

Between Reform and Regulation

The Struggle over Film Censorship in Progressive America, 1909-1922

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Abstract The establishment of the Board of Censors of Motion Picture Shows (later known as the National Board of Review) in New York in 1909 is discussed. The paper deals with the Board's relationship to the motion picture industry and its efforts to avoid a formal structure of centralized film censorship. The establishment of official censorship boards in several states and the industry's formation of the MPPDA in 1922 ultimately undercut the National Board's authority by 1922.

Nowhere is the relationship between film and the society that produced it more tantalizing and perhaps less understood than in the progressive era. During the first two decades of the twentieth century, reform captured the political imagination of a generation of Americans who witnessed the development of the moving picture trade from its nickelodeon origins into a major competitive industry. Political liberals and moral conservatives struggled to create a response to film that satisfied the goals of uplifting civilization without hampering its progress. If at first it appears reformers agreed that censorship was the most effective social and political response to moving pictures, then closer analysis also shows that reformers disagreed sharply as to whether their target should be exhibition conditions or film content and whether censorship should be official or voluntary. While some reformers advocated prior censorship of film by municipal or state agencies, others argued that such official legal censorship violated the first amendment.

The threat and reality of censorship between 1909 and 1922 politicized the film industry as no other issue of the day. Members of the moving picture trade, particularly the exhibitors and manufacturers, reacted to the threats of external regulation in several ways. At first, they cooperated with civic reformers in New York City to establish the National Board of Censorship, a body committed to the principle of voluntary censorship. Only later did they organize and develop an aggressive political campaign to protect themselves against the potentially hostile legislation of municipal, state, and federal governments. This campaign culminated in the creation of the Hays Office in 1922. Unlike the National Board of Censorship which was directed by the reformers, the Hays Office directly represented the interests of the motion picture trade.

Although film had been a form of popular entertainment since the 1890s, it did not become an object of close scrutiny until after 1907. By then, the popularity of moving pictures had begun to spread beyond the working class neighborhoods and ethnic ghettos of urban America.¹ Moving pictures were a public form of entertainment, and, because of their public character, they became a center of controversy.² The controversy that developed over how best to regulate both the content of the moving pictures as well as the conditions of exhibition pitted reformers against each other. In New York City, public concern peaked in 1908 when Mayor George McClellan created a furor within the film trade and film-going public by closing the nickelodeons at Christmas.³ In the aftermath of the theater closings, representatives of the motion picture trade, many of whom were si-



Figure 1. New York Mayor George B. McClellan: the man who closed the nickelodeons. NYPL Picture Collection.

multaneously involved in establishing the Motion Picture Patents Company, negotiated a policy of voluntary censorship with reformers. This effort at accommodation between the moving picture trade and reformers had a national impact and led to the establishment of a formal relationship that remained in effect throughout the progressive era.

The struggle over film censorship began during a period historians have labelled "the progressive era." In spite of a decade of historical scholarship to clarify the meaning of progressivism, the movement defies easy definition.⁴ Some historians have attempted to identify progressives from the perspective of their affiliations and ideologies. On this point, there remains basic disagreement as to whether progressives as a group represented entrepreneurs or corporate interests. Richard Hofstadter has argued that progressives came from a declining middle class anxious to protect itself against the assault of modernity. Robert Wiebe, on the other hand, locates the progressives among the rising middle classes of professionals, managers, and bureaucrats who were a product of the new economic order. If there is debate about the socio-economic origins of progressives, then this is

also true of their value systems. Hofstadter sees progressives as nostalgic, backward-looking reformers, mourning the loss of individualism. In contrast, Wiebe clarifies the extent to which reform ideology complemented the organizational model of industrial America by seeking to modernize social and political institutions through increased legislation, regulation, and bureaucratization.⁵

A more meaningful approach to illuminate the historical context in which the censorship question unfolded is to begin with the changes that took place within the political system itself.⁶ As Richard McCormick has shown, the fundamental changes in government between 1900 and 1915—in particular, the increased reliance on administrative solutions to social problems, the enlarged sphere of public action, and the recognition of special interest groups—were particularly profound in New York State. In the first decade of the twentieth century, New York experienced a series of political crises, each followed by an explosion of reform activity.⁷ This, in turn, had a profound effect on moving pictures. At once a tool and a target of reform activity, moving pictures elicited attention in an era of political transformation.

The relationship of film to the society that produced it has been addressed most notably by Robert Sklar, Garth Jowett, and Lary May.⁸ In his landmark study *Film: The Democratic Art*, Jowett has chronicled the efforts at municipal, state, and federal control of moving pictures. He describes the battle that developed between progressives and motion picture interests as concern for child welfare, health, and morality led social workers to take a closer look at the new medium. This concern, in turn, resulted in attempts at regulation of moving pictures through legislation. It was against the background of these developments that Jowett explains the establishment of the National Board of Censorship—after 1915 called the National Board of Review—as a body that actively campaigned against censorship but ultimately failed to "become the official public voice of the film industry."⁹ Jowett's interpretation of the National Board of Censorship, however, ignores its impact on the politicization of the film industry and the industry's mobilization against legal censorship. The extent to which the industry began to organize as a special interest group and entered into debates concerning its own welfare was directly related to the ability of the National Board of Censorship to mediate between the public and the film industry.

Lary May approaches the question from a different perspective in his provocative study *Screening Out the Past: The Birth of Mass Culture and the Motion Picture Industry*. Focusing on the transition of

America from a producer to a consumer culture, May argues that moving pictures helped ease public accommodation to consumer values. In this context, he sees the reformers at the National Board of Censorship as "vice crusaders." According to May, the reformers and the motion picture trade forged a consensus that lasted from 1909 until the uproar over the racism in D. W. Griffith's *THE BIRTH OF A NATION* in 1915.¹⁰ While it is true that *THE BIRTH OF A NATION* simulated a vigorous debate over the need for film censorship, May's interpretation overestimates the strength of the consensus that existed not just between the reformers and the film trade, but even among the reformers themselves. What May's argument has tended to obscure is that reformers disagreed on the appropriate response to film regulation. The lively debate among reformers over official and voluntary censorship should not be overlooked.

For all of the attention that the societal pressures for film censorship have received from social historians like May and Jowett, surprisingly little work has been done on the organized response of the moving picture trade to the campaigns for legal censorship prior to the establishment of the Hays Office.¹¹ The following essay focuses on two questions that previous studies have not fully answered. First, precisely what was the basis of the relationship that developed between progressivism and the moving picture trade interests with specific reference to the censorship question? And second, how did this relationship influence the strategy the film trade pursued in response to the campaigns for legal censorship prior to the creation of the Hays Office in 1922? These questions help illuminate the process by which the film industry learned to lobby effectively and prevent the imposition of federal control over moving pictures. By the time Will Hays accepted the invitation to help fight censorship in 1922, the moving picture industry had experienced a decade of struggle over the censorship question.

The establishment of the Board of Censorship of Programs of Motion Picture Shows in New York City early in the spring of 1909 signaled the beginning of the courtship between the moving picture interests and progressive reform. Founded on an experimental basis in the wake of theater closings during the previous Christmas holiday, the Board of Censorship was created by a number of civic bodies in response to a resolution passed by the Association of Motion Pictures Exhibitors of New York.¹² Members of non-partisan educational reform groups such as the Public Education Association originally dominated the governing board, but it quickly expanded

to include more representation from middle-class, Protestant reform societies. The People's Institute in New York City became its main sponsor when the Board transformed itself into a national agency in May 1909.¹³ The project carried the imprimatur of an advisory committee consisting of nearly sixty public figures, as diverse as Lyman Abbott, Andrew Carnegie, Samuel Gompers, Lenora O'Reilly, Mary Simkovitch, and Stephen S. Wise.¹⁴

As the sponsoring institution of the National Board of Censorship, the People's Institute played a significant role in organizing its work. Its leaders, Charles Sprague Smith and John Collier, identified with the agenda of progressive reform.¹⁵ The founder of the People's Institute in 1897, Smith had taught comparative literature at Columbia and Harvard. His credentials satisfied even Charles Beard, among the most critical of the progressives.¹⁶ Besides his involvement with the People's Institute and the National Board of Censorship, Smith experimented with social reform in creating the Ethical Social League in 1908 and, as a member of the Wall Street Commission, in investigating the Stock Exchange in 1908 and 1909. John Collier, first chairman of the Executive Committee on Censorship and the General Secretary of the National Board, worked closely with Smith on the question of film censorship. He had charge of organizing the censorship committee and communicating with the manufacturers. At the same time Collier remained committed to child welfare, and, in this regard, he supported the ideas of the progressive educators. He argued that moving pictures had a significant role to play in the development of the child and held that "... education involves a positive liberation of the forces within the child ..."¹⁷ Both Collier and Smith enjoyed a good relationship with the film manufacturers and helped shape the relationship between them and the Board.

In the beginning, cooperation characterized the relationship between the trade and the reformers as well as between the film manufacturers and the exhibitors. Although the New York Exhibitors initiated the establishment of the Board, the Chairman of the Executive Committee on Censorship, John Collier, quickly invited the cooperation of the manufacturers. Collier suggested that the manufacturers voluntarily submit their films to prior censorship under standards adopted by the Censorship Board in consultation with the New York manufacturers, renters, and exhibitors. To convince the manufacturers of the advantages of voluntary submission of their films to censorship before exhibition, Collier suggested that, besides improving the moving picture business in the public's estimation, censorship would result in in-

creased patronage in every neighborhood and undercut those who were trying to destroy the business through unreasonable laws.¹⁸

Exactly who aimed to harm the business is difficult to assess because the moving picture exhibitors and manufacturers had found themselves under siege from a number of enemies in addition to those reformers who had targeted the moving picture shows. The moving picture trade offered stiff competition to the saloons, vaudeville houses, dance halls, and even the popular press for the nickels that the working classes spent on entertainment. Hard feelings erupted when moving pictures successfully attracted patrons away from other forms of leisure. Accusations appearing in the trade press implied that vaudeville interests and the popular press, in particular, sought publicly to humiliate moving pictures. The moving picture trade feared that such smear tactics, if not petty graft on the part of their enemies, might lead to external censorship.¹⁹ Yet instead of seeking protection from Tammany Hall, itself under indictment by reformers, the moving picture exhibitors saw tactical advantages in forging an alliance with an assorted group of civic, social, political, and even moral reformers. At the same time, the exhibitors and the reformers understood they could accomplish little without the active support of the manufacturers.

As members of the Board of Censorship had hoped, the manufacturers responded favorably to Collier's proposals for voluntary censorship. Those licensed manufacturers who had formed the Motion Picture Patents Company only shortly before began to cooperate with the Board of Censorship within weeks of its organization and submitted their first films for inspection on 25 March 1909. The independent producers, perhaps following the lead of the influential International Projecting and Producing Company, also agreed to submit their product to the National Board of Censorship.²⁰ By August 1909, the Board boasted it censored 75 percent of all films exhibited in the United States. However, the Board did exempt two categories of films from their inspection: special releases and secretly produced pictures.²¹

The cooperation between the Motion Picture Patents Company and the Board of Censorship reflected their common goal of improving the quality of pictures produced. Shortly after its formation, the Patents Company had circulated an announcement to the exhibitors detailing their objectives and clarifying the advantages of such improvements not only to the exhibitors but also to the permanence and wel-

fare of the moving picture business. The elimination of "cheap and inferior foreign films" and the encouragement of patronage by "the better class of the community" justified, in part, the formation of the Company.²² As the main leaders of the trade, the members of the Company ceased fighting against each other and instead focused on what they regarded as the demoralizing impact of greedy foreign interests. The Board of Censorship, like the Patents Company, saw itself as safeguarding an American standard which excluded certain vulgar scenes popular in foreign films.²³

At the inception of their cooperative venture, representatives of the trade and of the reformers agreed to the advantages of making the New York censorship board a national body. Regardless of the atypicality of New York's cosmopolitan and heterogeneous culture, it was still the geographic center of the trade. Frank Dyer, the Vice President of the Edison Manufacturing Company who also served as the President of the Motion Picture Patents Company, encouraged Collier in his efforts to transform the New York organization into a National Board. Arguing that the existence of many local censorship boards could cripple the industry, Dyer agreed with Collier that a responsible National Board seemed to be the only possible solution to moving picture censorship, an event that loomed as inevitable. Although the manufacturers reacted reluctantly at first, Dyer assured Collier that they would learn to accept the Board's decisions, much as they had learned to accept adverse court decisions.²⁴

While the moving picture trade interests supported the National Board out of enlightened self-interest, the members of the Board and most particularly Collier admitted from the beginning that self-interest also motivated them. In March, Collier had indicated to the manufacturers that the Board wanted to introduce "moving picture apparatus" into the public schools.²⁵ The licensed manufacturers believed that this was a fair exchange, even if it was not directly useful to their own goals of improving public relations, avoiding adverse legislation, and increasing commercial opportunities. Collier actively campaigned to win the confidence of urban educators and found an influential ally in George Kleine, an original member of the Motion Picture Patents Company. Both agreed that the moving pictures—commercial films—had an educational value and that the pedagogical possibilities of the new industry had significant implications for the classroom and churches. Still, the dollar remained the bottom line. When Collier suggested several months later that moving pic-

tures be shown in New York City's recreation centers free of charge, Dyer objected on the grounds that this would unfairly harm the moving picture theaters' profits.²⁶

The National Board of Censorship and the moving picture interests established a number of important precedents during the first six months of their cooperative venture that set the pattern for their relationship over the next decade. Yet, in spite of what appeared as general agreement, there also arose points of contention that would resurface and hinder the effectiveness of their work. The production of higher quality pictures emerged as the primary goal of censorship. Seen almost as a panacea for the instability—often verging on chaos—that characterized the moving picture industry in 1909, censorship implied greater uniformity in product through the exercise of peer pressure. In order for the smaller manufacturers to survive, they would be forced to conform to national standards set by the leaders of the trade, namely the licensed manufacturers and the more important of the independent producers.²⁷ Both the reformers and the manufacturers agreed that approval by the Board should be advertised as a way to popularize acceptable films and gradually uplift public tastes and the films that satisfied them.²⁸ The trade interests, however, seized upon this idea too enthusiastically, and the following year Charles Sprague Smith, Collier's boss at the People's Institute, warned the manufacturers and exhibitors against exploiting the Board's approval. Such publicity, according to Smith, jeopardized the work of the Board.²⁹

The moving picture manufacturers and the National Board of Censorship jointly defined how the work of the Board should proceed. At the least, both sides agreed that the censorship of certain subjects would be advantageous. Obscenity and crime-for-crime's-sake ranked at the top of the list of problems to be eliminated.³⁰ During the first year of operation, the committee on censorship rejected films submitted by members of the Motion Picture Patents Company for depicting "the criminal passion and rough handling of a white girl by Negroes" as well as for developing themes of infidelity, suicide, and the ridicule of the insane.³¹ A typical communique between Collier, as General Secretary of the Board, and the members of the Motion Picture Patents Company listed the films seen at the offices of the Patents Company and then specified the causes for the rejection of a particular film. For example, when the committee rejected the Pathé film *RAT D'HOTEL* after three viewings, Collier explained the film "hinges on

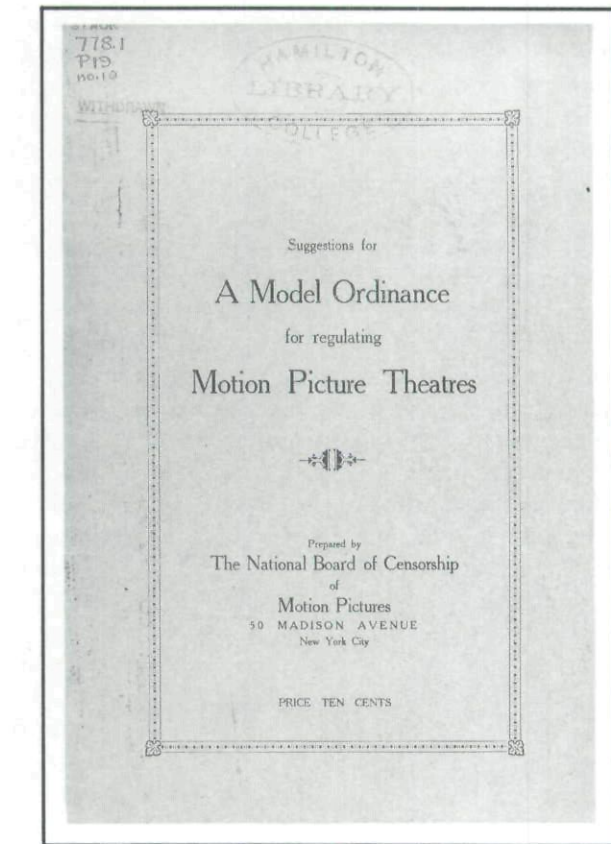


Figure 2. Front cover of a 16-page pamphlet published by the National Board of Censorship promoting local regulation of motion picture theaters, c. 1912. American Museum of the Moving Image.

the successful perpetration of the crime of burglary accomplished by chloroforming the victim."³² Collier and the others worried that the ease of the crime was suggestive.

The committee had several alternatives besides rejecting a film entirely. They might also suggest specific eliminations or changes. For example, the committee requested the elimination of a woman "reeling drunk" from one film and the display of drawers (underwear) from another.³³ In Lubin's *MAMA'S ANGEL*, the shots of a youngster throwing a banana peel on the pavement had to be removed, while in other films made in 1910, the committee objected to shots of burglars engaged in various activities. Nor could the Katzenjammer kids get away with sawing the legs of a chair in half.³⁴ At other times, the committee would commend the pictures they saw in an effort to encourage the production of certain themes or even influence more aesthetic criteria. The Board

congratulated the Selig Company, a member of the Patents Company, for its choice of an industrial subject and its "journalistic treatment of every day subjects."³⁵ Commenting favorably on an Edison film, Collier tentatively added his own personal observations in a note to Horace Plimpton, the studio manager:

The conditions under which pictures are shown at the Patents Co. are well-nigh ideal, yet I had to get right under the screen to obtain a satisfactory view of the people's countenances. They are too small on the screen to be personalities. You'll notice, with an ensemble scene of French or Italian make, that there may be a crowd of people on stage, yet a few, the central characters, are in the foreground and are satisfactorily visible; you can watch their facial play.³⁶

On occasion, these suggestions threatened the good will between the manufacturers and the censorship committee. When the committee began to intrude more directly into their affairs, the manufacturers objected vehemently. One such crisis developed late in the fall of 1909 when American Mutoscope and Biograph Company ceased submitting its films to the Board. Biograph's president, J. J. Kennedy, who also served as Treasurer of the Motion Picture Patents Company, admitted that censorship was desirable and even necessary under existing conditions but criticized the leaders of the project at the People's Institute. Angrily, he complained to Dyer:

The producing and marketing of film is an industry of too great importance, both commercially and in its relation to the public welfare, to be subjected to those who, after being afforded every facility to accomplish the good work that they set out to do, now assume an attitude of controlling or dominating the business.³⁷

The licensed manufacturers took this as well as other issues to a meeting with Charles Sprague Smith that representatives from Biograph did not attend. The manufacturers requested that the committee on censorship that had been formed under the auspices of the People's Institute refrain from commenting on the pictures outside of either rejecting them or suggesting changes. Concern for their independence, especially as it appeared to the public, led the manufacturers to insist that the censorship committee not give interviews or publish articles claiming that they were influencing or directing the manufacturers "in any way in regard to the kind of pictures or method of treatment thereof, which are being made by them."³⁸

Smith disagreed with this criticism and cautioned that the censorship committee relied on such publicity. Even though he conceded that the public should not think that the censorship committee directed the Patents Company, Smith insisted that the legitimacy of the National Board of Censorship depended on its freedom to publicize its role in reviewing the films produced by the Patents Company.³⁹ Moreover, Smith insisted that Biograph's withdrawal threatened the efficacy of the censorship effort. Again, the Patents Company, this time represented by Secretary George Scull, argued for the independence of the manufacturers not only in relationship to the Board of Censorship but among themselves as members of the Motion Picture Patents Company.⁴⁰ Each of the licensed manufacturers decided whether to submit their films, and Scull stressed that, while the Patents Company would provide a viewing room for their convenience, it would not force its members to comply with the desires of the National Board. Shortly after this altercation, Biograph reconsidered its refusal to submit its films and began cooperating again with the Board. Subsequently, other members of the company withheld their films from the Board for various reasons but never for a long period of time.

Challenges to the work of the National Board of Censorship came from within its own ranks as well. Mrs. Josephine Redding, editor of *Vogue* and among the first members of the censoring committee, decided to resign from the project, ostensibly because of internal strife on the committee. In a frank letter to her friend, Mrs. Horace Ply[i]mpton, she criticized both the film manufacturers for producing violent pictures and the censoring committee for passing such films. Mrs. Redding expressed concern that film portrayals of violence engendered trouble from local magistrates and from a group she referred to as "REFORMERS" or "Pseudo-Reformers." She worried that these reformers would succeed in having appointed a Public Recreation Committee with jurisdiction over Motion Pictures and Cheap Theaters. Moreover, she feared the attempts to establish local censorship committees outside of New York City, "each with its individual and in most instances unintelligible and hostile views of stage production."⁴¹ Mrs. Redding requested that the Plimptons use their influence to "make the Producers realize the unwisdom" of exploiting violence in their pictures.⁴²

An even more serious challenge came the following year when two of the charter members withdrew their support from the Board in the fall of 1911. Representatives of the Woman's Municipal



Figure 3. New York Mayor William Jay Gaynor, considered an ally of the motion picture interests, who replaced George McClellan at City Hall in 1909. NYPL Picture Collection.

League and the Society for the Prevention of Crime undercut the work of the Board by appealing for official censorship at a public hearing of a special mayoral commission appointed to examine the moving picture shows in New York City. Decrying the methods of the Board as inadequate, they argued that only an official, legal censorship would protect children under sixteen.⁴³ The public dissent of the former board members against the mayoral commission had the character of a political as well as a moral challenge.

Mayor William J. Gaynor, the New York politician responsible for appointing the committee, had been considered an ally of the moving picture interests since December 1908. At that time, as a Justice of the appellate division of the Supreme Court of New York, he had granted an injunction against Mayor George McClellan's orders to close all the moving picture theaters. Elected mayor in 1909, Gaynor had displaced McClellan as the choice of Tammany Hall Democrats. Initially, Gaynor had the support of

many anti-Tammany reformers as well and began a campaign that included a massive clean-up of the police department, support for better housing, improved education, better health care for pregnant women, and more children's recreation facilities. But Gaynor soon alienated the anti-Tammany reformers, including Reverend Charles H. Parkhurst whom he denounced as bilious.⁴⁴ Parkhurst had been a leader of anti-Tammany reform groups for two decades. In the 1890s, he had campaigned against cigar stores and saloons and had led an anti-vice crusade. Influential in the City Vigilance League and in the Society for the Prevention of Crime, Parkhurst's opposition to moving pictures was very much in character.⁴⁵

In the early spring of 1911, Gaynor had appointed a special commission under Raymond Fosdick, Commissioner of Accounts, to examine the conditions of moving picture shows in New York City. Fosdick distinguished between the character of the films and the conditions in which they were exhibited, the same distinction the National Board of Cen-

sorship had allowed in determining what fell under police jurisdiction and what belonged to their own censorship work. Fosdick concluded that present laws and ordinances in New York City were inapplicable to moving picture shows and suggested more uniform legislation. At the same time, however, the report strongly endorsed the work of the Board of Censorship in improving "the character of the pictures."⁴⁶ While the mayor accepted Fosdick's report, the altercation outside his office caused by the resignation of the two former board members tarnished the image of the National Board of Censorship.

Those who favored legalized censorship and opposed the National Board vehemently objected to the portrayal of crime on film. The Board of Censorship had already made its position on sensational representations of crime or of crime for crime's sake clear, and the manufacturers had agreed to eliminate these offensive themes. Answering the criticism that the depiction of crime continued to appear in moving pictures, the Board defended its position "on [both] the theory that the motion picture is a form of dramatic art and, together with the theater, must be allowed a certain liberty in depicting moral problems."⁴⁷

If the incident outside of Gaynor's office offered evidence that the proponents of official prior censorship were serious in their efforts to pressure the administration into acting, Mayor Gaynor had no intention, then or later, of giving in to their overt demands or covert manipulations. On the question that freedom of the press included moving pictures, no public figure was more outspoken than Mayor Gaynor. Gaynor objected consistently to legal censorship of moving pictures, and, when he died in September 1913, the entire moving picture trade mourned his death. Shortly before, in December 1912, Gaynor vetoed a New York City ordinance passed by Tammany and Fusion aldermen that established procedures and fees for classifying moving picture shows but to which was added at the last moment a censorship provision. Gaynor carefully analyzed the issue for the aldermen, basing his veto on the understanding that "no censorship can be established by law to decide in advance what may or may not be lawfully printed or published."⁴⁸ Arguing that "the press" includes "all methods of expression by writing or pictures," Gaynor insisted that the criminal punishment for the publication of obscene, immoral, libelous, and indecent literature offered adequate legislation on the question. Moreover, Gaynor stressed that censorship was not only unconstitutional but that it went against the historical development of free governments all over the world and was

antagonistic to mass society. It was as a friend of democratic society that Gaynor commented that, in contemporary America, moving pictures were:

attended by great bulk of the people, many of whom cannot afford to pay the prices charged by the theatres. They are a solace and an education to them. Why are we singling out these people as subjects necessary to be protected by a censorship? Are they any more in need of protection by censorship than the rest of the community? Are they better than the rest of us, or worse?⁴⁹

The confrontation outside the mayor's office in November 1911 and the subsequent pressure to amend the municipal ordinance highlighted two critical problems the Board of Censorship and the manufacturers then faced: how to explain publicly the nature of their relationship and how to convince the public that voluntary censorship was working. These were not easy tasks since their opponents exploited the two most vulnerable points they could. First, the manufacturers, in fact, did finance the work of the Board, although they insisted that they did not bribe the Board into passing undesirable films. Second, the Board, in reality, had no legal authority to enforce its decisions but relied on the good faith of the manufacturers and exhibitors to implement the changes they suggested or to refrain from circulating offensive films. The Board of Censorship responded to these complaints by emphasizing that, although they had no legal authority, they were effective in the numbers of films they examined. Moreover, the Board's published reports stressed that the People's Institute funded their work and that there never had been any attempt to disguise the financial contributions by the trade to the People's Institute. Ironically, the close relationship between the Institute and the trade on the question of responsible voluntary censorship appears to have been an underlying cause in the campaign for legal censorship.

During these months of struggle on the efficacy of voluntary censorship, there occurred a change in leadership at the People's Institute that had a great impact on the future direction of the National Board of Censorship. While Smith had a finely developed sense of politics, his untimely death on 30 March 1910 left the National Board of Censorship largely in the hands of the politically inexperienced John Collier, just at the moment when those favoring legalized censorship were beginning to lobby against those advocating voluntary co-operation. In the months before his death, Smith expressed concern that reformers from outside the Board were attempting to take control of the censorship project. While Collier

and Smith both agreed that cooperation among reformers, particularly on the question of child welfare, could only help their cause, they were particularly reluctant to give up control considering the instability of municipal politics. If the city administration under Mayor Gaynor had a liberal bias, Collier and Smith were far less sanguine about the future.⁵⁰

In casting about for a new leader, the People's Institute invited Frederic C. Howe to assume the position of director. During Howe's tenure—he resigned in September 1915—the work of the National Board of Censorship became the main activity at the People's Institute. At the time of his appointment, Howe presented an impeccable progressive profile. The publication of *The City: The Hope of Democracy* earlier in 1910 represented his most recent achievement and influenced his move from Cleveland to New York City. Almost a decade of political experience with Mayor Tom Johnson in Cleveland had involved him in such divergent issues as economic debates on Henry George's single tax program and humanitarian discussions about penal reform. In addition, his earlier career as a partner in the prestigious law firm of Garfield, Garfield and Howe, as a city councilman, and as a Ohio state senator completed his political education. Most importantly, Howe already had developed a national reputation. Even while director at the People's Institute, Howe actively supported his old friend Senator Robert La Follette in his stillborn bid for the presidential nomination and then rallied behind Woodrow Wilson, whom Howe had known from his student days at Johns Hopkins. In 1914, Wilson appointed Howe Commissioner of Ellis Island. Yet, in spite of Howe's impressive résumé and his personal popularity, he did have enemies. Not only had he antagonized many in Ohio politics by shifting from the Republican to the Democratic party in 1903, but his stubborn nature alienated powerful interests, as his much publicized run-in with the food supplier to Ellis Island showed.

In New York City, the intellectual energy of Greenwich Village excited Howe. He invited Emma Goldman and W. E. B. DuBois, among others, to address the People's Institute. Radical political ideas interested him, and he later recounted that during the years immediately preceding the war it was "good to be a liberal." An outspoken advocate of direct primaries, municipal ownership, labor legislation, and women's suffrage, Howe believed in and worked for constructive change. This commitment radicalized the political environment at the Institute. Yet, even though Howe moved further to the left, he remained

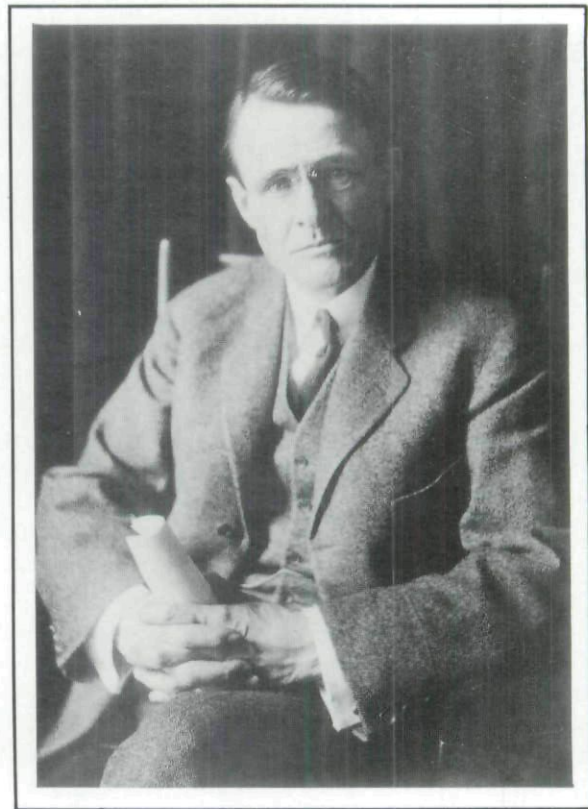


Figure 4. Frederic C. Howe, Director of the National Board of Censorship during the critical 1910–1915 period. NYPL Picture Collection.

loyal to democratic politics and progressive ideology. After the war, he finally resigned as Commissioner of Ellis Island rather than deport political radicals, and, for the following fourteen years, he continued to support progressivism until he returned to public service in Roosevelt's administration.⁵¹

During Howe's tenure as chairman of the National Board of Censorship, the Board strengthened its public stance that official prior censorship was unconstitutional. While Howe stressed the necessity of a free exchange of ideas in a democratic society, he also offered new justification for the work of the National Board of Censorship. Rather than represent the interests of the trade or of the reformers, the Board now identified itself with the moving picture audience and espoused the position that it tried to "reflect what the people of the United States would think about any given picture were they sitting en masses to view it."⁵² According to Howe, the Board sought for the censoring committee as broad and representative a body as possible. Moreover, Howe insisted that the Board operated from the premise that "the general conscience believes in free speech

on religious and political matters; in the right of people to live and enjoy themselves in the way they see fit, so long as fundamental morality is not injured."⁵³

Howe realized that the censorship question was complicated, and, in particular, he was concerned with the difficulty of applying general standards to criticizing specific films. Taking as an example the depiction of vice and crime and the dramatization of street life in New York, he cautioned that in one audience it might encourage the desire for reform while in another the desire to imitate. Howe believed that any censorship, whether voluntary or vested in federal and state officials, provoked dangers to a free society. Keenly sensitive to the importance of the medium in the formation of public opinion and to the role of public opinion in a democracy, Howe understood the political implications of legalized censorship—in fact of any censorship—as well as any man of his day. On this point, Howe frankly admitted

Aside from the question of the constitutionality of such (official) censorship is the question of the ultimate effect of the assumption by the State of the right of regulating this most important avenue of expression (the motion picture). Should the State pass upon the desirability of the portrayal of labor questions, of Socialism, the Industrial Workers of the World, and the other insistent issues crowding to the fore? . . . If such (official) censorship be provided for, will not this great field of dramatic expression be subjected to the fear of suppression, so that only the safe and sane, the purely conventional, the uncontroversial film will be produced? . . . Then the control of this official board would be a prize worth struggling for—a prize comparable to the control of the Associated Press, and almost as dangerous to the freedom of the country.⁵⁴

Howe feared official censorship because it was even more vulnerable to government and narrowly individualistic bias—if not outright graft—than voluntary censorship. The mistakes that the National Board made in judging particular films might pose temporary problems, Howe admitted to his critics, but this paled in comparison to the dangers posed by legal censorship. Howe feared that legal censorship would

stifle, or threaten to stifle, the freedom of the (motion picture) industry as a mirror of the everyday life, hopes and aspirations of the people. The motion picture show is not only democracy's theatre. It is a great educational

agency, and it is likely to become a propagandistic agency of unmeasured possibilities.⁵⁵

Howe's appointment as executive chairman of the National Board of Censorship had promised greater legitimacy for its work. The moving picture interests, preoccupied with commercial and artistic problems in the quickly expanding industry, did not realize how far short of its goal the National Board of Censorship had fallen by 1915. Between Smith's death in 1910 and Howe's resignation five years later, the National Board of Censorship offered the motion picture industry an alliance with progressive reformers. Yet, in spite of their successful campaigns to uplift the industry, increase patronage, introduce moving pictures into schools, and generally improve the public image of the industry, their joint efforts to allay the effect of those who favored legalized censorship met strong and organized opposition. While the most powerful segments of the moving picture trade recognized the legitimacy of the National Board of Censorship, enemies of the trade exploited the establishment of the Board to reorganize their opposition. As an external agency that promoted quality control in film production, the Board certainly helped the industry achieve greater stability between 1909 and 1915. But rather than disarm opponents by the general improvement in the moving pictures, the cooperation of progressive reformers with the moving picture interests seemed only to provoke more hostility. From the beginning, the Board tried to answer its critics publicly, hoping in this way to gain new support for its work. But as support for legalized censorship increased, the Board became a mouthpiece against censorship. The irony did not escape them.

Between 1912 and 1915, the two-pronged attack against the National Board of Censorship and for legalized censorship began to succeed. Proponents of legalized censorship challenged the effectiveness of the Board on the grounds that it approved too many undesirable films and scenes, that it did not enforce its decisions, and that the manufacturers exerted undue influence by paying for the censorship. These accusations resulted in proposals for legalized censorship in several states and a number of municipalities. Censorship legislation passed in Pennsylvania in 1911, in Kansas and Ohio in 1913, and in Maryland in 1916. Moreover, in February 1915, the decision from the United States Supreme Court in *Mutual v. Ohio* upheld the state's right to censor films before exhibition. Mutual Film Corporation had challenged the constitutionality of the Ohio censorship law first in the District Court of Ohio and then on appeal in

the United States Supreme Court. W. B. Saunders, the attorney for Mutual, contended that the Ohio censorship law violated the federal constitution in three ways: by placing an unlawful burden on interstate commerce, by interfering with freedom of speech and publication, and by unlawfully delegating legislative power.⁵⁶ In February 1915, the Supreme Court affirmed the decision of the federal district court. Justice Joseph McKenna delivered the opinion of the Court on these three complaints. First, since the censorship extended only to film intended for exhibition in Ohio, he wrote, it did not place an unlawful burden on interstate commerce. Second, McKenna accepted the argument that moving pictures may be "mediums of thought" but refused to consider here the guarantees of free opinion and speech. Third, McKenna denied that the Ohio statute delegated legislative power to an administrative agency and further recognized the difficulty of an exact separation of powers, stressing that the Ohio censors had discretion only in executing the law.⁵⁷

The unfavorable decisions in *Mutual v. Ohio*, as well as in its companion case *Mutual v. Kansas*, shocked the moving picture world. In the nearly twenty years since moving pictures had begun to compete as commercial entertainment, the industry had undergone remarkable growth and had successfully distinguished itself from the class of common shows where it had originally been licensed. Arguing that moving pictures were comparable to circuses, Judge McKenna ignored the social respectability film had attained by improving the dramatic value of the pictures. Surprised by the decision, many in the trade continued to claim first amendment protection in defending themselves against further state, municipal, and federal legislation and before the lengthy congressional hearings in 1914 and 1916 on the question of a federal censorship commission. By pursuing this tactic, however, the film trade interests may actually have hurt their own goals. By 1915, the slogan "free speech" had become the battle cry of political dissidents including labor organizers like the International Workers of the World. The failure to stave off legalized censorship through adjudication left the trade divided on which tactic to pursue next. Although in 1909 the exhibitors and manufacturers were unified in their support of voluntary censorship, by 1915 there was little consensus on how to best defend the industry from the the harmful effects of legalized censorship.

Amid this turmoil, the Motion Picture Board of Trade, a newly chartered association, attempted to organize support to defeat censorship legislation. Its

efforts were complicated by the recent dissolution of the Motion Picture Patents Company in the wake of anti-trust legislation. The Edison Manufacturing Company refused to contribute funds or attend any censorship meetings held by the new association.⁵⁸ In spite of this rebuff, the Board of Trade established an executive committee that included some former members of the Patents Company as well as representatives from the independents. The Motion Picture Board of Trade helped to organize political lobbying against specific censorship bills. For example, when the New Jersey legislature took up the issue in February 1916, the Board sent a delegation of manufacturers to Trenton to prevent the censorship bill from passing.⁵⁹

Even though the Motion Picture Board of Trade did not survive as a trade association, its energies were not entirely wasted. Many in the film industry agreed that a cooperative effort among them was necessary if they were to protect themselves from unfavorable legislation. On 8 June 1916, representatives of the motion picture industry sponsored a luncheon at Delmonico's Restaurant in New York City to discuss strategy for "bringing about united opposition to the enactment of further censorship legislation and the determination of definite policies on other matters affecting the industry as a whole."⁶⁰ Two months later a new industry association, the National Association of the Motion Picture Industry (NAMPI), was created. Boasting that it represented the interests of the movie fans, the Association's founders felt that the whole motion picture world "was suffering from dangerous, inimical and altogether unintelligent legislation."⁶¹ The NAMPI operated on the premise that, for the motion picture interests to be successful in the state legislatures, public support was necessary. The new association purported to "bring the motion pictures closer to the public."⁶²

To assure its public success, the NAMPI turned to the world of partisan politics seeking support from both the Democratic and Republican parties. The Association organized a delegation to represent the industry at a luncheon of the Republican National Committee in October 1916, where one of the honored guests was former governor of New York and presidential hopeful Charles Evans Hughes.⁶³ Only three weeks later, the Executive Secretary of the Association circulated editorials representing the opinions of President Woodrow Wilson and Hughes on the subject of film censorship. He claimed their statements represented the "first large achievement of the organization."⁶⁴

Learning from the experience of the Board of Trade, the leadership of the NAMPI was determined to unify all the branches of the industry under its organizational umbrella. Producers, exhibitors, suppliers, distributors, owners of the exchanges, and trade journalists sat on the Board of Directors and defined the policies of the new association. In seeking out new members, the leaders described themselves as an "intelligent and progressive leadership."⁶⁵ In the beginning, they had the support of George Eastman, D. W. Griffith, William Fox, Adam Kessel, Jesse Lasky, Patrick A. Powers, Alfred Smith, and Edwin Thanouser, among others. Yet, in spite of these signs of cooperation, significant leaders of the industry refused to join. George Kleine, in particular, distrusted the new association. In a frank letter to a Washington associate—a letter which Kleine never sent—he did not even try to veil his dislike for the Association's leaders.⁶⁶ Kleine remained outside this association, as he would later explain, for a number of reasons. He disagreed with the attitude of the Association on censorship, disapproved of its financial expenditure to influence legislation, and rejected the idea that one association could represent the divergent interests of producers, distributors, and exhibitors.⁶⁷

In some ways, Kleine's analysis was justified given the conflict-ridden relationship between the producers and not only distributors but also exhibitors over block-booking.⁶⁸ The hostility that arose between these two groups on the censorship question threatened the very stability of the association. Both the exhibitors and the manufacturers used the cen-

sorship question to gain leverage against each other. While a full blown controversy arose after the war, even before then these tensions threatened the goals of the NAMPI.

In January 1917, a squabble that focused on the association's special anti-censorship committee chaired by D. W. Griffith turned into a major problem when Lee J. Ochs, President of the Motion Picture Exhibitors League of America, called upon Pat Powers, as a representative of the Universal Manufacturing Company, to resign from the committee only one week after he became a member. Ochs, acting in his official capacity, condemned Universal for publishing a charge that "exhibitors like smutty pictures."⁶⁹ This claim had appeared in an in-house paper at Universal sometime in 1916, supposedly to inspire the exhibitors' protest against such pictures.⁷⁰ Both agreed that the "enemies of a free screen" had exploited the original editorial to prove the necessity for motion picture censorship.⁷¹ Yet Ochs believed that this published position, easily manipulated by those advocating censorship, compromised the anti-censorship committee and demanded Powers resignation. Although Powers remained on the committee, the accusations between representatives of the manufacturers and exhibitors boded ill for the future of the association, especially in presenting a united front on the censorship question.

While the motion picture trade attempted to organize industry wide associations to deal with issues such as censorship, the National Board of Censorship continued to operate. Howe resigned as chairman early in the spring of 1915, and Cranston Brenton,

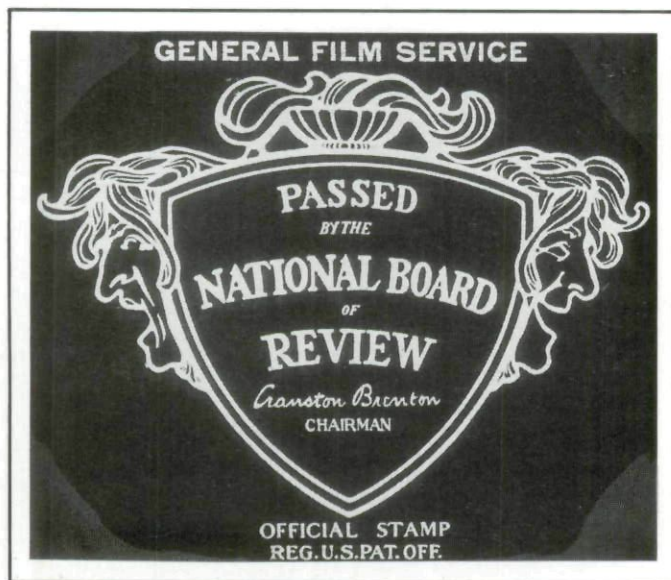


Figure 5. The approval seal of the National Board of Review as it appeared on the leader of a General Film Company release during the Cranston Brenton period, c. 1916. Marc Wanamaker/Bison Archives.

Director of the American Red Cross, replaced him. The Board underwent an identity crisis, realizing the disadvantages of calling itself a Board of Censorship when it vociferously opposed official prior censorship. Its members agreed to change the name by eliminating the offensive reference to censorship and henceforth called themselves the National Board of Review.⁷²

The National Board of Review supported the anti-censorship campaign of the NAMPI. When the Association appointed a committee to take administrative control of an organized anti-censorship campaign under the leadership of D. W. Griffith, the Board of Review pledged its active cooperation in opposing political censorship.⁷³ The test would come in the spring of 1917 when seventeen state legislatures threatened to present censorship bills.⁷⁴ Once established, the joint conference of members from the National Board of Review and the Censorship Committee of the NAMPI immediately raised the question of financing their work. The leadership of the Board of Review approached George Eastman to raise the possibility of collecting an assessment on negative film from the producing companies. Eastman agreed to broach the issue with his attorney. The National Board wanted access to the funds raised by the joint committee but was concerned that, without Eastman's intervention, it might appear that the Board received money from the organized motion picture industry.⁷⁵

In spite of public suspicion that the Board of Review reflected the desires of the industry too closely, the record reveals no evidence of unsolicited funds to influence the Board's decisions. On the other hand, the censorship committee of the NAMPI did involve itself in partisan politics at the municipal level, funding candidates who were friendly to their interests. For example, in March 1918, the committee solicited support for the Democratic alderman in the 25th ward in Chicago, normally a Republican ward, to reward him for his staunch support for the moving pictures in this difficult city where censorship wars had been fought for ten years.⁷⁶ The committee met a similar appeal to influence a municipal election in Kansas City.

As members of the motion picture trade association and the National Board of Review focused on strategies to prevent further censorship legislation, the entry of the United States in the World War in April 1917 brought about a change in the relationship between the moving picture producers and manufacturers and the federal government. Patriotism aside, the joint efforts of the motion picture industry and the National Board of Review to coop-

erate with the federal government presented them an opportunity to gain public approval for their work. In this respect, the National Board of Review attempted to play a significant role by offering to coordinate the efforts of the moving picture interests with the needs of the government. While a discussion of the role that the NAMPI and the National Board of Review played in the organization of leisure for servicemen during the war is beyond the scope of this paper, it should be noted that the further erosion of power the national Board of Review suffered during these years affected the response of the film trade to the pressure for legal censorship after the war.

Shortly after the entry of the United States into the war, the motion picture industry offered its services to the War Commission on Training Camps Activities. Chaired by Raymond Fosdick—the member of Mayor Gaynor's administration who had been in charge of investigating the motion pictures for him in 1911—the War Commission was charged by the President with "looking after the welfare of the enlisted men in the various training camps and naval stations in America."⁷⁷ The Commission insisted that it be made clear that the sub-committee was a committee of the motion picture interests and that it should take the name "The Producers and Distributors War Camp Motion Picture Committee cooperating with the Commissions on Training Camp Activities of the War and Navy Department" (War Camp Motion Picture Committee).⁷⁸ But in April 1918, all the members of the War Camp Motion Picture Committee who were employed by the National Board of Review were asked to resign from that committee on the grounds that their membership in it represented a conflict of interest. Members of the National Board of Review realized the importance of maintaining its reputation as a disinterested agency reviewing films for the public and they did not want to threaten their already tenuous position in their on-going struggle over legal censorship. Yet, however innocent the patriotic gesture of the motion picture industry and the National Board of Review to join in the war effort might have appeared, it belied the very real power struggles behind the scenes that forced the resignation of the members of the National Board of Review.

The major question as to whether members of the National Board of Review should serve on the War Camp Motion Picture Committee developed out of controversy among the social service organizations. The YMCA led others in exerting pressure on members of the National Board to force their withdrawal.⁷⁹ A number of issues underlined the disunity within the social service agencies, some that dated

from before the war and others that would resurface after the war. First, the YMCA apparently resented the sub-committee appointed by the National Board of Review and the NAMPI to work with the War Commission because it challenged the YMCA's control of the distribution of films to the services camps. Second, other social agencies including the Red Cross, the American Social Hygiene Association, and the Food Administration, were now producing films in cooperation with the Committee on Public Information (Creel Committee). Some members of the NAMPI expressed their concern that this was unfair competition in production, distribution, and exhibition of films, even under the special circumstances of the war. However, there seemed little the National Board of Review could do, and its exclusion from playing any role in mediating between the NAMPI and other social agencies, contributed to its emasculation. Privately, the Executive Secretary of the Board of Review bitterly lamented this outcome:

It is unnecessary to me to refer to the more or less obvious spirit of distrust and lack of enthusiastic assistance which we encountered from the first on the part of those very persons from whom we originally felt we might legitimately expect the heartiest cooperation. . . . It is to be regretted that among the enormous issues raised by the World War there still remains in the field of social service a lack of magnanimity which apparently prevent two organizations working unhampered in the same field for the national good.⁸⁰

Although the war allowed the possibility of closer cooperation between the government and the film interests, the relationship that evolved was far from untroubled even on simple matters. The question of trailers added to the films bearing the emblem of the Creel Committee and signifying that they had been approved by it affected the censorship question. Although the National Board of Review objected to the use of such emblems, some film companies attached them. The National Board of Review feared that such voluntary advertisement would lead the public to conclude that the motion picture industry willingly accepted federal censorship.⁸¹

Efforts for censorship legislation recommenced nationwide at the conclusion of the war. Representative Randall of California introduced a bill in Congress for a Federal Motion Picture Commission on 10 January 1919, and state legislation was introduced in North Carolina and for the second time in New York. The censorship committee of the NAMPI, a standing committee chaired in 1919 by Gabriel Hess of Goldwyn Pictures, expanded its

membership to meet the challenge. Perceiving a crisis situation, the committee devised a concrete plan based on nation-wide propaganda against censorship. This plan included distributing trailers and slides to the exhibitors, producing short satires on censorship with prominent stars, organizing state committees to lobby against legislation, and advertising extensively in the trade papers against censorship. The work was to be financed through contributions from the film companies.⁸²

The campaign proposed by the censorship committee of the association sought to alert its members to the imminent dangers of censorship. Before the war, the National Board of Review had complained that the moving picture producers did not recognize the gravity of the situation.⁸³ After the war, the National Board of Review found itself in an untenable relationship with the NAMPI as the film industry became more directly involved in anti-censorship work. While the National Board of Review did not directly represent the interests of the film industry—and the growing dissension between producers and distributors on the one hand and exhibitors on the other makes it difficult to refer to any community of industry interests—the National Board of Review and the NAMPI ostensibly agreed in their opposition to official prior censorship. Still, the National Board of Review thought of itself as a public voice and not as the voice of the industry. In this role, the National Board of Review found itself on more shaky grounds than before the war. Between 1919 and 1921, what little influence the National Board of Review retained in the industry eroded largely as a result of conflicts within the moving picture world.

In the spring of 1919, the censorship committee of the NAMPI proposed self-censorship by the trade itself. Directly at issue was the distribution and exhibition of films about venereal disease made during the war by the American Social Hygiene Association and now being shown in theaters to mixed audiences.⁸⁴ Labelling these films immoral, the NAMPI appeared to be leading a purity crusade. The real issue at stake, however, was competition in the manufacturing and distribution of films between the government, social, agencies, and commercial producers. Yet, the NAMPI saw the exhibitors as culprits and attempted to close down exhibitors showing such films. Arguing that the Association could police its own films, the president of the Association, William Brady, issued a press release announcing 13 resolutions passed by the producers and distributors. They intended to exclude their own films from theaters exhibiting films not passed by the Association.⁸⁵

The publication of these resolutions infuriated W. D. McGuire, the Executive Secretary at the National Board of Review. Not only was self-censorship ridiculous, as he wrote to his long-time friend Pat Powers, but Brady and the National Association were seriously damaging the campaign against official censorship. McGuire complained that Brady's statements discredited the National Board of Review by suggesting that pictures circulated that should not be exhibited. Moreover, McGuire believed that the pressure tactics introduced by the Association against the exhibitors were reprehensible. The National Association contradicted the policy strictly adhered to by the National Board of Review that only public pressure should be used to force conformity. Finally, McGuire asked Powers to make a statement to the press that first clarified Universal's preference to submit their pictures to the National Board of Review, a disinter-

ested organization and, second, insisted that public confidence could only be won through a disinterested censorship.⁸⁶ Soon thereafter, McGuire convinced the leadership at the NAMPI to retreat from the position of self-censorship. In 1919, the NAMPI passed a series of resolutions reconfirming the important role of the National Board of Review.⁸⁷ It was a hollow victory.

In the months that followed the resolutions passed by the NAMPI, the National Board struggled to re-establish its position with the National Association. Their relationship remained strained in spite of pronouncements to the contrary. The move on the part of the National Association towards self-censorship diverged from a decade of experience with the censorship question and represented a shift in policy that would be consolidated in the establishment of the Motion Picture Producers and Distributors Asso-



Figure 6. Cecil B. DeMille and Jesse Lasky greet Will Hays on his arrival in Hollywood, 1922. Marc Wanmaker/Bison Archives.

ciation—the Hays Office—in 1922. Although the National Association retreated from its original position of self-censorship and insisted films be submitted and reviewed by the National Board of Review, the Board soon found itself in constant struggle with the industry. Trailers showing that the films had been passed by the Board were inadvertently or deliberately left off films, and the Board suffered from the lack of publicity. More and more often the Board found itself in financial difficulties, and McGuire constantly asked for temporary funds, which Powers, who was manufacturing the trailers for the National Board of Review, usually provided.⁸⁸

In the meantime, the moving picture industry, plagued by persistent organizational crises, had difficulty confronting the assault on it launched in favor of legal censorship. The passage of a state law in New York in 1921 was among their most striking defeats. Unhappy with the efficacy of the NAMPI, members of the trade turned to Will Hays, former chairman of the Republican National Party, during the Christmas holidays of 1921, to discuss the creation of a new association to represent the interests of the producers and distributors. The censorship question ranked high on the agenda the new association set for itself that spring.

Much had transpired between 1909 and 1922. The phenomenal growth of the film industry, the fragmentation of reform in America, and the shifting context of American political life were all interrelated. At the center of their relationship stood the censorship question. Disagreements over the positive role of government in society, the viability of legislative and bureaucratic solutions to social problems, the recognition of special interest groups, and the protection of individual rights informed the dialogue between reformers on the question of censorship. Championing the cause of free speech, the progressives were beleaguered by their more conservative counterparts in the world of reform. Nor did unity prevail within the industry. Open warfare replaced cooperation between exhibitors and manufacturers even on the question of censorship. Peer pressure, so effectively exercised in the early period, turned into a powerful weapon used against each other after 1917. Although in the beginning the film interests eschewed partisan politics, by 1922 they wanted to exploit the political world to their advantage. Will Hays was not a gratuitous choice on the part of discrete film interests. When the film trade agreed to him as their representative, they finally rejected the model of social policy offered by the progressives and their allies at the National Board of Censorship. ●

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9. Jowett, 126.
10. May, 86–92.
11. See for a survey of the trade associations in the film industry David Bordwell, Janet Staiger, and Kristin Thompson, *The Classical Hollywood Cinema: Film Style and Mode of Production to 1960* (New York: Columbia University Press, 1985), 96–112.
12. John Collier to Manufacturers, 15 March 1909, Document File, Edison Archives, Edison National Historic Site, National Park Service, United States Department of the Interior. The original letterhead of the Board of Censorship lists nine civic bodies that were represented

- on the governing board. These civic bodies are the Public Education Society, the Public Schools, the People's Institute, the Federation of Churches, the Woman's Municipal League, the Ethical Social League, the Society for the Prevention of Crime, the Neighborhood Worker's Association, and the League for Political Education. The Reverend George William Knox of Union Theological Seminary and the Ethical-Social League served as chairman of the governing board. The executive committee on censorship consisted of Mr. John Collier of the People's Institute; Mrs. Josephine Redding of *Vogue* magazine; and Albert Shiel[d]s who was Superintendent of Public Education on the lower East side. Also on the executive committee were two representatives of the Association of Motion Picture Exhibitors of New York State. See David Hammack, *Power and Society: Greater New York at the Turn of the Century* (Russell Sage Foundation: 1982), and Richard Skolnick, "Civic Group Progressivism in New York City," *New York History* 51 (1970): 411-39. For a study of the National Board of Censorship, see Charles Matthew Feldman, *The National Board of Censorship (Review) of Motion Pictures 1909-1922* (New York: Arno, 1977).
13. See, for example, Collier to Frank Dyer, 1 November 1909, Document File, Edison Archives. Between March and November 1909, the letterhead had been changed to National Board of Censorship of Motion Pictures Established by the People's Institute. New groups represented on the governing board included the Charity Organization Society, Children's Aid Society, and the City Vigilance League. If anything, these three associations were characterized by their Protestant orientation and moralizing reforms. see Hammack, *passim*. It is interesting to note that, throughout its formation, women dominated the membership of most of the reform groups associated with the Board. In fact, several of the groups had originated as women's auxiliaries to politically oriented organizations.
 14. Some other easily identifiable figures of the 57 names on the advisory committee include Felix Adler, a German Jew who advocated the Americanization of Eastern European immigrants; R. F. Cutting, active in private civic reform; Edward Devine, writer; R. W. deForest, reformer with a special interest in tenement reform; Richard Watson Gilder, advocate of tenement reform and one time president of the Kindergarten Association; E. R. L. Gould, active in social welfare and municipal reform; George McAneny, journalist and civic reformer; William H. Maxwell, first Superintendent of greater New York's public schools; James B. Reynolds, social worker, school reformer, and former Roosevelt ally; Jacob Riis, photojournalist, housing reformer, and school reformer; Jacob Schiff and Issac Seligman, both German Jewish investment bankers; and Albert Shaw, editor of *American Review of Reviews*. See Hammack, *passim*.
 15. See Robert J. Fisher, "Film Censorship and Progressive Reform: The National Board of Censorship of Motion Pictures, 1909-1922," *Journal of Popular Film* 4 (1975): 143-156.
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 17. For biographical information on John Collier, see his autobiography *From Every Zenith* (Denver: Sage Books, 1963). See also John Collier, *The Problem of Motion Pictures* (New York: National Board of Censorship, 1910), and H. C. Judson, "Censoring Motion Pictures, an Interview with John Collier," in *The Moving Picture World*, 5 April 1913, 25-26. While Collier is best known as U.S. Commissioner of Indian Affairs in the 1930s, he served as General Secretary and Educational Secretary of the National Board of Censorship.
 18. Collier to Manufacturers of Motion Pictures, 15 March 1909, Document File, Edison Archives.
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 20. Collier to Robert Adams, Central Branch YMCA, Philadelphia, 6 May 1909, Document File, Edison Archives.
 21. National Board of Censorship of Motion Pictures, 14 August 1909, Box 38, George Kleine Collection (Manuscript Division, Library of Congress). See also the *The Report of the National Board of Censorship of Motion Pictures*, 1 May 1911, 7.
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 23. Even among the members of the Patents Company, Pathe Frères seems to have had more than its share of eliminations and rejections. See the weekly reports of the Board of Censorship, April through July 1909, *passim*, Document File, Edison Archives.
 24. Dyer to Collier, 7 May 1909, Document File, Edison Archives.
 25. Collier to Manufacturers, 15 March 1909, Document File, Edison Archives.
 26. Scull to Collier, 28 October 1909, Document File, Edison Archives.
 27. Collier to Adams, 6 May 1909, Document File, Edison Archives.
 28. Collier to Manufacturers, 15 March 1909, Document File, Edison Archives. Letter from the Board of Censorship of Programs, New York City, to Mr. Dwight MacDonald, 26 March 1909, Box 6, George Kleine Collection.
 29. Charles Sprague Smith to Dyer, 15 January 1910, Document File, Edison Archives. Smith realized that the culprit might be the distributor and not the producer but all the same he warned Dyer that "... it is clearly unwise that such advertisements should be used, because the natural tendency would be to attach them to those subjects which were the most risqué, and the result of that would be to tend to discredit the censorship."
 30. Collier to Manufacturers, 15 March 1909, Document File, Edison Archives. See also Board of Censorship to MacDonald, 26 March 1909, Kleine Collection.
 31. Report of the Board of Censorship to the Gentlemen of the Motion Picture Patents Company, 23 April 1909 and 27 April 1909. See also the letter to Mr. Dwight McDonald, 30 March 1909, Document File, Edison Archives.
 32. Report of the Board of Censorship to the Gentlemen

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33. Report of the Board of Censorship to the Gentlemen of the Motion Picture Patents Company, 2 and 24 July 1909, Document File, Edison Archives.
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 45. See Hammack, *passim*.
 46. *A Report on the Condition of Moving Picture Shows in New York*, 22 March 1911, 8-10, Document File, Edison Archives.
 47. *A Report on the Conditions of Moving Picture Shows in New York*, 9.
 48. Mayor Gaynor, "Mayor Gaynor's Veto," *The Moving Picture World* 15 (11 January 1913): 135-36.
 49. Ibid.
 50. Smith to Dyer, 31 January and 20 March 1910; Collier to Dyer, 22 and 30 March 1910, all in Document File, Edison Archives.
 51. Frederic C. Howe, *The Confessions of a Reformer*, intro. by John Braeman (New York: Quadrangle, 1967). For Howe's analysis of his years at the People's Institute, see especially pp. 240-254. See Eugene M. Tobin, *Organize or Perish: America's Independent Progressives, 1913-1933* (New York: Greenwood Press, 1986), 159.
 52. Howe quoted in W. P. Lawson, "Standards of Censorship," *Harper's Weekly* (16 January 1915): 63.
 53. Ibid.
 54. Ibid.
 55. Ibid.
 56. Mutual Film Corporation vs. Industrial Commission of Ohio, 236 U.S. 230 (1915). See also Ira H. Carmen, *Movies, Censorship, and the Law* (Ann Arbor: University of Michigan, 1966), 10-20.
 57. Mutual v. Ohio.
 58. C. H. Wilson to Horace Plimpton, 21 June 1915, Document File, Edison Archives.
 59. J. W. Binder to Carl Wilson, Thomas Edison, Inc., 19 February 1916, Document File, Edison Archives.
 60. Invitation to Luncheon and Conference of the Motion Picture Industry, 3 June 1916, Document File, Edison Archives.
 61. Press Release from F. H. Elliott, Executive Secretary of the National Association of the Motion Picture Industry (NAMPI), "The Motion Picture's Big Part in America's War for Democracy," 25 February 1918, Box 38, Kleine Collection.
 62. Ibid.
 63. Elliot to Kleine, 5 October 1916, Box 38, Kleine Collection.
 64. Elliot to Kleine, 27 October 1916, Box 38, Kleine Collection.
 65. Ibid.
 66. Kleine to Kendall Banning, Director of Moving Pictures, Washington, D. C., 11 July 1917, Box 65, Kleine Collection.
 67. Kleine to Patrick A. Powers, 17 July 1918, Box 38, Kleine Collection. Powers of the Universal Manufacturing Company was a member of the executive committee of the NAMPI. Powers became very involved in anti-censorship work, and, through his role on the censorship committee of the NAMPI, he developed a close relationship with the Executive Secretary of the National Board of Review. He also was chairman of the War Camp Motion Picture Committee. Powers resigned from NAMPI in September 1919 because the Association passed a resolution in opposition to organize labor, 30 September 1919, Box 20, Aitken Bros. Papers (Wisconsin Center for Film and Theater Research at the Wisconsin Historical Society in Madison, Wisconsin).
 68. See for a brief discussion of block booking, Lewis Jacobs, *The Rise of the American Film* (New York: Harcourt Brace, 1939), 164-66.
 69. An Open Letter from Lee J. Ochs, President of the Motion Picture Exhibitors League of America Replying to Published Statement by R. H. Cochrane, Vice President of Universal Manufacturing Co., 18 January 1917, Box 13, Aitken Bros. Papers.
 70. Statement by R. H. Cochrane, Box 13, Aitken Bros. Papers.
 71. Open letter from Ochs and statement by Cochrane.
 72. "Censors at Luncheon," *The Moving Picture World* 25 4 September 1915: 1625.
 73. W. D. McGuire, Executive Secretary of the National Board of Review, to Powers, 18 January 1917, Box 14, Aitken Bros. Papers.
 74. These states included California, Colorado, Illinois, Nevada, New York, Oklahoma, Wisconsin, Arkansas, Massachusetts, Michigan, Oregon, Tennessee, Utah, Washington, West Virginia, and Vermont. "Suggestion for a letter to be written by the National Board to the Members of the Producing Companies," [1917], Box 13, Aitken Bros. Papers.
 75. Report on the Joint Conference of Committee of the National Board of Review with the Censorship Committee of the NAMPI, 10 February 1917, Box 13, Aitken Bros. Papers.
 76. Theodore Mitchell, Secretary of the NAMPI Censor-

- ship Committee, to Powers, 18 March and 15 April 1918, Box 16, Aitken Bros. Papers. Mitchell was also the general press representative of Epoch Product Corporation, which had produced THE BIRTH OF A NATION. The correspondence is on the letterhead of Epoch. See also Kathleen McCarthy, "Nickel Vice and Virtue: Movie Censorship in Chicago, 1907-1915," *Journal of Popular Film* 5 (1976): 37-55.
77. McGuire to Powers, 31 January 1918, Box 16, Aitken Bros. Papers. McGuire sent Powers copies of correspondence between himself and Lee J. Hanmer, War and Navy Commissions on Training Camp Activities, 30 January 1918, in which he suggested that Mr. Fosdick write to Powers.
 78. Hanmer to Powers, 18 February 1918, Box 16, Aitken Bros. Papers.
 79. McGuire to Powers, 24 April 1918, Box 17, Aitken Bros. Papers.
 80. McGuire to Powers, 17 April 1918, Box 16 Aitken Bros. Papers.
 81. McGuire to Powers, 22 November 1917, Box 15, Aitken Bros. Papers; McGuire to Powers, 17 December 1917, Box 16, Aitken Bros. Papers.
 82. Gabriel Hess to Powers, 23 January 1919, Box 17, Aitken Bros. Papers.
 83. McGuire To Powers, 18 January 1917, Box 13, Aitken Bros. Papers.
 84. W. H. Zinsser, Director, Department of Public Information for the American Social Hygiene Association, to Powers, 12 May 1919, And Zinsser to Hess 10 May 1919, both in Box 19, Aitken Bros. Papers.
 85. Elliott to Powers, 28 April 1919, Box 19, Aitken Bros. Papers. Included also was a NAMPI press release "Clean Motion Pictures Barred from Theaters Exhibiting Indecent Films," 30 April 1919, Box 19, Aitken Bros. Papers.
 86. McGuire to Powers, 20 June 1919, Box 19, Aitken Bros. Papers.
 87. McGuire to Powers, 15 May and 10 June 1919; McGuire to Hess, 14 May 1919; Resolutions in Reference to Motion Picture Censorship, Adopted by Joint Conference Committee of Motion Picture Producers and National Board of Review, Box 19, Aitken Bros. Papers.
 88. McGuire to Powers, 11 July 1919, Box 19, Aitken Bros.; McGuire to Powers, 16 August 1919 and Elliott to Members of NAMPI, 3 November 1919, Box 20, Aitken Bros Papers; Elliott to H. M. Berman, Universal Mfg. Co., 6 February 1920, Box 21, Aitken Bros. Papers.

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