



THE REFERENCE SHELF

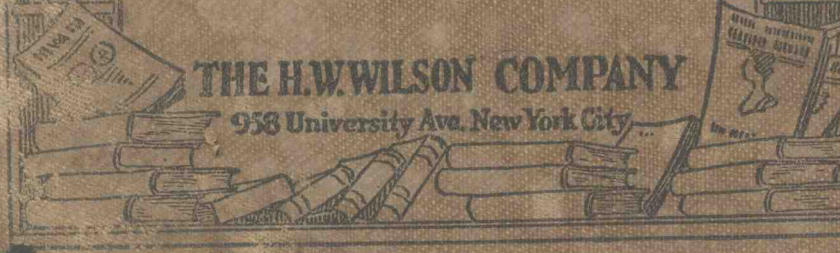
REPRINTS OF SELECTED ARTICLES
BRIEFS, BIBLIOGRAPHIES, DEBATES
STUDY OUTLINES OF TIMELY TOPICS

Volume II

Number 1

State Censorship of Motion Pictures

J. R. RUTLAND, Compiler



THE H.W. WILSON COMPANY

958 University Ave. New York City

Volume II

September, 1923

Number 1

The Reference Shelf

Briefs, Bibliographies, Debates, Reprints
of Selected Articles and Study Outlines
on Timely Topics

Published by THE H. W. WILSON COMPANY

958-972 *University Avenue*

New York City

State Censorship of Motion Pictures

J. R. RUTLAND, Compiler

INTRODUCTION

The motion picture industry has grown in a decade from a very insignificant business to what producers claim is the fourth largest industry in America. Starting as a one-reel comedy of fights, fallings, and a chase or two, the film has challenged competition with the drama and the novel in the field of fiction, with the newspaper and the magazine in the field of news and art, and with books and lectures in school work. No town is complete without its picture houses; cities have scores of them for all classes and at all prices, some of them in palatial homes; almost every village community in the land either has its own exhibitor or is in easy reach of one. In fact, it is estimated that ten million people in the United States alone go to the movies every day and that thousands more see American pictures in all countries of the earth only a little less frequently. By all odds, the motion picture is now the world's largest commercialized form of entertainment.

Its influence is effective and far-reaching. In the days before prohibition, it was heralded as the conqueror of saloons. Some critics feared years ago that the "legitimate" drama could hardly survive the severe competition of the movies. During the war with Germany, our leaders made extensive use of motion pictures not only to urge us to buy bonds, to economize on clothes and food, and to look out for the ubiquitous spy, but also to tell us what to think and to keep us passionately determined to do our bit. Big business has found that moving pictures are short cuts in teaching employees technical manipulation as well as wholesome entertainment in leisure hours. Even churches have found it necessary to adapt pictures to the service of religion. It may be true, as a recent contributor to the magazines has said, that the Hollywood state of mind is entirely too common and that we are in process of changing our national character under the influence of a machine that can tell us the news, give us the exhilaration of travel, show us the ends of the earth, portray all kinds of human conflict, make us laugh and cry at will, and point its own moral in a most effective way.

Social workers, teachers, and parents are calling attention to what seems to them to be a direct connection between the movies and child crime. Psychologists tell us why children and adults of limited intelligence may be tempted to imitation by the glamor of a criminal act in the pictures and lack the self-restraint or the ability to foresee the consequences of crime in real life, with which they might hold themselves in check. Some think that manners are being vitiated by "comics" in which pie-plastering, Falstaffian fighting, pitching unwelcome guests out of windows, dumping heroines into mud puddles, and so forth, descend in deluges upon the impressionable youth and the untutored mind. Others see as much danger to normal adults in the reiteration of criminal themes, the popularity of the domestic triangle situation, the visual-

ization of vamping and attempted seduction, as zealous patriots saw not long ago in German propaganda. Thus, it may be seen, its critics flatter the motion picture by seeing in it a power that uncurbed may disrupt the bonds of society and government and destroy our dearest ideals.

Business men's organizations, women's clubs, chambers of commerce, religious and charitable organizations have made extensive investigations of moving picture conditions and influences and have proposed a variety of remedies for the evils involved. One serious student has recommended a system of state or Federal licensing of producers to curb the publication of vicious pictures. A bill has been introduced in the House of Representatives for the purpose of establishing a national commission of censorship. About thirty states have considered some sort of state censorship and seven have adopted it. On the other hand producers and their friends object to any outside regulation, claiming the right, accorded to newspapers, to publishers of books, and to dramatic producers, of doing their own censoring and of accepting punishment at the hands of the law when they violate it. Many authors, publishers, and others to whom censorship sounds un-American and who fear the possibility of further extension of censorship, agree with picture makers and dealers that public opinion, and not a board of censors, should be their sole judge. That this plan will succeed is shown, producers claim, by the undoubted improvement made in recent months.

Censorship is a vital question. All agree—even the producers and distributors—that some sort of regulation is necessary, that unlimited publication in pictures is unwise. What, then, is the best kind of regulation? Among the many answers to this question—of which probably the most important are Federal censorship by the Bureau of Education, censorship by the National Board of Review, a general system of licensing producers and distributors, state censorship, and the judgment of public opinion

voiced by the patrons of the pictures—this volume presents the pros and cons of state censorship. Although it has been planned for debaters, the general reader will find it helpful in the formation of an intelligent opinion on the subject.

J. R. RUTLAND.

June 9, 1923.

BRIEF

RESOLVED: *That state censorship of motion pictures should be adopted in the United States.*

AFFIRMATIVE

- I. The existing methods of censorship and regulation, other than state regulation, are unsatisfactory.
 - A. The National Board of Review is insufficient.
 1. It has no legal power to enforce its decisions.
 2. It may be, or can easily become, a tool of the producers.
 - a. They contribute to its support.
 3. A New York city board cannot represent satisfactorily all parts of the United States.
 - B. Existing laws are inadequate.
 1. Complaint from the public or a lawsuit is necessary to have a film withdrawn from exhibition.
 2. In some cases, present laws governing immoral entertainments have not been interpreted to cover motion pictures.
 3. Responsibility for the exhibition of a vicious picture is not adequately placed.
 4. Offenders are punished only after bad pictures have been shown and have been seen by thousands of people.
 - C. Local or municipal censorship is not satisfactory.
 1. Only larger communities have adopted the plan.

2. The plan cannot easily function in a small community.
 - a. The producers would not likely submit expensive films.
 - b. Competent censors are not easily available in all small communities.
 - D. Advisory organizations—like women's clubs, community motion picture bureaus, and like organizations—are helpless when exhibitors and producers find a strong public (?) demand for salacious pictures.
 1. They cannot punish violators of the laws of decency, except as heretofore explained.
 2. Even their children's curfew and special selected program schemes have not been successful.
- II. State censorship would improve the present situation.
- A. It would simplify regulation.
 1. It would fix responsibility on a board of censorship.
 2. It would create a uniform standard of judging films for a whole state.
 - B. It would be less expensive.
 1. Money spent for municipal censorship could be saved.
 2. State boards of censorship are self-supporting.
 - C. It would safeguard society from the insidious influences patent in unregulated exhibition of moving pictures.
 1. It would protect the small child and the adolescent from the shock of witnessing violence.

2. It would curb that encouragement of crime inherent in the reiteration of criminal themes.
 3. It would prevent the derision of racial or religious groups and officers of the law.
 4. It would protect poorer sections against low, vulgar, or worthless films.
 5. It would elevate the tone of pictures intended for adults by excluding pictures of low moral influence, such as vulgar comedies, over-emphasis of the domestic triangle, and other sex themes.
 - a. What happened to "Carmen" is an example.
 6. It would eliminate from films suggestions that might give foreigners false impressions of America.
 - a. Many of our films shown abroad have given foreigners false ideas about our manners and morals.
 - b. Immigrants get warped ideas of American social standards.
- D. Censorship has already improved conditions.
1. The "thirteen points" subscribed to by several producers are a concession to constructive censorship already established in certain states and municipalities.
 2. Supporting producers are slow to send out through exchanges pictures that have been condemned by official and unofficial boards.
 3. Censors eliminate unfit scenes and reels very frequently.
 - a. (See lists of eliminations by New York, Pennsylvania, or other state or municipal boards.)

III. State censorship is in harmony with American ideas and ideals.

A. It is constitutional.

1. A liberty may be infringed upon by legislation with the consent of the Supreme Court, when restriction results in a benefit to all the people.
 - a. The 18th Amendment prohibiting the manufacture and sale of alcoholic liquors has stood the test.
2. If state censorship were not constitutional, the laws creating state censorship boards in Ohio, Pennsylvania, Maryland, Virginia, New York, Florida, and Kansas would have been declared unconstitutional.
 - a. Courts have sustained these laws.

B. If picture censorship seems to discriminate against the movies in favor of the press and the drama, the immensely greater immediate influence of the movies makes the problem different and more serious.

1. The movie has a vastly larger audience than both the press and the drama.
2. The conditions for "crowd psychology," which causes people in the mass to yield to suggestions that they would instantly reject in the office or at home or elsewhere, are normally present in the movie theater.
3. James' idea of the "moral holiday" in the lives of respectable people is apparently confirmed by the fact that audiences will applaud movie pictures of the subtly salacious type or of a crime that breaks an otherwise impassable barrier between the hero and the heroine.
4. The visual appeal is stronger than any other.

- C. State censorship is fair to the producer and distributor.
1. Censorship prevents violation of the law.
 2. The fourth largest interstate business must be suitably regulated, like other big business.
 3. Community or local censorship, if generally adopted, would work a greater hardship.
 - a. The number of varying opinions would be greater.
 - b. Expense and delay would be greater.
 4. Censors are considerate.
 - a. They respect the producer's rights as well as the public's.
 - (1) Changes in decisions show willingness to take producer's point of view.
 5. Delay of releases would not be very serious.
 - a. Cooperation between state boards would be feasible.
 - b. Pictures recommended by reputable agencies could, in some cases, be passed tentatively without review.
 6. The producers and distributors must share with the exhibitors the responsibility for bad pictures.
 - a. Common law governing local amusements, now in force, reaches only the local picture show manager.
 7. Expense of eliminations would be reduced to a minimum.
 - a. Manufacturers would know what the legal standards were.
- D. State censorship is fair to the individual and to the local community.

THE REFERENCE SHELF

1. Small communities are unable to cope singly with the giant movie business.
 - a. Without cooperation, such as state censorship gives, small communities have to take what the exchanges send or nothing.
2. Political perversion of news and senseless mangling of educational pictures are very rare, and, sometimes, may be justified in view of local conditions.
3. Absurdities and inconsistencies of elimination, denying the citizen's right to see all that may be shown, will grow fewer year by year.
 - a. Producers will meet the new demand of public opinion.
 - b. Censors will profit by experience and by cooperation.
4. No pictures of really great merit will be denied exhibition.
 - a. Boards of censors, in the long run, will consist of intelligent people who will adequately enforce public opinion.
 - b. Narrow-minded censors who mangle pictures passed elsewhere will be dismissed.

NEGATIVE

- I. State censorship, as it is practised today, is undemocratic.
 - A. It is out of harmony with the spirit of the American Constitution.
 1. It provides for punishment before crime has been committed.

2. It limits freedom of speech and publication necessary in a democracy and guaranteed by the Constitution.
 - a. It restricts publication to the private opinion of a few politically appointed individuals.
 3. It takes away from communities the right of self-government in matters not affecting other communities.
- B. It is class legislation and as such discriminates against moving pictures, as compared with other forms of free speech, the newspaper, the book, the magazine, and the drama.
1. Other organs of free speech are not called to trial until they have published offensive material.
 2. Other publishers are allowed to defend themselves in open court before a jury of their fellows.
 3. Censorship retards unjustly the natural development of pictures.
 - a. It seriously limits the right of experimentation.
 - b. It would compel, if adopted by forty-eight states, forty-eight differing conceptions of morality and good taste.
 4. It would delay releases.
 - a. Forty-eight state boards would have to pass upon a picture.
- II. State censorship is not satisfactory where it has been tried.
- A. What one board eliminates another passes.
1. Whole reels condemned by one state are permitted in another.
 2. No two boards make the same eliminations in the same film.

THE REFERENCE SHELF

- B. News and educational films are sometimes tampered with.
 - 1. News reports of Hughes' condemnation of movie censorship were forbidden in Kansas.
 - 2. Scientific and educational films have been mangled to conform to rules formulated for amusement films.
- C. The censor privilege has been perverted for political reasons.
 - 1. The negro vote in Ohio prevented the showing of "The Birth of a Nation" in that state.
 - 2. The Ohio and Pennsylvania censorship boards eliminated pictures of the coal strike in 1919—the latter at the request of the governor.
- D. Reasons for elimination are often inconsistent and absurd.
 - 1. "Carmen" was rejected in three states for three different reasons.
 - 2. Ohio permits no pictures of smoking women.
 - 3. Pennsylvania prevented the showing of a farcical scene in which a man burns a letter from his wife, because (forsooth) it showed contempt of the marital relation.
- E. No universal, absolute standard of morals and good taste can be formulated.
 - 1. The conception of what is immoral, indecent, or not in good taste varies with the individual, social group, or in accordance with one's experience, education and environment.
 - a. Pictures of bathing girls, of dancing in short skirts, etc., would be received differently in different communities.

- b. Although Schnitzler's "Anatol" on the stage or in the pictures would excite little adverse comment in Paris or Vienna, it would be considered unfit in many an American community.
- 2. Censorship is helpless in dealing with slapstick comedy, romantic tommyrot, scientific misinformation, inartistic plots, many distasteful views of life that may be true.
 - a. No two people react similarly.
 - b. Taste and good judgment are products of slow growth and maturing intellect.
- F. Pictures in censorship states are not better than those in other states.
 - 1. No state board can meet absolutely all community conditions.
 - 2. Elimination often mars the author's or the producer's intended artistic effect.
- G. Censorship creates the wrong attitude of mind for censors and producers.
 - 1. The censor feels compelled to eliminate.
 - 2. The producer makes up films with obvious faults so that there may be something to delete.
- H. It is not a satisfactory solution of the child problem.
 - 1. Pictures for adults must not be censored for children.
 - a. It is unfair to adults, for whom pictures are chiefly made.
 - b. Parents must protect children from these as they protect them from vicious books and periodicals.
 - 2. It is the parent's business to censor for his children.
 - a. Parents, like censors, differ.

(1) One parent is known to have taken his daughter to see "Damaged Goods," a play on a subject usually banned from the conversation of young girls.

b. Pennsylvania prevents the display of a layette or any suggestion of approaching maternity, whereas many parents believe in dispelling the "stork" illusions by talking about natural facts in a frank manner.

III. State censorship, if censorship there must be, is not the best method of protecting the public from bad pictures.

A. If censorship before publication be essential, national censorship is better.

1. It would be less expensive to the people.

a. One board could serve for all the states.

b. It would eliminate opportunities for graft by state boards.

2. It would set the same standards of taste and morals, right or wrong, everywhere.

B. A licensing system would be better.

1. The responsibility for bad pictures would then be placed, where it ought to be, on the producer and distributor as well as on the exhibitor.

2. Fear of loss of license to continue business would deter manufacturers from making pictures about which they had any doubts.

C. Local public opinion is the best judge of the fitness of local amusements.

1. Churches, clubs, parents, and good citizens may enforce local standards of taste and morals.

2. The local exhibitor can then be held responsible.
- D. The National Board of Review is impartial and efficient.
1. Its nearly two hundred members receive no salaries—not even carfare.
 2. Its work is supported by taxes on films reviewed, by sale of its services, and by subscriptions from persons and organizations interested in the production of good pictures.
 3. It serves directly large cities in thirty-eight states through bulletins and other means.
 4. It assists churches and educational organizations in finding suitable pictures.

BIBLIOGRAPHY

STATE CENSORSHIP OF MOTION PICTURES

BIBLIOGRAPHIES

- Cleveland. Chamber of Commerce. Shall the movies be censored? pa. Cleveland, Ohio. 1922.
- Phelan, J. J. Motion picture as a phase of commercialized amusement in Toledo, Ohio. \$2. Little Book Press. 1915 Jefferson Av., Toledo. 1919.
- Russell Sage Foundation. Motion pictures, a selected bibliography. Bul. no. 54. 4p. pa. 10c. New York. 1922.
- St. Louis. Public Library. Motion pictures. 25c. 1920.
- United States. Library of Congress. List of references on the moving picture industry. 27p. mimeograph. Washington. Feb. 9, 1922.

GENERAL REFERENCES

BOOKS AND PAMPHLETS

- Ball, Eustace H. Photoplay scenarios. p. 66-88. Problems of censorship. pa. 30c. Cosmopolitan Book Corporation. New York. 1915.
- Bartholomew, Robert O. Report of censorship of motion pictures. City Council. 32p. Cleveland, O. 1913.
- Blanchard, Florence B. Censorship of motion pictures. 23p. pa. Englewood Print Shop. 417 W. 63 St., Chicago. 1919.
- Cannon, Lucius H. Motion pictures; laws, ordinances and regulations on censorship, minors and other related subjects. 119-68p. 25c. Municipal Reference Library. St. Louis, Mo. July, 1920.