, and more purely driven by concerns of conscience than by the self-interest, thinly disguised in righteousness and rage, that eventually swelled the campuses of America.

Spring comes late to Ithaca. On a raw April afternoon, coincidentally within days of David O'Brien's fateful mini-pyrotechnics, my friend Sam ____⁶ approached me after lunch. Sam always looked a bit haggard, wild-eyed and disheveled, in particular above the scalp line, where his Belushi-esque,⁷ wavy black hair just scoffed at

⁵ Prominent among the relevant legal changes were an expansion of what qualified as "religion" for purposes of conscientious objection to conscription, see *United States v. Seeger*, 380 U.S. 163 (1965); *Welsh v. United States*, 398 U.S. 333 (1970); and an explicit constitutional openness to the expressive value of vulgarity, see *Cohen v. California*, 403 U.S. 15 (1971).

⁶ The names of my co-conversationalists have been altered for the first two of the three narrations. The third, for reasons that will be obvious, could not be changed.

⁷ The reference is to the late John Belushi, of *Saturday Night Live* and *Animal House* fame.

Ira C. Lupu

any brush that came near it. But on this particular day, the eyes were just a bit more manic and intense than usual. “Lupu!” he spat in my direction. “Take a walk with me. I need to think something through and maybe you can help me.” The look on his face suggested a personal rather than an academic problem, and his tone was simultaneously commanding and skeptical that I could help at all. But at that moment, I was all he had.

We walked in silence through Cayuga Heights for a few blocks. Then, Sam spooled it out, though more for himself than for me. “This weekend, the Cornell SDS⁸ chapter is holding an anti-war rally. You know I’m a member of SDS? The leaders are calling for all the men in the chapter to burn their draft cards at the rally.”

“You’re not planning to do that, are you?” I replied, in a tone of weak surprise.

He stared at me as if my question were idiotic. “That’s what I’m struggling with. Do you understand what this means? I’m committed to the anti-war movement, and this kind of protest will get attention. But if I burn my draft card, I will get arrested and charged with a federal crime. I’ll go to prison for several years. And I’ll never get into medical school. My parents, who are paying to send me here, will just be crushed if I throw away my chance to be a doctor by doing this.”

“Sam,” I said. “Why do you have to burn your draft card as a way of protesting against the war? You have so many ways of showing your opposition that will not get you into any trouble at all. Why risk your education and your future to make a political point that won’t advance your cause? Really, Sam, draft card burning just makes people angry, and distracts them from even thinking about the morality of the war.”

Advice-seekers are prone to choosing counselors who will tell them what they want to hear, and perhaps Sam had fallen prey to that tendency. But you would never have so concluded from the

⁸ “SDS” stood for Students for a Democratic Society, a leftist political group that was very active in the anti-war movement, and would become increasingly radical over time.

Teaching *U.S. v. O'Brien*

final seconds of our conversation. “Ah, Lupu, I thought you were smart. But you just don’t get it.” With those dismissive words and an angry look, he walked away and ended our conversation.

Sam’s last words hit a bulls-eye. I didn’t get it. He might have tried to explain it, but he was not in a teaching mood. Years later, the force of his turmoil began to sink in for me, in part from teaching *United States v. O'Brien*.

I suspect you’re wondering, so I’ll answer the obvious question. Sam did not destroy his draft card, at least not that spring. I lost touch with him by the following year. I have a faint recollection that he transferred to a state university back home. I don’t know if he ever attended medical school.

2. BOSTON, MA (SPRING, 1974)

I was 27, and in my second semester as a rookie law professor at Boston University. I had been fortunate to get the job (I had not looked anywhere outside the Boston Metro area), and even more blessed to have landed the assignment of teaching a year-long, five-credit course in Constitutional Law to first year students. Freedom of speech was one of the last topics in the course, so I had been teaching that in the spring.

I don’t recall exactly when I taught *O'Brien* in that semester, but at least several weeks had passed between that class and the conversation that forms my second narrative. One afternoon in April, Jack _____, a student in my Con Law course, appeared at my office door. Jack was less than a year younger than I, and we had developed a friendship of the sort that young teachers can manage, even while staying carefully within professional boundaries.

“Guess who I just picked up hitch-hiking?” Jack asked, as soon as he cleared the door. It’s a rhetorical question – at the time, the clever replies might have included the Dalai Lama, Jane Fonda, or John Havlicek – so I just gestured with my hands to invite an answer. “David O’Brien,” Jack said. “Who?” I responded. “O’Brien – Davey O’Brien,” he said, showing a bit of frustration at my failure to pick up the thread. “Davey O’Brien? I don’t know a Davey O’Brien,” I told him.

Ira C. Lupu

Jack finally figured out that explicitness was in order. “Davey O’Brien from *United States v. O’Brien*. He was recently released from federal prison, where he served several years for burning his draft card. Now he’s back at work as a carpenter in South Boston.”

After my momentary embarrassment, I began to process the significance of this encounter for Jack. A Midwesterner like Sam, Jack had graduated in 1969 from a distinguished university. He had played intercollegiate football, and he was smart, tough, and extremely hard-working. He, like Sam, had been a member of SDS during his college years. Jack had always thought that destroying his draft card would be politically futile and personally foolish. But Jack had participated in the student occupation of academic buildings in the spring of 1968. On several of those occasions, he (along with hundreds of others) had been arrested for trespass, and he had paid a \$100 fine in connection with at least one of those arrests.

In late summer of 1968, Jack had been among the protestors at the Democratic National Convention in Chicago, though not (as he put it) at the front lines of combat with the police. After learning that a former college roommate had been killed in Vietnam in early 1969, Jack attended that spring’s SDS national convention, but soon parted company with the group out of an astute perception that it was headed for unconstructive craziness at best, and violence at worst.

Jack had been reclassified 1-A (draft-eligible) when he graduated in May of 1969, but had the good fortune of drawing a number in the 300s in the Selective Service birthday lottery later that fall. Conventional wisdom had it that the draft would not reach past birthday number 150, so Jack felt quite safe from conscription. Jack had returned to the Midwest, and worked in the construction trades for several years before applying to law school. So when Jack encountered Davey O’Brien in the spring of 1974, they were on very similar and dramatically different wavelengths. As I imagine the flow of words and feelings in that brief car trip, their common work experience in construction and shared antipathy toward the war quickly bonded them, but their perception of each other’s future kept them at an unbridgeable distance.

Teaching U.S. v. O'Brien

Jack's future turned out to be bright indeed. He graduated high in his class from law school. He apparently resolved whatever conflict he might have experienced between maintaining his political values and setting out to be a world-class lawyer in a milieu where the professional measuring stick is highly exacting. In light of his record of legal infractions, he endured an anxiety-filled stretch that involved collecting and submitting the relevant documents to the Character Committee of the New York Bar, and waiting for its approval, which was granted more easily than he expected. Within remarkably few years, he was a phenomenally successful partner in one of the most highly respected law firms in New York City. Now in his 60s, Jack is deeply dedicated to progressive political causes, and shows it with his time, effort, and money. He and I remain friends.⁹

I wasn't sure at the time – back in 1974, with Watergate unfolding, and the Vietnam War still bitterly dividing Americans – what to make of the conversation between Jack and David O'Brien, except for one obvious point, which I always emphasized to my class. Contrary to popular belief among law students and some lawyers, O'Brien is not a four-part test. David Paul O'Brien is a man who spent some long years in federal prison as the price of his moral convictions about conscription and the Vietnam War. His actions at the South Boston Courthouse spoke eloquently, though not (as it turned out) with the Constitution's protection behind them. Perhaps he never could have become as professionally accomplished as Jack, but by the spring of 1974, his opportunity to do so was gone forever.

3. BOSTON, MA (SPRING, 1979)

I was in my early 30s, and by then a not-very-old pro at teaching constitutional law. The law school had an annual moot court championship, and quite distinguished judges typically presided over the final round. In this particular year, the panel included the Hon-

⁹ I learned some of what appears above in recent communications with Jack. In teaching the class, I sometimes asserted (erroneously, as I now understand) that Jack had avoided participation in the student takeover of academic buildings, because he was concerned about possible effects on his future professional life.

orable Bailey Aldrich, the highly respected former Chief Judge of the U.S. Court of Appeals for the First Circuit.¹⁰ Guided, perhaps, by some fateful pedagogical muse, I found myself seated next to Judge Aldrich at the dinner for competitors, judges, and faculty that followed the final round.

Judge Aldrich was friendly, gracious, engaged in the conversation, and surprisingly open with me. The openness followed my asking him a question that I suspect an older law professor never would have voiced. “You have had a very distinguished career as a circuit court judge,” I said, “and I wonder if you think about how close you may have come to being nominated to the Supreme Court.” There were so many ways he could have deflected the question or dissembled in his reply, but he took it straight on.

“I don’t know if that would ever have happened,” he said. “But I can tell you the exact moment in my career when I knew that my chance at that nomination was gone forever. It was the day I released my opinion in *O’Brien v. United States*.¹¹ We ruled that the recent amendments to the statute were unconstitutional, on the ground that Congress had enacted them to stamp out the destruction of draft cards as a form of protest. I knew that no Republican President¹² would ever put me on the Supreme Court after that. And the near-unanimous reversal by the Supreme Court made that even more obvious.”

In the immediate wake of the conversation, I thought of Bailey Aldrich as a judicial hero, who had sacrificed his ambition on the altar of judicial integrity and respect for political dissent. Of course, Aldrich

¹⁰ Aldrich had taken senior status in 1972, and continued to sit by designation for another 30 years, until his death in 2002 at the age of 95.

¹¹ 376 F.2d 538 (1st Cir. 1967), *rev’d*, 391 U.S. 367 (1968). My friend and former colleague Henry Monaghan, now on the Columbia law faculty, was among those on the brief for O’Brien in the First Circuit.

¹² President Eisenhower had named Aldrich, a New England Republican, to the district court bench in 1954, and to the Court of Appeals in 1959, when Aldrich was 52 years old. Had there been a Republican President between 1961 and 1968, Aldrich would have likely been on the short list for the Supreme Court, especially because Democratic Presidents had made all the appointments to the lower federal courts between 1933 and 1953.

Teaching *U.S. v. O'Brien*

hadn't done prison time¹³ as a reward for his courage; he remained the distinguished Chief of the First Circuit. But he could have trimmed, and nursed his ambition. He chose otherwise, though I suspect not out of particular concern for David O'Brien, whose South Boston Irish roots put him across a vast social gulf from Aldrich.

Sometime later, however, I re-read his panel opinion. Like Bailey Aldrich's frame, it was rather spare. The opinion reasoned that the pre-1965 statutory provisions had already made it a crime, and legitimately so, to "forge[], alter[], or change[]" a Selective Service certificate,¹⁴ and that other parts of the statute (also pre-1965) made it a crime to "knowingly violate[] or evade[] . . . regulations . . . relating to the . . . possession of such certificate,"¹⁵ including the regulation requiring registrants to keep certificates in their possession at all times. Judge Aldrich's opinion concluded that the 1965 amendments, which added separate crimes for one who "knowingly destroys" or "knowingly mutilates" a certificate, had no purpose other than what the statute already manifested.¹⁶ In the absence of any such additional purpose, the panel concluded that the 1965 amendments were nothing more than an unconstitutional attempt to highlight and punish the destruction of such certificates in anti-war protests.¹⁷

¹³ The panel opinion recites that the district court had originally sentenced O'Brien to six years under the Youth Correction Act, 18 U.S.C. sec. 5010(b). 376 F.2d at 540, n. 2. Under that section (repealed in 1984 by Pub. L. 98-473, 98 Stat. 2027), a federal offender under the age of 22 was remitted to the custody of the Attorney General for four years, and was fully discharged from probation after an additional two years. The panel vacated the sentence and part of the conviction, but the Supreme Court then reinstated the original conviction. I have not been able to find out how long O'Brien remained in federal custody. The time lapse between the Supreme Court ruling and the day that Jack picked up the hitchhiking David O'Brien was five years and 10-11 months.

¹⁴ 50 U.S.C. sec. 462(b)(3), cited at 376 F.2d at 538-39.

¹⁵ *Id.*, citing 50 U.S.C. sec. 462(b)(6).

¹⁶ The Second Circuit had held otherwise in an earlier decision. *United States v. Miller*, 367 F.2d 72, 77 (2nd Cir. 1966).

¹⁷ The legislative history of the 1965 Amendments lent some support to this conclusion about legislative motivation, but the panel opinion explicitly eschewed reliance on that history. 376 F.2d at 541-42, nn. 6-7.

The opinion might have ended there, reversing the conviction for “knowing mutilation and destruction” and setting O’Brien free. But the opinion proceeded onward, and ruled that he was nevertheless guilty of a knowing violation of the non-possession regulation, a crime which the court asserted was “necessarily included in the offense charged.”¹⁸ Although the indictment of O’Brien had not specified that offense, the panel concluded that the only relevant factual issue – non-possession of the card, which had been reduced to charred remains – had been tried and found against him. Finding no constitutional objection to that regulation,¹⁹ the panel affirmed the conviction and remanded the case to the district court for new (and, the panel suggested, perhaps more lenient) sentencing on the lesser included offense.

So Bailey Aldrich was not quite the hero I had thought him to be on that evening in 1979. If, as I suspect, the panel had discretion to simply reverse the judgment of conviction, it could have done so and struck a true blow for expressive freedom. Under those circumstances (which the *cert* grant and ultimate reversal of course would have undone), O’Brien would have been rewarded for successfully challenging the constitutionality of those amendments. Thereafter, those who knowingly destroyed their draft cards in the First Circuit would have remained subject to indictment, trial, and conviction for knowing non-possession.²⁰ O’Brien himself would have been exposed to that risk if he destroyed his replacement draft card. Instead, the panel’s questionable choice to affirm the conviction on

¹⁸ 376 F.2d at 541, *citing* Fed. R. Crim. P. Rule 31(c). That rule, on the subject of “Jury Verdict,” says that “A defendant may be found guilty of . . . (1) an offense necessarily included in the offense charged.” The Rule says nothing about circumstances of this sort, where the “offense charged” is ruled unconstitutional. The First Circuit denied a petition for rehearing, which had objected to this part of the panel opinion. 376 F.2d at 542-43.

¹⁹ *Id.* at 541-42.

²⁰ The panel addressed the application and constitutionality of this “lesser included offense,” perhaps to signal to prosecutors and protestors that federal law still presented an avenue for prosecution. *Id.* at 542 (“We remark, further, that any future indictments should be laid under subsection (b)(6) of the statute.”).

Teaching *U.S. v. O'Brien*

the lesser included offense signified that Bailey Aldrich had engaged in his own form of mild constitutional protest, slapping Congress down a bit, but had empowered no one. Had he really sacrificed ambition on the altar of constitutional conscience, or was he just rationalizing why that one final promotion had eluded him?

ELY'S WISDOM

My students have always been quite engaged by these three conversations, but initially unsure of how they fit the First Amendment analysis of statutes governing conduct with both “speech” and “nonspeech” elements. In this regard, the two key elements in the four-part test are whether “the governmental interest is unrelated to the suppression of free expression, and [whether] the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.”²¹ The Supreme Court’s rejection of Bailey Aldrich’s view of the 1965 Amendments – that is, the Court’s view that those amendments reinforced legitimate government concerns about the efficient functioning of the Selective Service system – effectively satisfied the first of those two criteria.

At this point, the wisdom of John Hart Ely, as best as I could channel it, took command of the direction in which the class proceeded. As Professor Ely so astutely noted in his famous Comment on flag desecration,²² the Court in *O'Brien* only pretended to be se-

²¹ 391 U.S. at 376-77.

²² John Hart Ely, *Flag Desecration: A Case Study in the Roles of Categorization and Balancing in First Amendment Analysis*, 88 Harv. L. Rev. 1482 (1975). Professor Ely published the Comment after some early skirmishes in the Supreme Court over flag burning, see *Spence v. Washington*, 418 U.S. 505 (1974) (per curiam); *Smith v. Goguen*, 415 U.S. 566 (1974); *Street v. New York*, 394 U.S. 576 (1969), but well before the Court – at a quieter political time – definitively resolved the issue against the constitutionality of statutes making it a crime to burn or desecrate an American flag. See *Texas v. Johnson*, 491 U.S. 397 (1989); *United States v. Eichman*, 496 U.S. 310 (1990). In Ely’s master work, *Democracy and Distrust: A Theory of Judicial Review* (Harvard, 1980), he relies on ideas initially developed in this Comment. See *id.* at 111, n. 15. Tragically, Professor Ely died in 2003, at the age of 64. The obituary in the *New York Times*, written by Adam Liptak, de-

rious about “[whether] the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.” This appears to call for a rigorous and speech-protective balancing test, in which the government must show that its concerns strongly require the challenged restriction. In some cases, such a showing is easy; the government may outlaw attempts to assassinate high public officials, despite the potential expressive quality of such activity, because the restriction is indeed essential to the protection of interests in life, public safety, and the security of government operations. Critics of public officials are thus forced to find alternative, non-violent ways of expressing their dissent in order to claim successfully the protection of the First Amendment.

Applying these notions to O’Brien’s case, however, is not nearly so easy.²³ The government could have furthered its interest in the effective functioning of the Selective Service system in many ways, without prohibiting destruction (or even non-possession) of certificates. The government might have invested its enforcement resources in monitoring draft-card-burners (who were usually quite public in their acts), alerting draft boards to the fact that someone in their jurisdiction no longer had a card, and requiring card-destroyers to re-register quickly at the nearest draft board. All of those choices might have been more expensive and/or less effective than using the federal criminal law to prohibit knowing destruction of certificates, but such a prohibition could not be thought “essential to the furtherance” of the system.

Once these trade-offs come into view, however, one rightly asks the question of whether the payoff in free speech values justifies the exchange; that is, just how trivial or “incidental” is the restriction on the expressive function, as compared to the incremental restriction on government enforcement of its legitimate concerns? Like the government, David O’Brien too had alternatives. For obvious ex-

scribed him as a “constitutional scholar of dazzling originality and wide influence.” www.nytimes.com/2003/10/27/us/john-hart-ely-a-constitutional-scholar-is-dead-at-64.html.

²³ Ely, 88 Harv. L. Rev at 1484-1490.

Teaching *U.S. v. O'Brien*

ample, he could have burned a facsimile draft card, perhaps even a giant-sized one that distant spectators could readily identify.²⁴

When the class gets to this point, I ask them what made the destruction of the actual card such a potent mode of expression, especially as compared to destruction of a large facsimile, or just an impassioned anti-war speech. With the tales of Sam and Jack in mind, the students begin to see the flaw in Davey O'Brien's First Amendment position. What made O'Brien's card-burning unusually dramatic as a form of expression was its serious criminal character, and the consequent risk of lengthy confinement.²⁵ When he acted, he could foresee that he might spend a good stretch of his young adulthood in a federal prison. If the First Amendment protected his card-burning – and every subsequent card-burner would know that, even if O'Brien himself didn't – the act would require considerably less courage, and its expressive value would be reduced accordingly.²⁶

I suppose that I could have omitted the three conversations, and simply assigned Professor Ely's Comment to the students. Doing so would have educated them about *O'Brien*, and given them an excellent transition into the flag-burning problem, where the relevant government interest is indeed related to the suppression of a particular message, or to the protection of a particular, government-approved message – the flag's meaning as a patriotic symbol.²⁷

But I relished the drama of recounting those three conversations. I'd like to think that the insights they produced, all wedded to the tale of David O'Brien, represented a small but significant pedagogical triumph. And the lessons were not limited to comprehension of the relevant First Amendment doctrines. For students, who could probably identify far more readily with Sam and Jack, and perhaps even with Bailey Aldrich, than with Davey O'Brien, these narratives

²⁴ See *O'Brien*, 391 U.S. at 369, n. 1 (“At the time of the burning, the [FBI] agents knew only that O'Brien and his three companions had burned small white cards. They later learned that the card O'Brien burned was his registration certificate. . .”).

²⁵ Ely, 88 Harv. L. Rev. at 1489.

²⁶ *Id.* at 1489, n. 29.

²⁷ *Id.* at 1506-1508.

Ira C. Lupu

may have crystallized what otherwise would have remained faintly perceived tensions between political conscience and professional future. All four characters, none of whom had been searching for me as an author, responded to those tensions in ways that I hoped students would ponder.

Post-script, early 2013: As I prepared this essay, our youngest child, Michael Altman-Lupu, was employed as a teacher of English in Ho Chi Minh City (once, and still to some, Saigon), Vietnam.²⁸ Before he departed in late 2012, he wryly observed that very few in my generational cohort had any inclination, at his age of 22, to spend time in Vietnam, which is now very welcoming to Americans. It lifts my heart that he is living in the light of his dreams, rather than in the shadow of conscription.



²⁸ You can find a photo of Michael, with motorbike, at Mui Ne, Vietnam, on the coast of the South China Sea, here: www.facebook.com/photo.php?fbid=2637911186725&set=a.1423728272911.2048634.1223850140&type=1&theater.